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APRIL 2023

PUBLICATION OF THE KENSINGTON COMMUNITY COUNCIL

VOLUME 81 NUMBER 3



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Storm clouds threaten a roofless Public Safety Building as workers tear the structure down to its studs. Surprise asbestos abatement, although believed nearly complete in previous renovations, cost an extra \$100,000 and a few weeks delay. The building is back on track to be finished by March 2024. Photo by Byron Kawaichi.

District News

Awash in Meetings

By Linnea Due

The last full week of February saw three special meetings, as well as an emergency preparedness meeting at the same time as a KPPCSD meeting. The last partial week had a KMAC meeting at which the long-awaited tree and view ordinance was discussed (see article on page 7). Those who serve on our volunteer boards and committees are busy.

The first was a Kensington Fire Protection District (KFPD) meeting during which search consultant Brent Ives led a discussion about what qualities directors wanted in a permanent general manager (most frequently mentioned is a good grounding in finance and financial planning). Ives early on noted that the fire board “hasn’t had a long relationship with GMs,” and that various challenges hampered the search. Impediments were identified as the position’s part-time hours, the persistent talk of consolidation (the fire district would be absorbed into the Kensington Police Protection and Community Services District), and as Ives put it bluntly, Kensington’s reputation.

Ives noted that a reputation for board micromanaging will limit a candidate pool. And that “the community has a unique name and a certain number of pictures that pop up. One of them is that Kensington is a difficult place to work.

See District Meetings, page 10

Kensington and Beyond Update

March 2023



SOLD | 425 Yale Avenue, Kensington | 4 BR | 3 BA
Ceilings, bay views, and a delightful garden. To view online, visit 425yale.com.
Offered at \$1,895,000 | Sold at \$1,825,000



LISTING | 55 Kingston Road, Kensington | 5 BR | 3 BA
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Buying Candy for Easter?

By Linnea Due

Something I bet you don't know: More money is spent on Easter candy than on Halloween. Candystore.com conducts surveys of the best and worst candies, and some surprising candies are universally reviled. Chicks and Rabbits Marshmallow candy, for example, was #7 on the worst list, picked by over 12,000 taste testers. Said one tester, "The zombie bunny catacomb statue candy." #3 on the list is Bunny Candy Corn (candy corn ranks high among most hated candies). Peeps made #2: "I feel like Peeps are made in the same factory as rubber duckies." But the most despised candy is Cadbury Crème Eggs. Don't feel bad for Cadbury, though. The most beloved candy is Cadbury Mini Eggs, which seem to win top shelf every year. Other faves: pretty much anything Reese's, hollow chocolate bunnies, and Hershey's candy bars with Easter wraps.



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– April 9 –
**Easter Sunday
Celebration!**

– 11:00 a.m. –
Worship

– 12:30 p.m. –
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Kensington | Market Update

March - April 2023



**Detached
Single Family**

2

New Listings

Median List Price

\$1,681,000

Median Sq. Ft.

2,463

DOM

38

8

Pending Sales

Median List Price

\$1,244,000

Median Sq. Ft.

1,753

DOM

15

7

Closed Sales

Median List Price

\$1,198,000

Median Sales Price

\$1,725,000

Median Sq. Ft.

1842

DOM

15

Paper Towels, Chips, Eggs...

To anyone who is trying to better understand the current economic climate and the 'big picture', paper towels, computer chips and eggs all have a few educating aspects in common:

1. They all experienced a surge in demand, fueled by a 'shock' ...and a shortage of supply. Paper Towels were scarce during COVID as retailers had kept inventories lean. Computer chip inventories were also kept low pre-Covid and then new pent-up demand delivered shortages combined with supply-chain disruptions. Egg-supply recently experienced a massive wave of bird flu. Now wholesale prices have plummeted by 50%.

1. Increasing SUPPLY is the surest way to lower pricing.
2. Limiting supply makes pricing SURGE.
3. Increasing production locally, (In the United States) being better prepared for 'shocks', and stocking up can be helpful to avoid future supply disruptions...and price surges.

