

DRAFT, not yet adopted by KMAC

**Kensington Municipal Advisory Council
Minutes**

The meeting of January 30, 2007

The meeting commenced at 7 PM.

1. Roll Call –

Present:

Chair – Ray Barraza

Vice Chair – Patrick Tahara

Co-Secretary – Catherine Reed

Member - Rich Karlsson

Alternate Member – Chris Brydon.

Excused: Pamela Brown and Gordon Becker.

2. Approval of the Minutes of January 2, 2007 – Patrick Tahara moved
Chris Bryson seconded. Approved unanimously.

3. Citizens' Comments: Catherine Reed noted the need for citizens to be prepared for emergencies including earthquakes and encouraged them to take the brochure about supplies needed to last five days on your own.

Ray Barraza said that he would not be voting on the 263 Arlington application, as he is a nearby neighbor.

Chair Barraza then stated the procedures: that KMAC reviewed applications, and the order of presentation by the applicant(s), and questions by the audience and KMAC. He thereafter explained the legal criteria under which KMAC reviewed applications under the Contra Costa County Combining Ordinance and State law for variances.

4. Consent Items

a. **270 Purdue (DP 063086)** – Recommended approval of a Development Plan to enclose an existing 64 sq. ft. roof deck with a glass solarium including a variance for 10' rear yard (15' required) by a vote of 5-0.

b. **335 Yale Ave. (DP 063092)** – This application was taken off the consent calendar as a neighbor wanted to discuss it.

5. 300 Yale Ave. (DP 061087) Development Plan review for construction of new decks on the west side and portion of south side of existing residence. Request variances for 9'8" front setback (20' required) and

9'8" secondary front setback (15' required).

The applicant, Alfred Wanger, requested the variance because his lot is a non-conforming corner lot. He wishes to improve and expand the decks. The new decks are not extending out beyond the existing decks. The decks are not visible from the street. He presented a petition of support from his nearby neighbors.

No other speakers were present.

Member Karlsson offered a motion to recommend approval of the plans date stamped October 26, 2006. The findings of the variance is that it does not constitute a grant of special privilege, due to the shape of the lot and substantially meets the intent of the respective land use district. The motion was seconded and approved 5-0.

6. **263 Arlington Ave (VR 061089)** Development Plan review of proposal to add a second story to an existing residence. Request variances for 4'6" side yard (5' required) and 0' side yard (5' required) for off-street parking.

The applicant and architect, Jorge Maezono, spoke. The proposal is to build a second story on the same footprint as an existing one story home. They are planning to raise up the existing home and build a new story underneath. His design does require two variances.

Speakers: Darlene Fontaine a neighbor from 261 Arlington Ave. read a letter from another neighbor, Linda Pham a neighbor from 265 Arlington Ave. who had concerns about the project's impacts on her adjacent home.

Ms. Fontaine then elucidated her own concerns as the other adjacent neighbor about expanding the home and building into the setback. She also noted that the stonewall between the homes is probably not on the property line. She also mentioned that medical personnel couldn't access the back of the property because of the narrowness of the path to the back. She is also concerned about the new construction's impact on her privacy due to the location of the decks and various windows. She is also concerned about having a 5-bedroom home with one off-street parking space. The neighbor did not give them plans until the story poles were up. They are also concerned about.

Member Karlsson asked about the how the building was going to be constructed. Member Reed asked about how the neighbors were consulted and found that the neighbors had not been consulted. Chair Barraza said that the neighbor to the East has no objections. Chair Barraza asked if designing a new garage into the new construction had been considered. The architect responded that it had been considered but

that it would not fit into the owner's program and they choose not to pursue it.

Member Brydon said that it did not appear that there was enough opportunity for the neighbors to communicate. He is wondering if there is an opportunity for further discussion. Member Tahara asked about the location of the deck and the reasons for its location. The architect noted that it was needed for shade and to give an outdoor space. The applicant would be willing to add a 6 ft trellis with plantings to assure privacy. Member Tahara also mentioned the concerns of the neighbor to the south for privacy and solar access. He asked if the applicant would be willing to adjust the windows on both sides of the house for privacy. He asked about the removal of the existing garage and was told that it is being removed to meet the FAR.

Member Karlsson said that it did not seem that there was enough dialogue between neighbors and applicant and in addition that he had concerns about the parking plan.

KMAC, in response to the applicant's request, voted 4 – 0 (with Chair Barraza abstaining) to grant a continuance. The Council recommended that the applicant consider neighbor privacy and solar access as well as parking and a lot lines survey.

7. **244 Cambridge Ave (DP 063089)** Development Plan review to construct a new 12' x 15' deck on the rear of the existing residence

Thomas Cuniff, the owner, is requesting a 12 x 15 deck on a second floor. He showed illustrations of how recently planted vegetation in his yard, when mature, would screen the deck from the neighboring homes to the west.

