

## **KENSINGTON MUNICIPAL ADVISORY COUNCIL MINUTES**

**TUESDAY, MAY 29, 2007**

1. The meeting commenced at 7:00pm and the following council members were present: Chair Reyes Barraza, Vice Chair Patrick Tahara, Members Pamela Brown and Kay Reed, and Alternate Member Chris Brydon.
2. The minutes of April 24, 2007 were approved by a vote of 5-0 with the following revisions:
  - a) On page three, in the first paragraph, the applicant's name is Bramson not Bronson.
  - b) On pages four through six, the applicant's name is Hammonds not Hammond.
  - c) On page three, paragraph four, Chair Barraza's question should refer to "two of four" not "three quarters."
  - d) On page four, last paragraph, Mrs. Farve's address should be 1601 not 164 Ocean View.
  - e) On page five, second paragraph, it should read Marilyn Stollon, not Mary Stollon.
3. Citizens' Comments: Member Reed provided a list of items that Kensington residents would need for 5 days after an earthquake.
4. Consent Items: None
5. **Colusa Circle (DP 033047)** Request for a substantial amendment to approved Planned Unit Development 3056-82 to allow modification of Phases III and IV in the triangular block bounded by Colusa Ave., Santa Fe Ave. and Oak View Ave. *Continued public hearing.*

Chair Barraza began the discussion by stating the criteria required to meet the Kensington combining ordinance and the state requirements for obtaining a variance.

The applicant, Ed Hammonds, provided an introduction to the project and said it was his sixth appearance before KMAC. He stated he has made significant changes since the original plan and has reduced the size of the project. At that point, he turned it over to his architect, Alex Korn, to quickly walk through the project. Mr. Korn described the triangular plot and the building that will be constructed on the corner where old gas station is and then building where the old mural was located. He re-iterated that this is a smaller plan than the original proposal and presented several photos with the proposed building imposed on the current site. He also referred to the Wilbur Smith parking and traffic study that indicated proposed parking was sufficient for the proposal. Mr. Hammonds then described that the project has evolved and is substantially better. He stated the traffic and parking issues are a myth that hopefully would be debunked with the parking analysis, which also reflected his personal experience that parking wasn't a problem. Mr. Hammonds believed his experience showed that he focused on trying to get the right businesses for the neighborhood that wouldn't have detrimental impact in terms of traffic and parking. Finally, he presented an article about Narsai David's back in 1983 and how that had a greater impact on the neighborhood than his commercial operations.

Chair Barraza asked where current employees park. Mr. Hammonds indicated some walk to work and most park along Oak View and Santa Fe. Member Reed asked why the Wilbur Smith parking study was limited from 7am to 4pm. Mr. Hammonds indicated that the morning and

afternoon were the focus of his businesses and that most close at 5pm. Member Tahara asked if there were any planned restrictions on parking on Saturday and Sunday or in the evenings and Mr. Hammonds said no. Member Tahara asked about how the assumptions were made on transit and walking expectations and Mr. Hammonds said it was based on Wilbur Smith's experience in other similar studies and their familiarity with the Circle.

Tom Morabito of 1550 Oak View expressed his support for the project. Mr. Morabito has directed the Claremont Nursery School for 30 years. He has seen development come to Colusa Circle in a slow and measured way and he believes the local business community would like to see more development around the Circle, "Mr. Hammonds style development." Mr. Morabito indicated that some of the Nursery School parents had concerns about one-way traffic and safety for the Nursery School. However, Mr. Morabito believed there is more distance from the Circle to the Nursery School than from Santa Fe to the Nursery school, and there is additional parking that will be brought to the area. He also stated that his staff does not currently have problems with parking.

Russell Cotteral, a resident at 190 Purdue, is an optometrist at 291 Arlington. He sent a letter into KMAC and supports this project. He believes that development would improve the properties in the neighborhood and feels this would encourage others to develop and/or improve their properties around Colusa Circle as well.