Now let's bring this back to housing....

I probably don't need to say it again, but even though at this very moment many buyers are pausing and nervous and anxious about markets, the smartest investors of the world are not focused on headlines: instead, they focus on fundamentals. And the KEY fundamental of all pricing boils down to one thing: what does the SUPPLY side of things look like? If you want to buy a 3-bedroom home, how many are available, and how many are currently under construction? How many more can be built in your area? How much does it cost to build/replace what you are looking at? What is the demand for this sort of property? How is it priced relative to similar properties? What are the economic factors impacting the market? Answering these questions - while removing emotions - helps navigate these decisions. Interested in knowing the value of your home in today's market call me. The appointment is confidential and complimentary.



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STAYING SAFE AND SANE WHILE SHELTERING IN PLACE

Imagine a scenario that prompts all residents to remain indoors. It could be a severe snowstorm such as our Sierra foothills experienced or a shelter-in-place issued by the county. Do you have everything you need in your home to stay safe and sane for a few days? If you depend on DoorDash or Safeway to deliver, can you sustain yourself without these services? Winter storms proved challenging for those unprepared to be snowed in or trapped on their streets with downed trees and power lines. What would you do if your power, water, and food delivery were brought to an immediate and indefinite halt? And you may be unable to drive because of blocked streets. Visit www.kensingtonfire.org/prepare

The Kensington Community Council is dedicated to the improvement, development, and education of the community, and to the promotion of social welfare in Kensington. It enriches the community by providing educational and recreational programs for all ages and by publishing the Outlook, a monthly newsletter that covers local events and issues. KCC also provides a forum for all Kensington community groups to meet and coordinate their respective efforts toward the common good of the community.

M A Y 2 0 2 3
DEADLINES
Advertising Deadline ❖ April 8
Editorial Deadline ❖ April 10

Opinions expressed in *Letters to the Editor* are those of the writers and do not reflect the opinion of the Outlook, its editor, or the Kensington Community Council. Letters must be signed and include the resident's phone number and address (which will not be printed). Letters 350 words or under will appear in the print edition (space permitting). Any letter over 350 words will be printed in the online edition only. Publication of letters and articles is subject to space and the editor's discretion. Obituaries of Kensington residents are printed without charge. All material must be received by the 10th of the month preceding issue date; submit by email to editor@kensingtonoutlook.com. No press releases or PDFs; Word documents or text in the body of an email are acceptable. Use one space, not two, after all periods.

KENSINGTON
OUTLOOK

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Mail: For display and classified advertising, please contact our advertising manager by phone or email. Other mail to: 59 Arlington Ave., Kensington, CA 94707. Thank you!

Letters to the Editor

What It's Like to Live Here

Dear Editor:

Thank you to the *Outlook* for the March issue's front page. Contrasting the ongoing governmental stalemate with the beautiful lighted oak tree on Colusa Circle is a unique metaphor of what it is like to live here. I used to work for state government, and have noticed that necessary things often get done in spite of, rather than because of, government officials. The Kensington Pathkeeper group and the firefighters who gave Janice Kosel her well-deserved service award are further evidence of that reality. To our credit, things like that happen in Kensington more often than in most places.

Kris Whitten

Whose Decision?

Dear Editor:

A year ago last spring, I met twice with Kensington Police Chief Mike Gancasz, at the point that the KPCCSD board was proposing to put the police department in Kensington Park, initially in Building E. And over and over again, Chief Gancasz stated that the KPCCSD board would make the decision as to where the police department would be located.

In contrast, it appears that our police chief is not willing to let the board make that decision, or to honor the 842 signatures of Kensington citizens recommending that both police and fire services be located in a renovated Public Safety Building.

This remains the board's decision. The police department's behavior has turned into a huge distraction from the responsibility that the board has to the taxpaying community of Kensington to solve this problem and bring our police back to Kensington, specifically to the PSB, which is the only solution Kensington can afford.

Ciara Wood

This letter from the board of the Kensington Property Owners Association was sent on March 8 to the directors of the Kensington Fire Protection District and the Kensington Police Protection and Community Services District. It is reprinted in its entirety.

