

DRAFT, not yet adopted by KMAC

Kensington Municipal Advisory Council Minutes

Meeting of May 30, 2006

Council Members present:

Chair: Reyes Barraza

Vice Chair: Pat Tahara

Secretary: Richard Karlsson

Member: Kay Reed

Member: Pam Brown

Alternate Member: Chris Brydon

1. The meeting commenced at 7:00 p.m.
2. The minutes of April 28th, were approved by a vote of 5 – 0.
3. Citizen's Comments: Ms. Reed reminded everyone of earthquake preparedness and that everyone had to be able to survive for up to five days on their own in major earthquake. She indicated that neighborhood groups were organizing to prepare, and she offered brochures regarding being prepared. Questions from the audience were asked regarding the purpose of KMAC and how the members were appointed, which were aptly responded to by Chair Barraza. There were also questions regarding adverse possession and shifting lot lines due to sliding by Ms. Mary Hammond. Member Reed suggested that she contact an attorney regarding constructive easements.

Chair Barraza then provided an update regarding Contra Costa Community Development performing a report regarding the Kensington Combining District Ordinance. The update will be undertaken by Ryan Hernandez.

4. Consent Items: There were no consent items.
5. **40 Kingston Rd. (DP 053091).** Development Plan review to expand an existing residence by extending the first story to the rear and adding a partial second story. This was a continued public hearing from February 28, 2006.

Chair Barraza opened the hearing by stating the considerations under which KMAC would review the application under the Kensington Combining District. The co-owner of the residence, Anne Norton-Dingwall made the presentation as to changes. She indicated that they had lowered the design of the roof by 2', making a flat top from an otherwise peaked roofline. Chair Barraza advised the

audience that the members of KMAC had visited the residence and walked through those residences that were impacted and available for a tour by KMAC.

Member Reed began the questioning by asking Ms. Norton-Dingwall the length of the bedroom addition on the second floor along the east wall and was advised it was 18'. In response to the same question regarding the south wall she was advised it was 15'. Member Brown then inquired about the overall threshold of the home compared to the thresholds required for public hearings under the Kensington Combining Ordinance. The response was that the square footage was not changed but was 75' over the threshold triggering a public hearing. Discussion thereafter followed regarding the height of the roof, as modified. The drawings provided were not specific but, based upon measurements by KMAC, it appeared that the height was just under 21'. Vice Chair Tahara then requested information on what efforts the owners had made to work with the neighbors regarding their design. Ms. Norton-Dingwall responded that some neighbors preferred to have the addition further to the rear of the home, but they had already substantially reduced the addition and to move it back further would substantially reduce their remaining back yard, which their children used to play. Chair Barraza then asked whether there was not some way that they could increase the light to their immediate neighbor to the east, perhaps by reducing the east side of the addition by five feet. The owners stated that they had already substantially reduced the size of their bedroom in response to the neighbors' concerns and they did not believe that moving it back by another five feet would considerably improve the impact upon the neighbor, which was only partially impacted since the reduction in the size of the bedroom. Member Reed then asked the height of the ceiling and was advised that it was only 7' 10", it having been lowered to minimize impact upon the neighbors.

Thereafter the members of the audience questioned the applicants. Ms. Wescoat, 32 Kingston Rd. stated that there had been three meetings at her house and she fully appreciated the need for more space. From her perspective, however, the plans presented three different times were basically the same, that the roof, while lower, still would have a negative impact upon their views. Bailey Green, 32 Kingston Rd. stated that the options presented by the owners did not go far enough and believed that there were other options than those presented. He believed that the house could be expanded toward the rear of the residence and that the existing story poles were misleading in that they did not show the full extent of the addition, only the highest points of the addition. It was his view that, other than flattening the roof, nothing else had changed since the last KMAC meeting. Lindsey Downing, 34 Kingston, next spoke in opposition. She stated that the project negatively impacted her views of the Golden Gate and Bay Bridges. Mr. Rae Dingwall responded that until Ms. Wood cut down a tree in front of her residence, she had no views of the bridges.