Rodney Paul of 1619 Oak View Avenue is not in favor of the project. He respects a lot that Mr. Hammonds has done in the neighborhood but he wants reasonable density in the neighborhood. He thinks parking for that density is not sufficient with county standards requiring 37 parking spots instead of the 25 intended. He also expressed concerns about the lack of activity on the Circle now and what will happen to the parking situation when vacant business become occupied and the potential development on the lot that now provides illegal parking. He thought the parking study was useful but he was concerned about the lack of information on traffic and that the parking study ended at 4pm, not 6pm.

Sarah Paul of 1619 Oak View is also concerned that 401 Colusa Circle development is not considered part of the overall plan and that they should be considered as one. She also expressed concerns that there are different reviewers at the county for these projects, not one single point of review.

Janet Hittle of 1612 Oak View Avenue doesn't believe a 3-story building is in scale with the project and would prefer a 2-story project instead which would then alleviate parking as well. She also expressed concern about the impact development on the other areas on Colusa Circle.

Ellen Mills of 1648 Oak View Avenue is concerned about the parking study analysis ending of the study at 4pm. She thinks that time period is particularly difficult for parking in the neighborhood because of those coming home from work.

Jody Zaitlin of 297 Berkeley Park is concerned about the diagonal street parking. As a bicyclist, she said it is difficult for cars to see cyclists and to anticipate issues. She is concerned that the impact of the change will make it narrower, and she also thought if the density of the development was less, it could help.

Paul Mills of 1648 Oak View Avenue was interested how the project looks and how it will affect traffic flow. He is a dog walker and is concerned about the loss of trees in the neighborhood. Also, he has concerns with loss of light in the neighborhood with a 3-story.

John Joseph Clark of 125 Santa Fe Avenue is concerned about the impact on his property value. He is concerned about looking out on a parking lot, instead of the trees in the lot now. He also is

concerned that there is little enforcement of speeding issues currently in the neighborhood. He thought it would be great to see development at the Circle, but would like to keep the trees and the neighborhood, not commercial feel.

Jan Dederick of 121 Santa Fe is a poet and read off a poem on the issue. *Unfortunately the KMAC note taker (aka Member Brown) wasn't able to record the prose in its entirety, but attempted to collect some of the primary sentiments.* Ms. Dederick expressed that the neighbors don't feel good about the project, commented on the growth of the cedars and expressed her enjoyment of currently taking a short cut for a croissant. She says she loves to see the therapy patients and parking is still tricky but ok. Too high, too dense, too much... We are only at 50% capacity, but capacity of what? The question should not be how many parking spaces can we squeeze in, but instead how much is the green worth. She referred to the development monster whose bottom line will be impacted. We don't like it...fix it so we all like it.

Colleen Villarroel of 119 Santa Fe Avenue is a former city dweller and now lives in Kensington. She is concerned about what kind of businesses would come into the neighborhood when the El Cerrito and Solano developments currently exist. She is concerned about parking and volume of traffic, especially at rush hour.

Marilyn Stollon of 12 Eldridge Court echoed some of the concerns about the traffic and parking issues that have been discussed. She contends that the parking analysis doesn't address the fact of vacant businesses that currently exist in the neighborhood and the employee count in the neighborhood. Based on her analysis, she thinks another 14-23 spaces would be needed if those missing employees/businesses were considered. When new development comes about it needs to be sensible density, so that we are not falling all over ourselves and that parking is convenient.

Jean Langford at 8 Eldridge Court is concerned about the angle parking on Oak View and is concerned about the narrow nature of the street.

Jenny Schaffell is concerned about delivery trucks that may be coming to the neighborhood and other parking situations.

In response, Mr. Hammonds said that many of the concerns are a reaction to change and fear of the unknown. He said he has been here 30 years and is only proposing two to three new shops. He said if neighbors had concerns, to come to his Colusa Circle office and he will listen to neighborhood concerns. He said about specific parking issues, handicapped parking provides one van accessible parking spot which is required and there is a loading space on Colusa to address deliveries. He said there is also a patio space provided with seating. He would like to keep the trees but can't for parking.

