

DRAFT, not yet adopted by KMAC

Kensington Municipal Advisory Council Minutes

Meeting of October 31, 2006

Council Members present:

Chair: Reyes Barraza

Secretary: Richard Karlsson

Member: Kay Reed

Member: Pam Brown

Alternate Member: Gordon Becker

1. The meeting commenced at 7:00 p.m.
2. The minutes of September 26th were approved by a vote of 3 – 0, with member Reed abstaining as she was not present and Mr. Becker not voting.
3. Citizen's Comments: Ms. Reed stated that she had brochures regarding earthquake preparedness and that if anyone had any questions related to this topic, she would be happy to address same.
4. Consent Items: Two items appeared on the consent calendar and members of the audience appeared as to each and desired to state their objections to having these matters routinely approved. Accordingly, these items were moved to the regular calendar. Chair Barraza then began the meeting by stating his introductory remarks regarding the process of KMAC's review of the applications and its recommendation process. As matters were on the agenda for both the Kensington combining ordinance and requests for variances, Chair Barraza explained the process for seeking KMAC's recommendation.
5. **389 Ocean View Ave. (DP 063054):** Development Plan review to expand an addition to the existing residence with variance requests for: 1) 16' 11" depth (19' required) for a new two car garage and 2) a 0' front setback (20' required) for a new garage. This was a continued hearing.

At the hearing, the owner, Susan Tweddle, stated that this was a hearing based upon revised drawings previously not presented. However, the revisions were limited to the addition of some architectural detail and the elimination of the request for a variance for the third floor, as she had changed the design of the landing thus eliminating the need for a variance for a third story. The variances that were still requested were those that related to the garage. Member Reed then questioned the applicant regarding the requested variances, the size and bulk of the structure, and why no other changes to the first design had taken

place, in light of KMAC's expressed concerns and the comments of the neighbors at the initial hearing. Ms. Tweddle responded that she did a lot of surveying around the neighborhood and believed that her proposal was not out of character with the neighborhood and that there were a number of houses in the immediate area of a similar scale and size.

Secretary Karlsson then asked whether Ms. Tweddle had spoken to the County about the possibility of moving a retaining wall that would have allowed the residence to have a conforming garage. She indicated that she had done so but to move the wall in question would raise questions about the scope and the size of the project such that it might not qualify as a remodel and instead would be a complete rebuilding of the subject property. Member Brown, Chair Barraza and Member Reed then questioned the applicant about the bulk of the building in relation to the lot size, which exceeded the recommended lot to building ratios, as well as having inadequate parking for such a large house. Ms. Tweddle indicated that she was doing the best she could given the limitations mandated by the lot size and the existing house.

Members of the audience were then allowed to come forward and address KMAC regarding their concerns. Karen Argonza, 394 Ocean View Ave., was the first speaker and she expressed her concerns about the proposed size of the building in comparison to the lot size. The recommended lot size to building ratio by the County (Thresholds that Trigger Public Hearings or floor to area ratios, hereinafter referred to as "FAR") was 50% and this request was for 67%. She believed that this was unacceptable and that the larger houses in the immediate area also had larger lots. She was also concerned about the proposed height of the structure. In response, Ms. Tweddle stated that she believed that there were houses in the immediate area that had lot coverage in the area of 70%, but she admitted that the structures were not as high as she proposed.

The next speaker was Dr. Ruth Richards, 385 Ocean View Ave and she presented a petition in which ten other neighbors objected to the proposed structure. It was her view, and the opinion of those signing the petition, that the building proposed was too tall and too large and had an odd broken profile out of character with the neighborhood. She also stated that the building was larger than that originally stated (and presented photographic evidence of same) and that the story poles proved that the proposed design was higher than the adjacent house and had a greater negative impact upon her view and light than originally presented. She appreciated Ms. Tweddle's efforts to work with her but did not agree that the proposed design was in accord with Kensington ordinances or the neighborhood. Ms. Tweddle did state that she had cooperated with Dr. Richards and she was surprised that the height exceeded that of the neighbor to the south of her residence.

Richard Sheng, the neighbor to the south, then spoke and stated he did not believe that the opposition was based upon the FAR, but instead based upon the height of the structure and that the elimination of the top story would go a long way toward easing the neighbors' concerns.

Member Becker stated that he believed that the information provided for the houses in the area and FAR was all anecdotal and he was not prepared to make a recommendation without accurate information. Member Reed stated her concerns that the building is unnecessarily too tall, has higher ceilings than necessary, and that the garage is inadequate for a house with as many bedrooms. Chair Barraza asked the applicant if she considered moving the 'fourth floor' to the extreme rear of the building, thus not impacting views. Ms. Twiddle stated that she had, but that this would eliminate any back yard.

Joe Koontz, 389 Ocean View, spoke in opposition to the proposed development on the basis that the house was too large for the lot. Although there were some other houses in the neighborhood that were also too large for the lot, this review should not allow more such houses as it was ruining the character of the neighborhood that were primarily smaller houses on smaller lots.

