

KENSINGTON MUNICIPAL ADVISORY COUNCIL

Minutes June 24, 2008

1. Present: Patrick Tahara, Gordon Becker, Ray Barraza, Kay Reed. Excused: Pam Brown, Chris Brydon
2. Approval of Minutes of May 27, 2008 – Minutes (with spelling errors corrected and citizen comments on the cell phone tower issue clarified) were accepted as corrected. Ray will make the corrections to the May minutes then submit the final version to the County.
(Barraza/Becker/unanimous)
3. Citizens' Comments – none
4. Chair Tahara told the public, the role of KMAC as advisory to the county and the various findings needed for granting a variance as well as what the MAC considers when reviewing a development under the Kensington general plan ordinance.
5. **415 Colusa (DP083027) Development** Plan to construct a deck above a garage. The proposed deck will exceed the floor area ratio threshold on a substandard lot.
 - a) Applicant and architect Maxwell Beaumont has an existing approved garage (currently under construction) to which he would like to add a deck on the top of the garage as well as a 3 ft railing. Under the Kensington ordinance, the deck increases the size of the building.
 - b) Mrs. Farve, 1601 Ocean View, asked questions about which house was involved. Once she understood which home was involved, she had no concerns.
 - c) The KMAC discussed the request. Member Barraza had questions about precedent in the neighborhood. Previously we approved the variance for the garage as an existing garage was being replaced with its size being doubled. Member Becker felt that putting a deck on the garage, thereby bringing people closer to the sidewalk would improve the neighborhood.
 - d) Motion: that the development plan be recommended to the county with the requested variance findings i) that there is no special privilege ii) that the small size of the lot are special circumstances, and iii) it conforms to the intent of the zoning district. Approved.
Barraza/Becker/Unanimous.
6. **106 York (DP 083022)** Development Plan review to add a proposed 554 sq. ft. residential addition to 3 floors which exceed the floor area threshold by 696 sq. ft. Variance is requested to allow for the expansion of the existing 3rd floor where 2 ½ stories are permitted. Also a side yard variance of 4'7" (where a minimum of 5' is permitted) and variance for 1 off street parking within the setbacks.
 - a) Greg Shean, applicant of 106 York, seeks to remodel and update his 1,776 sq ft and 3 bed and 2 bath house.
 - b) KMAC members ask clarifying questions about the height of the former garage and current laundry, the access to the exterior from the basement, and the existing parking variance (if any).
 - c) Lloyd Cowell, 107 Arlington Ave. lives directly west of the applicant, sharing a property line. He has concerns about impact of the third story addition on his property in terms of the bulk looming over his backyard and concerns about loss of privacy. He read into the record a letter from his wife who is concerned about the addition. His house is 1,400 sq feet. He uses his basement for an office. He suggests adding mitigations to the plan. He also asked that the structural integrity of the addition be considered.