Dear Directors of the KFPD and KPCCSD,

In early January we renewed our request that your boards jointly analyze the costs, benefits and operational consequences of locating the Police Department and District administrations in various location options.

We have not seen either Board move this idea forward as an actionable item on your public agendas, other than the KPCCSD removing several locations from consideration for police department locations in Kensington. We understand that two directors from each board have met to discuss the option of locating both departments in the Public Safety Building (PSB), but these meetings have not been held publicly, thereby keeping the community from understanding what is being considered.

The February 15, 2023 KFPD agenda included an item to delay the renovation work on the PSB until June 1, 2023, to allow time to reach a decision with the KPCCSD on possible joint occupancy of the PSB. The item was tabled—but if it is to be considered again, we suggest that first, your Board staffs provide the financial, legal and operational analyses required for informed decision-making. This does not have to take inordinate time. If it is already making substantial progress, please inform the public on the status in written reports in your agenda packets.

We urge the Boards to consider as pursuant to your authorities:

1. Identify locations for the Police Department that meet essential operational requirements identified by the Chief and consistent with existing KPCCSD programs, requirements and policies. Will promising locations be assessed by architects who have designed police facilities?

2. Before a vote, it only makes sense that both Districts analyze how the options will affect their budgets, the KFPD leaseback loan, and operations for all possibly workable locations. The leaseback financing agreement obligates the KFPD to complete the project by a certain date, and the financial consequences of a delay could be severe. Is it even possible for the contractor to implement a PSB redesign without triggering a loan payment call? Should not the public see updates on such evaluations?

3. The Boards' goal needs to be what is best for Kensington now and in the future. It is responsible to make sure that the location solution meets that goal. To decide on the best, all reasonable locations have to be compared. The PSB colocation might be assessed as best both operationally and financially. But no one can know that without adequate comparisons. We suggest analysis of at least some other options for locating the police department in or next to Kensington, perhaps on properties owned by the KPCCSD—for example, the non-recreation area on Arlington south of the Kensington library, or perhaps the parking lot. Another possibly viable option you might consider is part of the Unitarian Universalist Church property that temporarily houses the Kensington Fire Department. KPOA is not advocating for any of them; what is important is that a comparison of sites is required for the most responsible decision.

Kensington residents will be deeply affected by choices that may result in more or less effective services, and will ultimately pay for implementation of these critical decisions.

Rob Firmin, President KPOA, and the Board of Directors

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OUTLOOK

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PUBLISHED BY THE KENSINGTON COMMUNITY COUNCIL

VOLUME 1 NUMBER 2

MARCH 2023

No Closer to a Solution

By Linnea Due

The fire department's continued at the city's fire house, making it impossible for the fire department to respond quickly, and a few fire trucks will be parked at the fire house. The fire department's continued at the city's fire house, making it impossible for the fire department to respond quickly, and a few fire trucks will be parked at the fire house.

Let There Be Light

By Kristen Burkhardt

Thank you to the Kensington Property Owners Association (KPOA) for the letter. The letter is a beautiful statement of the community's desire for a better police department. The letter is a beautiful statement of the community's desire for a better police department.

No Public Safety Building, page 2



Early Warning Saves Lives

By Johnny Valenzuela, Emergency Preparedness Coordinator

As climate patterns shift, our preparedness and awareness of risks should follow suit. This winter has reminded us of other hazards our community needs to prepare for, such as flooding, landslides, and devastating earthquakes, as seen in Turkey. Despite unprecedented rainfall in the last few months, our community also must stay wildfire-ready. Our first Red Flag Warning in 2022 was issued in early April, which seems unusually early, but it's now true that conditions for wildfire risk can happen any month.

The Kensington Fire Protection District initiated a Red Flag Warning email program to notify residents of weather conditions and other potential hazards that may require action at home before an emergency arises. Since the program started, over 530 Kensington residents have subscribed to this email list. These warnings help residents prepare and remind them of specific actions to take in anticipation of an emergency.