Chair Barraza then concluded the public input following the final speaker and asked KMAC members to comment. Member Brown stated that in any addition of second story there were going to be impacts, but in her opinion the site visits were quite helpful to see that, although there were impacts, they were less than

she had anticipated. She felt that, though there were some obstructions, it was not as if there were complete obstructions. She therefore believed that a lot of her concerns were alleviated as a result of the site visit. Vice Chair Tahara shared the opinion of Member Brown: that though there were impacts, it was not as great as he had anticipated. He believed that the lowering of the roof height was of assistance in mitigating the impact. Chair Barraza shared the view of the prior KMAC members in regard to views but remained concerned about the impacts to 38 Kingston, in terms of loss of light due to the improvement. He believed that moving the second story back 5' from the east side of the residence would improve the situation. Vice Chair Tahara did not believe that moving the bedroom back 5' would significantly improve the lighting and believed that it would have considerable impacts upon the size of the second story bedroom that was not that large as proposed. Secretary Karlsson expressed his opinion that, while the impact upon the views of 32 Kingston were most impacted, most of the residences in the area had second stories and benefited from the views afforded by same, that while there was an impact upon views by the addition, the Dingwalls had attempted to mitigate same by positioning the addition to the rear of the house and lowering the roof. Member Reed inquired as to whether, since the house was over the house-to-land ratio for a hearing by 75', it would be advantageous to consider reducing the house by 75'. She questioned the applicant if they might reduce the upstairs bath or closet. Ms. Dingwall replied that the house was already short on storage and bathroom space and she did not believe that this would have a positive impact upon the neighbors. Vice Chair Tahara expressed his view that the additional 75' and reduction of same would not contribute toward reducing the neighbors' complaints. Chair Barraza then closed the public hearing and requested a motion in regard to the application.

Secretary Karlsson proposed a motion to recommend approval of the application shown on drawings date stamped May 9, 2006, with the limitation that the height of the roof be limited to 21' from the top of the finished floor. The motion was seconded by Member Brown. The motion passed 3 – 2 with Member Reed and Chair Barraza opposed.

6. **401 Colusa Ave. (DP063026 and MS 060011).** Request for a major modification to an existing Planned Unit Development in order to establish a three story mixed used building, including 2 retail spaces and 3 residential condominium units.

Chair Barraza began by explaining that this was a request to modify a prior development plan that was approved in 1983 and was planned for four phases. Since that time, one parcel of land was sold and now there was a request to modify the existing development plan by the Circle Partnership which was presented by the architect Andrew Woolman.

Chair Barraza stated that any recommendations made by KMAC would be based upon this project being a "stand alone" project, and if it were built, it would in his opinion invalidate the un-built portions of the 1983 Plan.

Mr. Woolman began by stating that they were looking for KMAC's recommendation to proceed. Both Chair Barraza and Secretary Karlsson inquired whether the partnership had completed a traffic/parking study since the last meeting, and Mr. Woolman stated that while he had performed his own informal study, no formal or independent study had been conducted. Mr. Woolman further stated that this is a commercial designated project and they were applying for a general plan amendment. He stated that the last development plan for this lot was for 8000 sq. ft. in 1983 and the plan being presented was for 8900 sq. ft. The proposal was for two smaller retail spaces and for five parking spaces under the development and for four spaces along the perimeter. Three spaces would be available along Colusa Ave and they would also move the bus stop. The prior project was for all commercial space and required 16 parking spaces and the current project would be, in Mr. Woolman's opinion, an improvement over the last project brought before KMAC in that it did not have as many commercial spaces. Regardless, it would be under the required parking spaces by seven spaces. In Mr. Woolman's informal study of parking, he identified an average of 30 available spaces at any given time in the neighborhood and accordingly believed the neighborhood could accommodate this project without significant impact. Secretary Karlsson asked Mr. Woolman why they needed retail space and why the space could not be residential. Mr. Woolman responded that there was a need to have more commercial spaces to support the existing businesses in the area. In response to a question regarding parking and this site, Mr. Woolman responded that the parking study previously identified parking necessary for the entire development of Colusa Circle area, and not just this improvement at 401 Colusa.