- d) Margaret Lin, 109 Arlington. She is a realtor, living adjacent to the applicant. She believes that it will negatively impact her home value.
 - e) KMAC discussion: Member Reed is concerned about the applicant not using the basement space for living area and increasing the size of the home 30% above the FAR standard. Member Barraza asked about possible mitigations to assure neighbor privacy. Mr. Shean said they were talking with neighbors about adding screening trees. Barraza also expressed concerns about the lack of adequate off street parking. Member Becker asked about possibilities for reducing the height and bulk. He added that he would like to see the basement more developed instead of increasing the bulk. Chair Tahara asked the neighbor if his concerns were more about bulk or privacy. Mr. Lowell answered that his concern was primarily about privacy. Member Reed asked about the eastern neighbor's reaction. Mr. Shean indicated that they were supportive of the application. Chair Tahara is primarily concerned with the bulk of the design.
 - f) The applicant requested a continuance. Approved. Barraza/Becker/Unanimous.
7. **230 Cambridge (DP 083023)** Development Plan review of expansion of the kitchen area by 50 sq. ft. Existing floor area ratio exceeds the floor area threshold.
- a) Catherine Nakahara presented the project.
 - b) No neighbors were present.
 - c) The addition will make the house 9% above the FAR
 - d) Recommend approval of plans dated June 16, 2008. Unanimous/Becker/Unanimous.
8. **267 Columbia (DP 083025)** Development Plan review for approval of legalization of a greenhouse which exceeds the floor area threshold with variances, 1' front setback proposed (15' required min.) six inch side yard set back proposed (10' required min.) and total side yard aggregate of 5'6" (15' required min.) on a substandard lot.
- a) David Pogran seeks to add a hobby greenhouse to his home. With a 40 ft wide lot, he feels it impractical to locate it elsewhere on the lot. He feels it is not a grant of special privilege to ask for a greenhouse when people have higher than 6 ft fences, gates and arbors on their property. A variance was granted previously for a 7 ft high fence on the same property line. The hobby greenhouse is a "kit" building, and he feels it is consistent with the neighborhood. 16 neighbors have signed a petition noting their agreement with the greenhouse. He noted that there were no negative impacts on the neighbors.
 - b) Questions: Member Barraza wondered if the greenhouse is a structure. He also noted that no other homes in the neighborhood have similar buildings in the setback. Member Reed asked about their consideration of other locations on their lot. The applicant stated that they had thought about other locations, but they were less suitable for orchid culture and would impinge on public safety access.
 - c) Debra Pogran, 267 Columbia, noted that she had called the county and they were told that the greenhouse they were proposing was not subject to a permit. They also took down a 7 ft fence that had been approved as a variance by the former owner.
 - d) Richard Motofuji, 285 Columbia Ave, the adjacent backyard neighbor supports the project. He believes that the greenhouse increases his privacy and security. It reduces the light pollution into his home. It does not obstruct any views and does not significantly block sunlight into his yard.
 - e) Discussion: Member Barraza consulting the R6 codes was wondering if it was really an accessory structure in which case the setback requirements would be less. Member Reed voiced concern about the location of the greenhouse being on the street side of the property. Chair

Tahara noted that the former fence did have a variance. He said that when we approve variances they are often to continue an existing use not like this request for a new use.

- f) Motion: Recommend a variance for an accessory building with setbacks of 6 inches and 12 inches based on the variance previously granted to the subject property for an over height fence. Approved. Barraza/Becker/3-1 (Reed dissenting).

9. **237 Colgate (DP083026)** Development Plan review to add 325 sq. ft. addition to the first floor that exceeds the floor area threshold.

- a) Jacqueline Berman, owner, presented the case that the back house of the home was constructed without a supporting walls. They seek to enclose the back space with structurally engineered walls for earthquake safety. They will be 50 ft over the FAR, but that amount square footage is required to completely assure the safety of the house. The addition will not change the footprint of the house and does not change the bulk.
- b) Questions: Member Reed asked if the second floor were original. The first floor was built in the '50's and the second floor was added in the '80's. Member Barraza asked if the roofline were being changed. And, the roof is not being changed. Member Becker asked the number of bed and baths. It is being changed from 3/2 to 4/3.
- c) Margaret Ragsdale, 240 Purdue, asked if the roofline were being changed. The applicant stated that there would be no structural work done outside filling in the bottom area.
- d) Motion: Recommend that the application be approved based on drawings date stamped May 1, 2008 provided that the existing roof not be changed per the note on A4. (Please note that the drawing on A3 is incorrect). Approved. Barraza/Reed/unanimous.

10. Procedural Matters

- a) Chair Tahara would like an FTP site for people to be able to access building plans online. Chair Tahara will ask the county if they would be amenable to making the files available in that way. Once that is approved, he will consult with the AboutKensington website.

11. Information Reports

- a) Enforcement Report – Member Barraza – 214 Yale is still in process. It will eventually come to a hearing. 42 Kingston is moving slowly-applicant may be dragging his feet in furnishing the requested drawings for review.
- b) Report by Vice-Chair on meeting with Supv. Gioia – He mentioned to the supervisor that other MACs get significant staff support from the supervisor's office and KMAC would most likely need similar help in the future. Mr. Gioia made no comment. Second, Member Barraza brought up the issue of filling the second alternate position for KMAC. Mr. Gioia said it was fine with him to fill the position.
- c) Update on 5 Lenox – The application was recommended by KMAC with conditions that the applicant does not want to fulfill (improving on-street parking as a condition of an additional bedroom). The applicant has stated that he does not want to adhere to the condition and no longer wishes to build out the basement with the additional bedroom. He has submitted revised drawings to CDD. (As the planner previously received KMAC's comments on the subject, the revised plans will not be submitted to KMAC.)

12. There being no further business the meeting was adjourned at 10pm.