Chair Barraza believes the current proposal provides a sense of place and supports that aspect. He said there has been a lot of discussion on parking, and Mr. Hammonds shouldn't have to correct current neighborhood problems but he should be asked to increase parking supply to handle the needs of his proposed expansion. Chair Barraza said he has gone through the neighborhood on multiple occasions and multiple times to examine the parking situation. He said he found issues with parking late in the neighborhood, particularly in residential areas. He said parking was trickier after 4pm, but he could always find some spaces available. Chair Barraza completed a separate analysis to examine parking needs and based on his review believes there needs to be 33 parking spaces instead of 39 required by the county. He doesn't support a three story structure. If the third story is removed, then it comes down to 22 new spaces needed with his analysis. He is also not supportive of the one way on Oak View.

Member Reed had several questions. First, is the applicant planning to put bicycle parking on the lot? Mr. Hammonds said yes. Second, is there any way you might want be able to keep the

trees and still have parking? Mr. Hammonds said no. Third, what is the current plan for street trees for the neighborhood? Mr. Hammonds said it was too early in the review process, but he is open to comments on what might be most beneficial. Finally, Member Reed said to the audience that if you see an enforcement problem, “call the cops”...that’s why we pay them. She thinks a one-way street is safer than two-way for the Nursery School kids.

Vice Chair Tahara recognizes that as a planned unit development, there are no conditions on height. But he is aware there is a building across the street that is 4-stories and seems comparable to the planned development. He asked the applicant why he moved the third story back on Colusa, but not on Santa Fe. Mr. Hammonds said it was due to limitations on what could then be done with that space. Vice Chair Tahara asked if there is there any handicapped parking on the on-street parking. Mr. Hammonds said no. Vice Chair Tahara asked if the applicant would you be willing to make the size of the trees on Santa Fe larger on first planting. Mr. Hammonds said it was something he could consider.

Alternate Member Brydon expressed his appreciation for the parking study and some of the traffic study impact. He thinks the building is attractive, but it should also be pulled back on the back side of the lot because it seems large when it is full faced on any side, instead of stepped back.

Member Brown also expressed appreciation for the parking analysis. However, she said that it was important that the assumptions were accurate because while it shows there isn’t a parking problem currently, despite neighborhood concerns, there is; it also shows that the proposed parking spots minimally meet the need with 2+ spots to spare.

*With a 4-1 vote, KMAC recommended approval for the plans dated March 28, 2007 with the following conditions: (1) bicycle parking be located on-site, (2) street trees be higher and denser on the Santa Fe side of the development, (3) recommendations of Wilbur Smith & Associates analysis regarding lane widths be adopted, (4) off-street parking be available for neighbors use on evenings and weekends and (5) the third story of “Bldg A” be centered equally between Colusa Ave and Santa Fe Ave rather than offset as shown on the drawings.*

*In addition, KMAC would like the County to ensure that there is one common county planner for all Colusa Circle projects and that a traffic study be required by any and all applicants proposing development around the Circle.*

**6. 605 Canon Dr. (DP 063056)** Development Plan review of a proposal to expand an existing residence. *Continued public hearing*

Catherine Roha, architect on the project, described the changes to the project to address concerns of the neighbors. She said there had been two sets of changes have been made to the project; overall, the project has been reduced and there are 16 points which show how they have worked on addressing issues for the neighbors. She said one of the applicants’ desires was to have the main living space level to the pool. She said they were also interested in using the lower level crawl space as storage and for the furnace, water heater, ducts, etc. She provided photos to show the proposed construction and illustrated potential impact on surrounding neighbors and she believed they have addressed many of the concerns for the neighbors.

In responding to KMAC questions, Ms. Roha said the height of the crawl space is less than seven feet and the area of the crawl space is 1700 plus square feet. She said that space would address their concerns about correcting drainage issues and provide storage in the crawl space. Member Reed said that drainage issues exist throughout Kensington, and these may be better

addressed with appropriate drainage systems and not additional crawl space and those moisture problems won't be solved by raising the house.

