

DRAFT, not yet adopted by KMAC

Kensington Municipal Advisory Council Minutes

Meeting of September 26, 2006

Council Members present:

Chair: Reyes Barraza

Vice Chair: Pat Tahara

Secretary: Richard Karlsson

Member: Pam Brown

Alternate Member: Chris Brydon

Alternate Member: Gordon Becker

1. The meeting commenced at 7:00 p.m.
2. The minutes of August 29th, were approved by a vote of 5 – 0
3. Citizen's Comments: A question was asked regarding when a hearing before KMAC was required. Chair Barraza responded that a hearing was required when a variance was requested, when the size of the project exceeded the gross floor area thresholds, or when the requirements of the Kensington Combining District were not met. Chair Barraza was then asked if a hearing would occur if a proposed development was within all of the foregoing and advised that there would not be a hearing unless one was requested by a neighbor receiving notice of the proposed development.
4. Consent Items: Approval of KMAC bylaws as amended to include the recommendation of County Counsel and Board of Supervisors Resolution 2006/395. Approved, 5 – 0.
5. **1625 Ocean View Ave. (DP 063055)** Development Plan review to demolish existing garage at rear of property and to replace it with a two story accessory structure with full bathroom and loft. Request variances for 607 sq.ft. (500 sq.ft. allowed) and 20'11" height (15' allowed) for the accessory structure.

The architect, Phillip Moss, indicated that the owner was withdrawing her request for a variance and that they were now proposing a conforming accessory structure. He further stated that the purpose was for an office and that the owner was willing to place a deed restriction on the title of the property that the improvement could not be used for a rental. Mr. Moss indicated that the changes were made the evening prior and notice had not been provided to the neighbors. Mr. Moss was advised by Chair Barraza that he would have to resubmit his

revised plans to the County Community Development Department. Notices would then be sent to the neighbors, four of whom were present and prepared to speak on the original plans. The matter was therefore withdrawn from the KMAC agenda.

6. **605 Canon Dr. (DP 06356)** Chair Barraza stated that the applicant had withdrawn their application and indicated that it would be resubmitted at a future date.
7. **501 Beloit Ave. (VR 061060).** Development Plan review to add an additional story on the northeast portion of an existing residence. Request variance for a third story (2.5 allowed) in the area where the existing basement mechanical room is beneath the proposed second story addition. Booker Bense, the owner of the subject property, made the presentation. He stated that the desire was to add a master bedroom and bath and study on a new upper floor. The area where a third story would be required was over the existing basement which was a 6'x6' pad with a heater. Pam Brown noted that there was a new proposed deck off the east side of the house and wondered if he had discussed with his neighbors. Mr. Bense indicated that he had spoken to the north side neighbor but not the neighbor to the east. When asked about the potential loss of privacy to the east neighbor, Mr. Bense indicated that the house to the east would be at a higher elevation and thus it would still look down to his house. Chair Barraza asked about the existing garage and was advised that cars could not use the existing garage because the doors were not functional. Ms. Brown inquired about the driveway and whether two cars could fit in the driveway and was advised that two cars could fit within the driveway but would obstruct the sidewalk. Vice Chair Tahara inquired why he did not speak to his neighbor to the east and Mr. Bense had no reason other than it did not appear to have an impact to that neighbor. He was then asked if he made any changes in response to his neighbor to the north and he was told that no changes were requested or made.

Matthew Soyster, 503 Beloit, was the next speaker. Mr. Soyster stated that he was the neighbor to the east and had serious reservations about the plans and he was not spoken to by Mr. Bense. Mr. Soyster is confined to a wheelchair and works primarily from his home. He was therefore concerned about the potential loss of light and views to the west. He also had remodeled his house and had built a garden and was concerned that the proposed second story would shadow his garden and that the new higher windows and doors facing his house would cause a loss of privacy. He then read a statement detailing his concerns regarding the negative impact of the improvement upon his home, his profession as a writer and upon his environment. Mr. Soyster also expressed concern about the possible noise during construction.

Chair Barraza noted that there was currently a fair amount of traffic on Beloit Ave. and thus the tranquility of that area is impacted by the existing conditions, to which Mr. Soyster admitted but also stated he did not want it further diminished. He added that he is not house bound and has no objections to his neighbor

improving his property, but he is concerned to the extent that his neighbor's improvements have a negative impact upon him. He further stated that the neighbor to the north of the applicant is currently in England and Mr. Soyster stated that he believes that this project will also have a negative impact upon that neighbor, Giles Hancock. Chair Barraza then inquired of the applicant if he had planned to place story poles to allow the neighbors to better determine the impact. He stated he had not planned story poles. Ms. Brown asked the applicant about the neighbor to the north and was advised by Mr. Bense that Mr. Hancock was in British Columbia, not in the U.K. and he was in favor of the improvement based upon the plans Mr. Bense had shown him. Each of the respective KMAC members then advised Mr. Bense that they believed that it was incumbent upon the applicant to speak to the neighbors about planned improvements of significance and that, to the extent that he had not done so, it was difficult for KMAC to try to balance the needs of the applicant and the neighbors. If neighbors are not informed, it is difficult for them to appreciate and testify as to whether the impact is significant or minimal. Mr. Bense was then asked if he would like to request a continuance for the purpose of discussing his proposal with his neighbor. Mr. Bense so requested. *A motion was made to approve the applicants request to continue the hearing and approved 5 – 0.*

8. Information Reports:

- a. **Enforcement Report:** Chair Barraza reported that Mr. Vincent Caballero was the new Enforcement Officer for Kensington for the Building Inspection Department.

9. The meeting was adjourned at 8:25 p.m.

Minutes prepared by Secretary Karlsson