Chair Barraza further inquired about the need for a parking study and Mr. Woolman believed it was unfair to place that burden upon only one of the commercial property owners in the area. Member Reed had a question in regard to the new application and whether the former application in 1983 could proceed. Chair Barraza indicated that the former application was approved and thus could proceed, but it was unlikely because the property had now been divided among two owners. Ms. Reed then noted that the 1983 plan improvement therefore seemed moot. Member Reed then questioned the aesthetics of the design, in light of the fact that it was three stories and would have very hard edges. Mr. Woolman responded that the design could be modified but for economic reasons, they believed a mix of commercial and residential development was necessary. Member Tahara questioned the number of parking spaces allocated, both on site and off-site, and Mr. Woolman stated that it was complicated and that they were trying their best to balance the interests of space versus parking on what was a very small lot. Mr. Woolman further stated that as this property was on an AC Transit route, the need for parking would be lessened.

Questions were then accepted from the audience by Chair Barraza. The first speaker was Joan Gallegos, 239 Cambridge, who was very disappointed that this project was again coming before KMAC without a parking study and no uniform plan for the area. She questioned what would happen with all the cars that were presently parked at 401 Colusa that is now used as a parking lot. The

next speaker was Ellen Mills, 1648 Oak View, who stated that there were presently 10 cars parked during the day at 401 Colusa and that the present plan would eliminate those spaces and would add both residential and commercial space. She believed that a self-serving study by the developer was insufficient and she would want to see an independent parking study. She added that the neighborhood schools used a lot of the parking spaces and she did not believe it prudent to have the children subjected to more traffic and parking. Chair Barraza then asked how the owners of 401 allowed the parking at their property now. The response was that essentially the people parking their cars on the vacant lot were trespassers, but that they did not want to strictly enforce no parking as it would hurt other merchants in the area. The next speaker was Jessie Lorenz, 1611 Oak View, and she stated that she was not opposed to the plans per se, at least those she viewed at the library. Generally, she was in favor of development. That said, she was concerned that the project would have great impact upon the immediate neighborhood and felt that the present space was inadequate. She also stated that she and her partner were blind and that they depended upon the bus and wanted to know if the new design for the bus stop would be safe, and finally was concerned that the design would meet ADA standards.

The next speaker was Ms. Farve who lived at Oak View and Colusa. She stated that the existing parking was appalling, that she often could not get close to her residence and would have to park around the corner from her house. It was further appalling that anyone would consider yet another commercial building in the immediate neighborhood without meeting the parking requirements. She believed that a professional and independent parking study was needed prior to any development. The next speaker was Cynthia Podron, 818 Berkeley Park Blvd, and she stated that parking used to not be a problem but now it was impossible. She would not support any development that did not meet existing parking requirements. Further, she was not happy with the proposed two stories and found a three story building completely incompatible with the neighborhood. The next speaker was Daniel Lynch, 1648 Ocean View, who had two concerns. The first was whether the AC Transit bus line would accept the proposed changes or if the developers had consulted with AC Transit. The second was regarding the informal parking study and whether it would not be preferable to have a professional study. The next speaker was Robin Low, 1644 Oak View, who has resided in Kensington for six months. She cannot understand how any study would have found extra parking spaces in the area because she, as a new resident, has had a problem parking even when they can park one car in their driveway.