Chair Barraza inquired about some of the rooms on the main floor. There is around 1250 feet for living and family rooms, and he questioned whether it needed to be that large. Ms. Roha said it wouldn't affect the neighbors.

Vice Chair Tahara asked what the FAR threshold was for a lot of 19,200 feet. Ms. Roha said it was 4,300 feet and they are over it by 225.3. He also asked about whether they needed the 18 skylights currently proposed throughout the house. Ms. Roha said the house is surrounded by trees and they wanted to introduce light with the skylights. She said they could maybe use sun tunnels to pull in light to the house. Vice Chair Tahara asked if they would use flat glass skylights and not plastic bubbles and Ms. Roha wasn't sure about the specifics of the skylights.

Ms. Roha mentioned that accessibility in the house, particularly for disabled individuals, was a consideration for the plans. Alternate Member Brydon asked how many stairs there were to the current landing. Ms. Roha said 10 stairs. As for accessibility, Ms. Roha said with the current plan they could put in a lift or a stair chair in one place and not two places if they were required to create a split level development.

Chair Barraza asked why the previous plan had a step to the back yard and the current plan didn't. Ms. Roha said that projects evolve, and that issue became something that they now want to have, specifically level access to the back yard. He asked if there is there any plan on having a lift for the project. Ms. Roha said there are possible options for a porch lift and stair chair to access the house. There is also a closet that is the size of one wheelchair that could be converted to an elevator.

Jay James at 614 Canon Drive doesn't have anything against this house and thinks it is the right size for comparable houses in the neighborhood. He said he thinks it is a shame that we haven't been more welcoming to the new neighbors in the neighborhood. He wanted it to be clear that he has never been opposed to the project. He said they should be able to build a house in their own property, even if it is larger than mine.

Beverly James at 614 Canon Drive also supports the project. She said she has seen a lot of changes in the neighborhood and these are large lots set back from the street. She appreciated the applicants having an open house so they had a chance to get to know the project.

Glenn Clark of 604 Plateau is an owner of the contiguous property on the pool side. He expressed concerns about the distribution of notices because he didn't receive a copy.

Kathy Elliott at 604 Canon Drive expressed concerns about the size of the house in the neighborhood and the impact on parking in the neighborhood.

Mollie Katzen of 609 Canon Drive provided square footages for Canon Drive and Parkside Court. She is concerned about the size and bulk of the house in the neighborhood. She would like to have room for parking to accommodate the potential cars in the lot. She also has concerns about impact of skylights in the darkness and what affect that will have at night. There are three houses on the block and would like to keep the sense of harmony in the neighborhood.

Robert MacKimmie of 609 Canon Drive found the raising of the house an alarming concern. He thought a gravel trench drain would be better at dealing with the moisture issues and wondered if some of the moisture damage in the house could be due to problems with the roof, not the crawl space. He had some questions on the review of skylights and windows and then provided some photos to show the impact on the neighborhood. Finally, he presented a couple articles that discussed how houses can be built into the environment.

Annette McCoubrey of 631 Parkside Court is concerned with the increase in scope and impact on the neighborhood.

Delmar Reynolds of 606 Plateau Drive lives behind the residence and his concern is where it started with a six bedroom building and now it is down to five.

Michelle Ferguson of 602 Canon Drive is concerned about the U-shaped driveway that will be directed into her house. She stated in its current form car headlights will point into her living room and affect the privacy that comes at night time. While she has a solid fence, she believes at the top of the driveway, the lights will go over that fence.

Frank Forsburg of 601 Canon Drive is concerned about their loss of privacy and view, as well as their impact on the side yard. He said in looking at the square footage of other houses, they averaged little over 2,000 square feet. This proposed project is much larger. They would like the house to come down by 2 feet in height and also be in scale with other homes of the neighborhood.

Jan Forsburg of 601 Canon Drive is concerned about the impact on light and the number of skylights will affect that at night. She sees that as a loss of their enjoyment, and it is a large house. She is concerned whether this construction opens the door for other properties to build a “mega mansion” in the area.

