

KENSINGTON MUNICIPAL ADVISORY COUNCIL

MEETING NOTES

Location: Zoom Call

Wednesday, September 28, 2022, 7:00 PM – Zoom Meeting

Remote meeting, in effect:

1. Roll Call - Patrick Tahara, Lloyd Cowell, Chris Brydon , Reuel Cooke Absent: Melissa Holmes Snyder, Adam Novickas, Larry Nucci.
2. Citizens' Comments – No Comments.
3. Approval of Meeting Notes from June 28, 2022 - Chris made the motion of approving the meeting notes, Lloyd seconded. (4 -Ayes) Patrick, Lloyd , Chris ,Reuel (0-Nayes)
4. **141 Purdue (VR22-01021)** The applicant requests a variance and Kensington Design Review to allow a secondary front yard setback of 6-foot - 9-inch (where 15 feet is required) for the construction of a new single-family residence to replace an existing single-family residence, and a 7-foot-11-inch front yard setback (where 20 feet is required) for construction of a new carport to replace the existing carport. In addition, the applicant requests a 2-foot-1-inch secondary front yard setback for a 4-foot-tall retaining wall (where 15 feet is required), a 5-foot-3-inch secondary front yard setback for a 6-foot-tall retaining wall (where 15 feet is required), and a 9-foot-1-inch secondary front yard setback for a 6-foot-tall retaining wall (where 15 feet is required). The application includes a request for a Tree Permit for the removal of a multi-stemmed Catalina cherry tree located near the southeastern corner of the subject property.

Joanne Koch, architect, introduced the project by telling of its history as the previous one-story project with similar variances was recommended for approval in 2020. She stated that the proposed project is under the FAR guidelines for Kensington and is a two-story residence which is under the height limitations as established by planning code. She mentioned that she spoke with the neighbors who told her their concerns of the current project.

After the initial submittal to the County in April 2022, the design was revised in June 2022 in response to the neighbors concerns. The north second floor elevation was pulled back to provide more privacy to 137 Purdue neighbor and the east - first and second floor elevation was shortened five feet in the rear of the property to reduce the impact to the 145 Purdue neighbor. No windows are placed on the second floor facing the 145 Purdue neighbor except one providing light to the stairwell , but there is no visual access to the adjacent property.

Public Comments

John Kramer, Owner of 137 Purdue, opposes the project. He presented a presentation that shows that the 141 Purdue project severely impacts his privacy from his backyard and his office. He also mentioned that the views to Grizzly peak will be obstructed. He mentioned that vegetation which is shown in the renderings cannot obscure the proposed project nor reduce privacy issues.

Jean Raymond, Owner of 145 Purdue, opposes the project. She mentioned that their privacy is compromised from their backyard. The size of the project also blocks their sunlight to the property. She also stated that a petition was circulated in the neighborhood and received 25 signatures opposing the project as it is out of character and is considerably larger size than other houses in the neighborhood. Jean also mentioned that their value of their home will decrease 5% and 137 Purdue's value will decrease

10% as discussed with a realtor. In addition, she is concerned that the location of the mechanical room on the ground floor will create noise impacts to them. Jean also read a letter from

Eric Seward, Owner of 145 Purdue, opposes the project. He believes that the proposed project will severely impact his home and the neighborhood. The project is 50% larger than the properties in the Berkeley Highlands neighbors and should not be compared to the Maybeck properties. He presented a proposed solution of moving the entire building forward toward Purdue which would minimize the impacts. He does not believe the structural impacts claimed by the applicant that the piers will need to be considerably larger and deeper if the structure moved forward.

Eileen Kramer, Owner of 137 Purdue, opposes the project. She is concerned about privacy to their residence. She believes that the design can be improved to minimize impacts on the neighbors and would like to see more collaboration from the applicants of 141 Purdue.

Ann Sharf, Realtor from Orinda, spoke about the financial impacts of the 137 Purdue and 145 Purdue. She mentioned that she represents luxury buyers and believes that if this proposed project at 141 Purdue was built, the property values would drop up to 10%.

Leslie Jacoby, Resident of 187 Purdue, opposes the project. She stated that she did not think that the project with so many variances should be approved. Currently the 141 Purdue home is a 2 bedroom / 1 bath home with parking for 1 car. The proposed project is too large for the neighborhood.

Randy Weiss, Resident of 149 Purdue, opposes the project. Randy stated that from their backyard picnic table, that the proposed building looks too large. Randy is concerned about parking in the neighborhood and how this project will impact it.

Richard Bordon, Resident of 2 Dewey Road, supports the project. He stated that he has been through the KMAC process and does not believe that the proposed project severely impacts the neighbors. He knows the applicants and discussed how she has contributed to the landscaping in the neighborhood on Purdue.

Ed Blonz, Owner of 141 Purdue, supports the project. He explained that he and wife, Kay Blonz, have lived in the neighborhood for over 25 years. Their home at 139 Purdue is adjacent to the 141 Purdue property. The 141 Purdue property was given to them from the previous owners who have passed away. He and Kay have designed the residence which he feels that it is in the spirit of the previous Owners. They have designed a residence which is compatible with the neighborhood, within the guidelines of the Kensington and responsive to the neighbors concerns.