When the National Weather Service issues a weather-related warning, the Kensington Fire Protection District posts the information on social media to inform over 3,700 residents participating on the Nextdoor social media platform. Although the platform allows most Kensington residents to stay connected, the visibility of Kensington Fire Protection District posts could be higher. Based on performance metrics from the KFPD social media posts from the last year, the cumulative social media effectiveness is reaching, on average, eight percent of Kensington residents on Nextdoor. With less than one percent engaging with the post, such as commenting or liking, this metric indicates that social media posts in Kensington are ineffective for reaching the community online. In contrast, email metrics are proving to be much more effective, with 74 percent of email subscribers opening KFPD emails.

Keep in mind, however, that this email program is not the primary emergency notification. It is an additional tool for emergency preparedness. Contra Costa County's Community Warning System (CWS) is the primary warning system for our community during an emergency. If you have not done so already, register for the county's CWS alerts by visiting www.cwsalerts.com or calling 925-655-0111.

You can subscribe to the KFPD Red Flag Warning emails at www.kensingtonfire.org/redflag

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February Patrol Log

- On February 1 at 8:58am, KPD was dispatched to a residential burglary that took place overnight in the 200 block of Columbia Avenue. The investigation determined that a small hole was made in the upper portion of the garage door, then a hook was placed through the hole that opened the automatic garage door. Once inside the garage unknown suspects stole two expensive bicycles from inside of the garage.
- On February 1 at 10:18pm, KPD and KFD responded Code3 to a medical call in the 100 block of Arlington Avenue. Upon arrival, paramedics performed CPR, but were unable to revive an elderly female, who had been in declining health and died of natural causes.
- On February 2 at 3:30pm, KPD took a COLD catalytic converter theft report from the 200 block of Colgate Avenue.
- On February 10 at about 4:30am, while on routine patrol in the 100 block of Kenyon Avenue, KPD noticed the undercarriage to a parked car had been damaged. Upon closer inspection, it was determined that the catalytic converter had been stolen prior to being discovered by the homeowner.
- On February 14 at 1pm, KPD took a COLD catalytic converter theft report from the 300 block of Coventry Road.
- On February 16 at 11am, KPD was dispatched to a COLD catalytic converter theft in the 200 block of Los Altos Drive. A neighborhood canvass check was conducted and video surveillance footage from a neighbor captured the incident at 4:09am. The video footage was downloaded directly from the homeowner into KPD evidence system. The investigation is ongoing.
- On February 23 at 7:15am, KPD was dispatched to the 400 block of Colusa Avenue on a report of a COLD vandalism that took place at the nearby construction site. During the course of the investigation, a video was located that determined the incident took place the evening before at 5:47pm. The video was approximately 14 seconds in duration and shows the suspect entering the location, but immediately leaving without stealing anything, after looking directly at the surveillance camera. The estimated cost to repair damage to the door used for entry is \$1000. (The damage to the door meets the legal requirements for a charge of vandalism.)
- On February 23 at 08:23am, KPD was dispatched to a COLD stolen vehicle report from the 100 block of Windsor Avenue. A black VW Tiguan was stolen sometime overnight. During the course of the investigation, it was determined that the vehicle drove through the tollbooth on the Richmond Bridge and into San Rafael at about 1:15am in the morning. On February 25th additional information was gathered that placed the vehicle in Oakland. Oakland PD was advised and requested to assist KPD in searching the area for the stolen vehicle.
- On February 23 a homeowner returned from vacation in the 200 block of Yale Avenue and determined that a package was stolen from his front porch. The homeowner reviewed his RING camera video surveillance system and discovered a video that showed a person driving a white four-door sedan with a missing right front hubcap. The vehicle parks in front of the house and at about 10:11am, the driver gets out and steals a package that had been delivered to the homeowner's front porch.

California Least Polite “Search” State

Courtesy of the WordFinder Team

YourDictionary's WordFinder Team recently examined Google search trends state-to-state to discover most common terms of endearment and slang, as well as a propensity for considerate searches. To be blunt, the Golden State fared badly.