Terry Bennett of 606 Canon Drive expresses thanks to the KMAC members for their service. *The meeting came to a stand still with the round of applause that was received...it took minutes, not seconds, to settle the crowd.* Mr. Bennett had concerns about parking and size issues. He also questioned if the changing room behind the garage wasn't really a bedroom, and therefore, the house was really six, not five bedrooms.

Ms. Roha provided some initial responses to comments. She said there are two spaces in the garage and an additional two at the top of the driveway. She believes the headlights down the driveway will not impact the neighbor across the street. They will go low and not until they level out at the street level, will it light the street and neighbors across the area. She said it is illegal to have a bedroom adjoining the garage, so that isn't the intended use of the workshop area.

Member Brown started with concerns over the size of the house. She said in examining the comparable square footage in the neighborhood, the two adjacent Canon neighbors were the most comparable because of lot size. She said the proposed construction for living space (which is inaccurate in the plans) is over 4,000 square feet and that is much larger than the two adjacent neighbors. She also said it looks and could act like a 6 bedroom house, even if it is technically 5 bedrooms. She also questioned the inconsistency of having a changing room for the pool on the lower level if the applicant was making the point of wanting flat access to the swimming pool from the house. She also expressed concerns over the crawl space being so high and the potential future uses for that space.

Chair Barraza concurred on the issue of the size of the house. He reiterated his concerns that the common area is very large, significantly larger than the neighbors. There isn't a specific necessity for the proposed height for the crawl space.

Member Reed expressed concern that the crawl space is potentially another 1,700 square feet to add to the house. She is concerned about the bulk of the proposed construction and there are issues of access that can be addressed in a variety of ways that don't necessitate the crawl space that high. She thought sky tunnels would be better to address issues of light pollution and the driveway could have a larger turnaround and not pave more of the land creating more space.

Chair Barraza is concerned about traffic and safety in the neighborhood, due to a near miss with an AC transit bus on a Sunday afternoon. He said there needs to be a way to allow a car to drive down the driveway facing the street.

Vice Chair Tahara thinks the crawl space should come down in height. He is less concerned about the size of the development, than the height of the property which he believes will impact the bulk as seen by the neighbors. He understands the issue of access, but doesn't believe that is the focus on raising a house to access the swimming pool. He expressed concern on the number of skylights and while light tubes help, they aren't a way to address the number of skylights. There needs to be some concern about the parking and allowing the applicants to go down the driveway and not have to back up.

Alternate Member Byrdon also doesn't have a concern about the size, except it should go to the 4,300 FAR threshold. He said the crawlspace is too large and too high with the potential issues of future use. He believed dropping the crawl space two feet would address that issue. He supported the u-shaped driveway because it would allow cars to leave in a better spot on the street than the current driveway that faces a blind corner.

*Based on the applicant's request, KMAC unanimously approved a continuance of this issue so the applicants can submit revised drawings that consider the comments expressed at the KMAC meeting.*

Chair Barraza addressed the Chungs at this time and stated that he expects them to carefully consider KMAC's and the neighbors' stated concerns and incorporate them into a revised design prior to returning to KMAC for review and recommendation.

7. **5 Franciscan Way (DP 063059)** Development Plan review for expansion of the existing main floor including a variance for construction of a new entryway with a front yard setback of 17' (20' required).

The applicant, Paul Lai, described the changes he made to the current set of drawings, specifically limiting the height of the house to the existing roof height of the house and making the top of the parapet match the existing ridge line of the house.

Chair Barraza commented that the height of the parapet has a huge impact on the neighbors. Currently, the Golden Gate Bridge can be seen, but if it goes up an inch or so the view can be blocked. Vice Chair Tahara also indicated some concern about the impact of the skylights which do protrude on the roof and stated there isn't much tolerance on what is shown in the drawings. Member Brown asked for clarification on the ceiling heights and Mr. Lai indicated the kitchen ceilings are 10 feet high and the remainder of the house has rooms with 8 feet 6 inches.

