

KENSINGTON MUNICIPAL ADVISORY COUNCIL

REGULAR MEETING NOTES - DRAFT

BUILDING E

59 ARLINGTON AVE., KENSINGTON, CALIFORNIA

Tuesday, April 30, 2019 – 7 PM PDT

1. Roll Call - Patrick Tahara, Chris Brydon, Melissa Holmes Snyder, Larry Nucci, Lloyd Cowell and Adam Novickas . Adam Novickas (alternate)
2. Citizens' Comments – None
3. Presentation by **Sharla Sullivan** - Community Affairs Representative East Bay Municipal Utility District regarding Kensington

Ms. Sullivan presented to the members of KMAC and the community EBMUD's plans regarding the San Pablo Clearwell Reservoir located adjacent to Sunset View Cemetery and impacts on Coventry Road in Kensington. She also discussed the rate increases which will take in effect in July 2019.

4. Approval of Meeting Notes from March 26, 2019.

Motion to Approve meeting notes: Ayes (5) Patrick Tahara, Chris Brydon, Larry Nucci, Adam Novickas and Lloyd Cowell ,Nayes (0) , Abstain (1) Melissa – absent from last meeting.

5. **20 Kerr (DP18-3011)** The applicant requests approval of a Kensington Design Review Development Plan for the construction of a new single-family residence with a variance for a third story and a variance to allow a portion of a driveway structure within the front setback area. In addition, the residence will have a gross floor area of 4,730 square-feet, which exceeds the gross floor area threshold for the subject property of 2,900 square feet.

Ken Pritikin, legal council for the applicant, spoke in favor of the project and believes that the County is incorrect in interpreting the need of a variance for the portion of the driveway in the setback and the classification of the third story. Mr. Pritikin presented cross section sketches of the areas in question and noted that the total height of the building is in keeping with what has been previously approved by the County. The existing construction is built per the approved plans and wishes for KMAC to recommend approval.

Kathy Lee, neighbor at 22 Kerr Avenue, questioned the applicant to whether a driveway would be placed adjacent to her property as previously requested in an earlier KMAC submission. She requested that no driveway should be placed along side with the property. The applicant, Mike Pouzzard, responded and stated that there were no plans to place a driveway along side the property.

Nicole LePoutre-Baldocchi, neighbor at 35 Kerr, had questions on how the project at 37 Kerr was able to increase the height without going through the

KMAC approval process. She expressed that she and the neighbors are tired of the construction and was displeased with the County on the 37 Kerr project as the official said that there was nothing that they could do though the height of the building was raised 4 feet.

Chris Brydon questioned the driveway variance as the 1.18 sq. ft structure seems to be less than 18" and does not require a variance. Chris also requested further explanation of the crawl space area to the applicant. Mr. Pouzzard stated that the proposed project has always included a crawl space and stated that the County now has changed their mind about the definition of a crawl space vs. a third story. He also stated that the County would not accept the condition that the crawl space area be filled with dirt as the County says that the building is already built. With duct work and other items under the adjacent floor, he stated that there would not be enough head room at the crawl space.

Melissa Holmes Snyder asked the applicant to describe the discrepancies in the Exhibits which were presented and the drawings which were submitted to the County. The applicant explained that the height of the structure has not changed from the drawings.

Patrick Tahara stated that this project has been reviewed in 2 previous occasions, in 2016, 2018 and now in 2019. Patrick questioned the applicant regarding the height of the project as it does not seem to be in agreement with the project which was recommended for approval by KMAC. He showed the applicant the 2016 Design Set submission which indicates that there are no steps leading in to the house and appears to be level on the ground. The applicant stated that the height has not changed, and the steps were not shown in the KMAC 2016 submission.

Patrick stated that the height did increase as the original crawl space at the front of the house now shows a higher ceiling space which essentially raised the height of the front elevation, creating the steps at the front elevation.