KMAC then considered the matter following the speakers. Chair Barraza stated that when he visited the neighborhood the prior weekend, he had to drive in circles around the block to find a place to park. When he was walking to the area of the proposed home to park, someone else drove up and parked in a red zone blocking a fire hydrant. Accordingly, he was very concerned about the inadequate parking, and concerned about the lot size and size of the home and the bulk and mass of the house in comparison to the neighborhood.

Member Brown stated her concern that while she appreciated the initial efforts to talk to the neighbors, she was equally concerned that the new design did not address the issues raised at the last meeting. She expressed her own efforts at remodeling her and her partner's house and stated that, though they may have preferred another design, she accommodated the neighbor's concerns. Accordingly, she was frustrated that despite the last continuance, KMAC was presented with essentially the same plan. This house was being redesigned from a 2 bedroom, 2 bath house to a 4 bedroom house with no changes in parking. In her view, the lowest concern was the variance for the 'third story', and that had been the only change.

Member Becker stated that he grew up within two blocks of the proposed structure and in his view the neighborhood was one of cottages, and therefore, the proposal was totally out of character with the neighborhood.

Member Reed stated that her biggest concern was the FAR and the upper floor and wondered if the design could be altered such that Ms. Twiddle could be within the FAR by dropping the uppermost floor. She thereafter asked Ms. Twiddle whether she wanted to request a continuance in light of the Council's expressed concerns.

Ms. Twiddle expressed her concerns that presently the garage was 'useless' and she had improved same in the design and that she was now being told that was unacceptable and that the cost to fix the garage, to make it conforming, was

cost prohibitive. Member Brown and Chair Barraza stated that the issues related to the garage were directly related to the proposed size of the house. If the size of the house were scaled down, KMAC might take a different view toward the non-conforming garage. *On that potential, Ms. Tweddle requested a continuance that was approved, following a vote of KMAC, 5 – 0.*

6. **5 Franciscan Way (DP 063054):** Development Plan review for expansion of the existing main floor including raising the top the roof by approximately 3' and also including a variance for construction of a new entryway with a frontyard setback of 17' (20' required).

The meeting began with the property owner, Paul Lai, explaining that the roof height was revised and that the increase would be 1'6" higher and not 3" higher. The design changes were mandated because the house was over 50 years old and the owner desired new insulation in the walls and roof. In addition, they wanted to make additions to the rear of the house for general expansion. In response to initial questions, he stated that he believed that the pitch of the roof would remain the same, but that the interior ceiling would be raised from approximately 7'6" - 8' to approximately 9' to 10' which would improve circulation of air in the house. Questions then followed from KMAC as to whether the expansion/improvements to the house would be within the FAR recommendations and about the purpose of the new entry extension that would require a variance for the front yard setback. The answer to the FAR questions were unknown and the reason for the changes to the front of the residence were for both practical and visual reasons, essentially to replace an entry way and porch with a flat front.

Frederick Tan, 4 Highgate Rd., spoke in opposition, based upon what he believed would be a significant reduction in his view. He presented a photograph which represented his estimation of the loss of his view as a result of a three foot increase in roof height and the impact in the photograph was considerable. Upon questioning, the photograph was taken from his deck, not his residence but he believed that the result was the same. He questioned the need to raise the roof for the purported purpose of insulation.

Next, Peter Petiris, 3 Jesson Crt., spoke and stated that he believed that the proposed change in roof height would impact his views of the islands in the bay.

Member Reed then spoke and stated she was ill-equipped to vote on this matter as she wanted to know the FAR of the existing residence and if same would be exceeded under the proposal. She also wanted to know what efforts were made to speak to the neighbors impacted. Member Becker wanted to see story poles before he could make a reasoned recommendation as to the impacts of the increased height of the building. In response, Mr. Lai indicated that his architect advised him that the height increases would have minimal impact upon the neighbors. Chair Barraza indicated that the FAR issues were not a concern to him, but he was concerned about the height issues and the height of the existing chimney and the relative height of the roof when compared to same. He also

indicated that he would like to see story poles on the structure before he could make a recommendation.

Member Brown stated that based upon the drawings, she also would like to know the FAR and it appeared that the proposed design would be 150' over the recommended FAR. Discussion then continued as to the importance of the FAR and if same should be interpreted as a threshold or a generalized guideline.

Mr. Lai was then asked if, in light of the questions of KMAC and the concerns expressed, he would like to make a request to continue the hearing. Mr. Lau declined to request a continuance and instead requested that KMAC proceed on the information submitted in his request.

A motion was then made by Chair Barraza to recommend denial of the requested variance but approve the request for the remainder of the proposed improvements, subject to the roof height remaining the same. The motion failed, 2 to 3, Chair Barraza and Secretary Karlsson voting in favor, Members Reed, Brown and Becker opposed.

Member Becker then made a motion to deny the proposed development plan in its entirety, based upon a lack of specific information regarding the proposal, including the FAR and impacts upon views. Member Reed seconded the motion. The motion carried 5 – 0.

7. 24 Sunset (DP 063060) Development Plan for a 9' x 19' southerly expansion at the southwest corner of the existing residence.