Fred Tan lives behind the property and he is a bit concerned about the building moving back. His primary concern was that he wanted to clarify that the top of the parapet height should be based on the lower roof, the 511' marking, and he thought that the drawings were not consistent, that sometimes they referred to the lower roof and sometimes to the higher roof. He wanted to make sure the proposal followed the lower roof line, not the higher roof line. He also had some concerns that the height and number of skylights can be distracting at night and wondered what would be the size and height of the chimney for the house.

Fernando DaSilveira wanted to thank the neighbors on working with them regarding the property redesign. He also shared concerns about the skylights and potential impact on their views at night and wondered if there was any interest by the applicant to reduce the size and height of skylights.

Member Reed also expressed concerns about the impact of the skylights and wondered if there might be alternate options to consider, like the possibility of using clear story windows. Vice Chair Tahara is concerned with the topography of the area and believed the need for skylights is less than other applications KMAC reviewed that evening. Chair Barraza expressed an interest in lowering the kitchen ceiling to 9 feet 6 inches, instead of 10 feet which would then lower the parapet by six inches as well. Member Brown asked where the chimney would be located and based on Vice Chair Tahara's review, it looked as though it is moving west from its current location. Mr. Lai indicated they would be putting in a gas fire place so it could be a smaller chimney than the current one.

*By a 5-0 vote, KMAC recommended approval of the plans dated March 12, 2007 with the following conditions: (1) the roof height is reduced by 6 inches and the top of the parapet and top of the roof will not exceed 510'-6", (2) skylights be eliminated in rooms with exterior walls (i.e., the kitchen, two bathrooms and closets), and (3) the skylight heights will remain below the top of the parapet.*

8. **6 Kingston Road (DP 073010)** Development Plan review for a 191 sq.ft. addition to an existing residence. Request a variance for 2' setback (15' required) for a new garage.  
*Continued public hearing.*

The applicant, Jim Bramson, described what they had done since the last KMAC hearing. They moved the garage back 5 feet on one side and 2 feet on the other and in the process addressed some concerns of the neighbors and related to safety. They put up story poles for the neighbors to review and worked with the neighbors on making any additional changes the project. Mr. Bramson then presented a letter with 11 signatures from their neighbors who now support the project. The architect provided some additional descriptions to the changes for the project and the need for the variance.

*By a 5-0 vote, KMAC recommended approval of the plans dated May 4, 2007 with no conditions of approval and also recommended approval of the variance because it wasn't a grant of special privilege, the parcel of land is awkwardly shaped and very small for the neighborhood, and it met the intent and purpose of the land use.*

9. **90 Purdue Ave. (DP 073019)** Development Plan review for a new residence on an undeveloped parcel.

90 Purdue will not be discussed tonight because the applicant is determining whether a variance is required or not.

10. **1647 Oak View Ave. (DP 073024)** Development Plan review for expansion of second story toward rear to provide for two additional bedrooms.

The applicant, Alice Brock Utne, described their current plans for this project.

Chair Barraza stated he had observed a parking problem for the neighborhood. Ms. Brock Utne indicated they can park two cars, one off street in the garage and one on the driveway.

Member Reed questioned the remodeling which had occurred in the past and that this proposal took the development about 700 square feet above the threshold. Ms. Brock Utne indicated that they focused on developing in areas where it would not have an impact on the neighborhood. There were no neighbors present at the KMAC meeting to comment on this project. Vice Chair Tahara indicated that there is an old garage on the site that is 261 square feet and counting against them for FAR calculations. Member Brydon believed that this construction is suitable for the neighborhood because it was a higher density area.



*By a 4-1 vote, KMAC recommended approval of the drawings dated April 2, 2007 with no conditions.*

11. Procedural Matters

- a) Secretarial duties for future meetings were assigned to KMAC members.

12. Information Reports

- a) Enforcement Report – no information to report.

13. Adjournment – the KMAC meeting was adjourned at 11:20pm.