Joanne Koch responded to the public concerns which were not addressed in her initial presentation. Joanne showed a site plan of the entire neighborhood which indicated that this proposed residence's size is in keeping with other properties. The mechanical room is enclosed and there are sound requirements per the County which the project will abide. In response to moving the building forward, the proposed project would then need to satisfy another variance requirement of front yard setback.

KMAC

Chris stated that he has concerns with the proposed project with regards to the view impacts of 137 Purdue and the bulk impacts from 145 Purdue. However, he believes that the project has satisfied the 3 variance requirements.

Reuel stated that she believes that there can be more of a compromised design than what has been presented. She is concerned with the bulk of the project relative to 145 Purdue and the view impacts to 137 Purdue. She does not believe that privacy issues are a concern for 145 Purdue.

Patrick stated that the project does not impact 137 Purdue in terms of privacy. He shared a photo taken from the roof of the existing 141 Purdue residence that represented the view from the proposed 141

Purdue project facing 137 Purdue. The photo showed that there was no view into the backyard as it was obstructed by 137 Purdue's fence and garage. Patrick also questioned the Ann Sharf's reasoning of the reduction of property values to 137 and 145 Purdue. He also does not believe that bulk / size impacts from the proposed 141 Purdue are not substantially different than any other property in the neighborhood. He believes that the proposed project satisfies the 3 variance requirements.

Lloyd stated that he understands the concerns of the neighbors but agrees with Patrick's understanding. He also believes that the project satisfies the 3 variance requirements.

Reuel motioned to recommend project for denial regarding the view impacts of Grizzly Peak to 137 Purdue and bulk impacts to 145 Purdue, Chris second.

Recommend for denial: Ayes (2) Reuel, Chris Nays (2) Patrick, Lloyd.

5. 56 Avon (VR22- 01042) The applicant requests approval of a variance and Kensington design review for the construction of a new approximately 100 square foot covered front porch to the existing single-family residence with a 6' - 0 1/4" setback from the front property line (where 20 feet setback is the minimum) and for the construction of a new 400 square foot second story rear deck at the rear of the existing single-family residence with a 3' side yard setback (where 5 foot setback is the minimum)

David Phillips , Owner of 56 Avon, stated that the new front porch addition would provide a more formal entry and allow for social gatherings with neighbors on the street. The existing residence and the proposed front porch lies in the front yard setback. The proposed second story rear deck has an existing stairway which is 3' from the side yard setback and provide access to the ground. David displayed photos of the existing conditions and asked for the KMAC recommendation of approval.

Public Comments

There were no public comments.

KMAC

Chris mentioned that the project met all 3 variance requirements.

Chris provided the motion to recommend approval of 56 Avon, Lloyd second.

Recommend approval : (4) Ayes, Chris, Lloyd, Patrick, Reuel, (0) nays

6. 6 Willow Lane (DP22-03028) The applicant requests development plan and Kensington design review approval for a proposed conversion of unconditioned crawlspace within an existing single-family residence into conditioned living space resulting in gross floor area exceeding 2,700 square-foot threshold. The project also requires variance approval for a 3-story configuration where 2.5 stories is the maximum allowed.

Rebecca Yang, and Stephanie Cao, owners of 6 Willow Lane, presented the project. Stephanie and Rebecca bought their home a few years ago and want to continue to live in the neighborhood. However, this addition and renovation to their home will allow for an ADU to be built within the premises. The ADU is being built so that Stephanie's mother can live with them as her mother ages.

Dorrice Pyle, architect, stated that the variance, which is requested for this project, is that the project is classified as 3 stories. The 3 stories is created in the area where there is an existing crawl space. The crawl space will be "dug out" and a finished basement of an ADU will be provided. The structure will not raise the height of the structure.

Public Comments

Ann Stevens Delk, Owner of 4 Willow Lane, supports the project and request KMAC to recommend approval.

KMAC

Patrick stated that this project is in the spirit of the General Plan Ordinance of Kensington. Creating additional square footage without expanding the envelope or raising the height of the structure is a prime example of working within the Ordinance. Patrick also voiced concern with the County as a previous project which was similar to 6 Willow Lane was recommended approval by KMAC, was denied at the County level.

Chris mentioned that the project met all 3 variance requirements.

Chris provided the motion to recommend approval of 6 Willow Lane, Lloyd second.

Recommend approval: (4) Ayes, Chris, Lloyd, Patrick, Reuel, (0) nays

7. 1623 Oakview (VR22-01046) The applicant requests approval of a Variance for a 12'-6" front setback (where 20 feet is required) and a Kensington Design Review to allow a new, approximately 145 sq. ft. uncovered deck above the garage and driveway of the existing residence; no change to gross floor area (GFA). Project planner to determine if side yard shall be minimum 3-feet pursuant to code section 82-14.004.

Ian MacLeod, architect, presented the project to provide for new uncovered deck above the garage. Ian stated that the Owners of the property, who have lived in the neighborhood for 24 years, wanted an outdoor living space on their property. The new uncovered deck allows for the outdoor space which they have been yearning for.

Public Comments

There were no public comments.

KMAC

Chris mentioned that the project met all 3 variance requirements.

Chris provided the motion to recommend approval of 1623 Oakview, Reuel second.

Recommend approval: (4) Ayes, Chris, Lloyd, Patrick, Reuel, (0) nays

8. Chris motions for adjournment at 9:52 PM , Lloyd second

(4) Ayes, Chris, Lloyd, Patrick, Reuel, (0) nays