The next speaker was Bharat Trehan, 1660 Oak View, and he commented that parking was terrible on Friday and Saturday nights and he was concerned about any sequential development plans. He believed that it should be required to review all of the respective development plans and then consider the combined impact, rather than considering the impacts of each additional plan. He was also opposed to the proposed three story development and believed that a two-story structure was more compatible with the existing neighborhood. The next speaker

was Rodney Paul, 1619 Oak View, and he was concerned about the loss of light and views as a result of the proposed development. He believed that the design of the building was abrupt, and lastly was concerned not only with the parking, but also the potential damage to cars in the area due to the increased traffic. Sarah Diego, 1652 Oak View, stated that she supported development in the area, especially in place of a vacant lot, but was concerned about lack of parking, the lack of aesthetics and the proposed height of the proposed development. Jenny Schaffell, 1655 Oak View, was the next speaker and she believed that the development needed more trees and landscaping. She also believed that the parking was inadequate and that a traffic study was needed. Len Walsh, 1636 Oak View, stated that any parking study needed to be independent of the developers of the project and one needed to factor in all existing vacant businesses in the area to appreciate the potential magnitude of traffic and parking problems if all spaces were occupied. Ed Hammonds, 411 Colusa, stated that in his view the parking traffic study should be shared as to expense among all of the potential developers, not just 401 Colusa. He further believed that Kensington in that area was pretty much built out and therefore a well planned development should not add significantly to traffic or parking. He was concerned as to setbacks of the development as it affected his commercial property at 411 Colusa. He was advised by Mr. Woolman that where commercial property abuts commercial property, the Contra Costa ordinances did not require setbacks. Lastly, a letter was introduced by Member Reed, from Janet Hittle, 1612 Oak View, stating her opposition to the development for six stated reasons, most of which had been addressed by prior speakers.

At the end of the public session, members of KMAC stated their views. Secretary Karlsson was concerned that there had still not been a traffic or parking study, despite this being the third proposed change in this area. He was also concerned about the sequential development of the area without knowing the combined impacts, and lastly would like to have information as to why the developers believed that to be economically viable this project required three stories. Chair Barraza stated he was also concerned about the lack of parking study and why three stories were necessary. Member Reed echoed the sentiments regarding parking, the third story and the aesthetics of the proposed design. Vice Chair Tahara said that he was opposed to any plan that did not meet existing parking requirements and felt this project did not meet the existing requirements. He also objected to the mass, scale and bulk of the building. Alternate Brydon stated that he was opposed without a parking study and was concerned about the mass of the building. Member Brown stated that her concerns had already been stated by other members.

At the end of the comments by KMAC members, the owner and architect were asked by Chair Barraza whether they would like a vote now or whether they believed that they may be able to submit another plan that would meet the concerns expressed. The owner, Carol Chisholm, thereafter requested to have the matter continued.

A motion was made by Member Reed and seconded by Member Brown to continue the hearing at the request of the applicant. The motion was approved 5 – 0.

7. Procedural Matters:

- a) Discuss need for additional meeting: Chair Barraza stated that due to the number of pending applications, KMAC would either have to hold an additional meeting or have more than the traditional number of hearings (3) scheduled at the June meeting. KMAC voted 5 – 0 that it was preferable to have a longer meeting in June rather than schedule additional meetings.
- b) Discussion of Outlook article to include Planning Information for Kensington. John Feld, Outlook editor, received permission to do an article regarding the booklet that KMAC was planning to put together regarding the Kensington Combining Ordinance.

8. Information Reports:

- a. **Enforcement Report:** A brief report regarding 285 Los Altos was provided by Chair Barraza. .
- b. Contra Costa Community Development Department was planning to do a survey on the effectiveness of the Kensington Combining Ordinance. It was hoped that neighbors as well as owners would be surveyed.
- c. Chair Barraza stated that he anticipated that the revised bylaws for KMAC would be on the June consent calendar for approval.
- d. Chair Barraza stated that he was concerned that the new Urban Limit Lines included Wildcat Canyon as it is within the City of Richmond, despite the fact that he had been advised that it would be outside of any Urban Limit line. Chair Barraza indicated that he would follow up with Supervisor Gioia.

The meeting was adjourned at 10:10 p.m.

Minutes prepared by Secretary Karlsson