The owner of the residence, Gordon Linebaugh, explained that the purpose of the proposed expansion was to expand their master bedroom. Rather than going up, which they were aware was an issue for KMAC, they decided to expand to the rear of their residence. This expansion allowed for a dressing area and would be built over an existing concrete slab. The owner explained that in talking to the neighbors, only one neighbor expressed any concerns, and that neighbor was located up the hill and several properties distant, and they had concerns about a loss of view. In Mr. Linebaugh's opinion he did not agree with the objecting homeowner. He placed story poles on the roof and the expansion was entirely to the south of the residence and without an increase in height. Those immediately adjacent property owners had no objections. He also stated that he cut down a tree so that views would be preserved.

Member Reed then inquired regarding the necessity of the improvement and the impact upon the area immediately below the proposed expansion. She was advised that it allowed for a larger master bath and that the area below would have a 5' x 6' unimproved crawl space.

Sandra Chin, 30 Sunset Dr., spoke in opposition of the proposed development. She indicated that the proposed expansion to the south would impact their view of El Cerrito and suggested alternative plans – that the proposed development be

redesigned toward the east or west of the existing residence. Russ Tremain, also of 30 Sunset Dr., and husband of Ms. Chin, was also in opposition to the expansion as proposed. He believed that their residence, one of the original homes in the area, had already suffered a significant diminution in views. Although he understood the desire for expansion, he was concerned about the impact upon their views.

Discussion was then had among KMAC members regarding existing FAR ratios of the subject property and concern about KMAC not being able to determine the loss of view upon the owners of 30 Sunset Dr. Member Reed requested whether Mr. Linebaugh would consider reducing the size of the proposed expansion and if the roof could be redesigned so as to minimize the impact. Mr. Linebaugh indicated that they were not willing to do so. Mr. Linebaugh was then asked if he wanted to request a continuance to allow KMAC to determine the applicable FAR ratios and the impact of the views on 30 Sunset Dr. He indicated he was willing to do so.

Thereafter a motion was made to grant a continuation of the hearing for the purpose of viewing the story poles and obtaining more information relative to the FAR. The motion was passed 4 – 0, Chair Barraza abstaining.

- 8. 105 Ardmore Rd (VR 061068)** Development Plan for replacing an existing garage. New garage to include variances for a front yard of 1' 10" (20' required) and sideyard of 0' (3' required).

The owner, Peter Rauch, stated that he needed to replace the existing garage with a new one at the same location. He stated that a different location for the garage would be cost prohibitive and would not work given the existing location of his home. The proposed garage is 2' wider and 1' longer than the existing garage so as to reasonably accommodate today's automobiles. The current garage is almost as wide and deep due to the fact that it is covered with ivy. Secretary Karlsson then asked about the ability to make the garage conforming by moving it to the rear of his residence or otherwise moving the garage. Mr. Rauch explained that this was impossible without moving the residence and that to move the garage back on the property would not work due to the slope of the existing property. Member Reed asked about whether the proposed garage door would be a 'roll-up' door given its location close to the street. She was advised that this was indeed the plan. Member Becker then asked about whether the garage could be moved in relation to the rear stairs and was advised that this would be impractical, given the location of the house and the use of the stairs in relation to the garage.

David Peterson, 113 Ardmore Rd., then asked two questions of the owner. The first was whether the new garage would be higher than the existing one and was told it would be the same height. Next, he asked only that the garage be no closer to the street. It was Mr. Peterson's opinion that, if the garage was at the street level, the garage would be more 'apartment like' and not in keeping with the neighborhood. Member Reed stated that she was concerned with the

adequacy of the drawings and Mr. Rauch offered to return with a new set of drawings. Thereafter a number of members of KMAC stated that they had not had an opportunity to assess the impact in light of Mr. Peterson's concerns and asked if Mr. Rauch would like to request a continuance to allow him to return with a new set of drawings and to allow KMAC to view the property. Mr. Rauch so requested a continuance.

A motion was made to grant Mr. Rauch a continuance to allow him to resubmit his drawings to correct the inaccuracies pointed out by Member Reed and to allow KMAC members to view the subject property. The motion was approved 5 – 0.

9. Procedural Matters:

- a) **Potential Funding of County MAC's:** Chair Barraza indicated that he had requested consideration of funding for a staff person to perform secretarial duties for KMAC.

10. Information Reports:

- a) **Enforcement Report:** Chair Barraza reported that there were a number of pending enforcement matters and reported briefly upon one of them: 89 Kensington Road.
- b) **Building Inspection Dept. Inquiry on Code Enforcement Priorities:** Chair Barraza reported that the Building Inspection Department was requesting input on what the priorities should be for Code enforcement in Kensington. Supervisor John Gioia intends to initiate input from the civic groups with the intention that they feed the information to KMAC.
- c) **Updates:** Chair Barraza reported the Kensington Combining District Ordinance was reviewed by the Planning Commission. The Commission requested annual reviews of it for the next two years. Also the ZA's approval for 40 Kingston was upheld by the Commission.

The meeting was adjourned at 10:05 p.m.

Minutes prepared by Secretary Karlsson