Patrick also agreed with the county's interpretation of the third story as the ground floor is not a crawl space as it has ample headroom for an 8' ceiling. The applicant questioned Mr Tahara's assertions and asked him whether he understood the definition of a crawl space.

Motion to approve DP18-3011 : KMAC does not believe the unconditioned space constitutes a 3rd floor nor the subsequent variance and that the conditioned space for FAR consideration should be 3,680 square feet. In addition, the second variance is not required as the 1.18 square foot structure in the front setback is 18 inches or less and thus does not require a variance.

Recommended for Approval– Ayes (4) Chris, Lloyd, Larry, Melissa - Adam (alternate) Nays (1) Patrick

- 6. 22 Avon (SU19-0022)** The applicant requests approval of an ADU and a variance permit to allow an internal ADU and a reduce 10 foot setback.

Greg Wallace, agent and structural engineer of the Owner, presented the project. He stated that the house is for a couple from New York who are planning to retire in the area. The couple is originally from California and would like to renovate the house and provide an ADU on the bottom level. Mr. Wallace stated that the height of the house would be raised to provide for adequate code required head height for the ground floor. He stated that the height would be raised 1'- 7" per the drawings.

Matt Kritscher, neighbor at 18 Avon, spoke in opposition of the project as the project will be impact his view and the on-street parking would create a safety hazard with the road conditions on Avon road. Mr. Kritscher believes that the height of the structure would increase 2'- 5".

Susan Truong, 18 Avon, also spoke in opposition of the project and submitted photos of the view obstructions from their property. She mentioned that their property values would be decrease. She stated that the ground floor level should be dug down instead of raising the height of the roof.

Yvonne Bernklau, neighbor at 26 Avon, spoke in opposition of the project as she stated that the access to sunlight from the increased height from the proposed residence would be detrimental to their property as it is dark along the east side of their property.

Thomas Foor, 26 Avon, spoke in opposition of the project and stated similar concerns as Ms. Bernklau.

Christopher Johnson, 817 Alvarado Road, spoke in favor of the project. Mr. Johnson stated that he personally knows the couple and they are looking forward to moving back to the San Francisco Bay Area.

Robert Bradley, 30 Avon, spoke in opposition of the project for reasons stated previously from other neighbors.

Susan Nakata, 10 Avon, spoke in opposition of the project due to safety issues and lack of parking on Avon Road. She is concerned that the parking associated with 22 Avon will block the necessary emergency access to the neighborhood.

Applicant asked for a continuance for applicant to place story poles and possibly revise drawings regarding parking. Ayes (5) Patrick, Chris, Lloyd, Larry, Melissa - Adam (alternate)

- 7. 52 Anson Way (VR19-1018)** The applicant requests approval of a Variance to allow side yards at the pergola that are less than the 3-foot minimum. The pergola is in the same location as shown in the Development Plan DP18-3019 application. The western and northern property boundaries have been revised to reflect the survey data.

Randy Young, applicant, presented the project and stated the history of the how the permits were granted and why the project is again is now before KMAC. The pergola project was built as planned from the KMAC approved plans and per the permitted plans from the County. The issue of the variance arose when the County requested a survey to show that the pergola was outside the setback from the property.

Mr. Young explained that when the survey was performed, the existing fence and retaining wall had shifted and were no longer shared on his property. The pergola was set in the setback, thus needing a variance for the project.

No public speakers for this project.

Patrick Tahara asked whether the adjacent property owner has expressed interest in rebuilding the fence and the retaining wall or changing the property line. Mr. Young stated that he has not heard of any intentions of the adjacent property owner regarding these issues.

Motion to Recommended for Approval– Ayes (5) Patrick, Chris, Lloyd, Larry, Melissa - Adam (alternate)

8. Motion to Adjourn at 9:37 pm – Ayes (5) Patrick, Chris, Lloyd, Larry, Melissa - Adam (alternate)