Chair Barraza asked about species of trees that were indicated to be Ray Hartman Ceanothus, Pacific Wax Myrtle and Coast Silk Tassel. Mr. Cuniff said that he has had two neighbor meetings at his home. Member Karlsson asked about angling in the deck on the north side. The owner would consider that. The owner is also open to screening the edges of the deck to help with privacy. Member Karlsson asked about extending the deck along the entirety of the house. Mr. Cuniff said it would restrict the use of his deck and restrict light to the rooms under the house. Mr. Cuniff also said he would be open to reducing the deck width by 2 feet.

Gail Feldman a neighbor at 247 Stanford spoke in opposition because of the impact the proposed deck would have on the privacy in her backyard and rear of home. She noted that the siting of the deck and envelope of the deck does not meet the pattern other similar decks on similar homes

that have been developed over time. She is also concerned with the aesthetics of the deck and that the foliage of 15 feet will not cover the deck from her perspectives. Her recommendations for ways to make the deck better are included in her letter. They included 1) reducing the size of the deck to 4 ft by 8 ft, 2) maintaining development within existing string line and 3) designing the deck to include a maximum of one vertical post and wood decking and rails.

Andre Kusubov, a neighbor from 243 Stanford, said that the deck would impact the privacy and value of home due to its size and location. He believes that it is out of proportion with other decks in the neighborhood. He stated that he has found that the plans submitted by the applicant do not accurately reflect the grade of the property so that the deck from the Kusubov's backyard would be 20 feet above them.

Natalie Kusubov, also at 243 Stanford showed the Council photos showing the impact to the back of her home and backyard. She is concerned with the lack of privacy.

Gerard Garbutt, a neighbor at 261 Amherst, spoke in support of applicant. He lives in a home whose backyard neighbor has a deck that does not adversely impact him. He suggested other possible mitigations including landscaping. Mr. Garbutt submitted a letter along with his verbal presentation.

Joe Carlson, a neighbor at 240 Cambridge (two doors north of applicant), spoke in support of project. He says it is similar to a deck he built 10 years ago and that is like other decks in the neighborhood. He mentioned that decks in Kensington are occasional use only and not used as frequently as interior spaces of homes.

Joan Gallegos, a neighbor at 239 Cambridge spoke in support. She said that the applicant has a 30-foot setback from the house to the back property line and that his deck is much like others in the neighborhood.

Discussion: Chair Barraza noted that there is not a lot of privacy currently. He suggested that perhaps this would increase privacy because the deck would limit the views from the house's windows. Member Karlsson also agreed that this would increase privacy. Member Tahara asked the applicant if he would he agree to an 8 ft deck. Mr. Cuniff said that perhaps he would. Member Tahara also thought that privacy would be increased to neighbors. Member Reed suggested that the neighbors work together and thanked the applicant for his flexible attitude. Member Brydon asked if the deck could be moved south and centered on the doors. The applicant said would that he would prefer the keep the siting where it is.

Mr. Cuniff publicly agreed to reduce the size of the deck to 9' x 15' to reduce its impacts on his backyard neighbors.

Member Tahara offered a motion to recommend approval of the application with drawings date stamped 12/04/06, with the following conditions of approval: that the size of the deck be reduced to 9 ft from the western wall of the house, that the owner install screening on the deck three feet from each corner and to a height of 42 inches, and that the owner maintain the recently planted vegetative screening to its full height. The motion was seconded and approved 5 – 0.

335 Yale Ave. (DP 063092) Development Plan to construct a family room in the rear portion of the existing basement with a variance for a third story (2-1/2 allowed).

Gene Staus, a neighbor at 258 Stanford Ave spoke in opposition. He would like the applicant to trim a redwood tree that Mr. Staus had asked to be trimmed when this application was initially made. He would like to see the application stopped until the tree is trimmed. Member Karlsson explained the remedies under the tree ordinance. Chair Barraza explained the tree ordinance remedies procedure.

Member Karlsson offered a motion to recommend the approval of the development plan and variance to construct a family room in the rear portion of the existing basement with a variance for a third story of the plans dated December 12, 2006. . The findings for the variance are that it does not constitute a grant of special privilege, due to the topography of the lot and substantially meets the intent of the respective land use district because it is not expanding the visible building envelope as it is developing living space in the current basement. The motion was seconded and approved 5-0.

8. Procedural Matters

- a. **Speaker's policies** – member Karlsson brought to the attention of the Chair the Speakers cards that are used at Alameda County. Chair Barraza agreed to adopt that form. Member Tahara asked about the use of letters for testimony. We agreed to encourage neighbors to attend and not rely heavily upon letters and that less weight would be given to a letter than speaking personally.
- b. **Succession planning** – Chair Barraza indicated that he is not planning to be the Chair in 2008. He also said that it is not an expectation that the current Vice Chair will assume the chairmanship. Chair Barraza indicated that he would be willing to be a very active Vice Chair to help the new Chair. The Council

suggested that Chair Barraza describe his current scope work and think about what portion he would be willing to keep as a Vice-Chair. Member Reed noted that some of the most active and influential chairs had been people who were recently retired. She suggested that the Council begin to recruit such a person who could then take the leadership.

9. Information Reports

- a. Enforcement Report – 2nd unit enforcement at 27 Sunset.

10. The meeting was adjourned at 9:30 pm.

Respectfully submitted,

Catherine Reed
Co-Secretary