California's top searched slang term was "bussin'," meaning "good," a sign of conviction it shared with Nevada and Utah. Similarly, the entire West Coast favored "darling" as its favorite term of endearment. Compare with "princess" in Kansas, "sweetie" in Arizona and New Mexico, or the steamy "hottie" in the Keystone State.

But while we may be charming in our terms of endearment, we are impolite when it comes to searches. Terms such as excuse me, gracious, please, sir, thanks and thanks so much are common in some states. Montana, for example, used these terms in 273,447 searches per 100,000 residents. California, by contrast, used them in 10. Admittedly, Montana was super-polite: the second-most polite searchers were Vermonters, with 64,410 per 100,000 residents. But 10?

This may come as no surprise to Kensingtonians, who can find being courteous challenging. Forge ahead, darlings. We can only go up from here.

For more information and some slang terms you may not know, see wordfinder.yourdictionary.com/blog/how-polite-is-your-state/

Joint Board Meeting on Consolidation April 24

By Sarah Gough

The KPPCSD and KFPD boards have voted to call a Joint Special Board Meeting on April 24 at 7 pm to hear a presentation on consolidation of the two districts from Lou Ann Teixeira, chief executive of the Contra Costa Local Agency Formation Committee (LAFCO).

The meeting will be held in hybrid format, allowing participation via Zoom or in-person at the Community Center. Members of the public are encouraged to attend.

If residents have questions they would like to see answered at the presentation, it is strongly encouraged that they be sent to directors Gough or Levine prior to the meeting so that answers can be included in the presentation. Please check the KPPCSD web site for meeting details or contact KPPCSD Director Sarah Gough at sgough@kppcsd.org or KFPD Director Daniel Levine at dlevine@kensingtonfire.org with any questions.

Paper Shredding and Pharmaceutical Collection April 29

By Johnny Valenzuela, Emergency Preparedness Coordinator

The Kensington Fire Protection District and Kensington Police Department will band together to host a paper-shredding and pharmaceutical collection event on Saturday, April 29, from 10am-1pm at the large parking lot across from the Arlington Community Church. This is a free event for Kensington residents that will help all of us keep our homes and community safer.

The police department, in coordination with the DEA, will facilitate the National Prescription Drug Take-Back campaign to safely dispose of all unused or expired medications, including narcotics, pills, syrups, inhalers, and more. Please do not include any household hazardous waste (which can now be brought to El Cerrito Recycling). Above all, do not flush your unwanted medications down the toilet as they pollute our drinking and ground-water. For more information about this event, see www.kensingtonfire.org.

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Outdoor Explorer Presents: Ethical Wildlife Photography

Bay Area naturalist, photographer, educator, and conservation advocate Sarah Killing-sworth discusses her work, the importance of ethics in the field of nature photography, and coexisting with wildlife.

Attend for a chance to win recreational gear! Online, April 26, 1pm. Contact the Kensington Library to join.

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APRIL 2023

K E N S I N G T O N O U T L O O K

PAGE 5

Passings

Lillian Jean Langford or Jean, as she was commonly known, lived in Kensington since the 1950s with her husband Bob and their four children. She grew up in Vallejo, an only child on a small farm. She liked to tell stories of learning to drive a truck on the farm when she was a young girl. As she would say, "I had to." Her husband was a police officer with KPD, and for a period of time Jean did dispatching for the department. Jean was 89 when she passed away.

Jean was the neighborhood historian and had many stories about the history of Kensington, her native roots in California and her well known family members, who were early Californians. She was a very astute businesswoman and acquired several real estate holdings in the Bay Area.

In her later years, she ran an estate sale and vintage clothing business and attended numerous vintage/collectible fairs up and down the coast. She had a keen eye for spotting valued treasures and regaled us with her stories of her finds. Most notable was a pin in a jar of buttons that she bought at an estate sale in Berkeley. It was later identified as an Alexander Calder pin, made for the owner of the home! It was bought by the Calder Museum at auction.

Jean had so much energy, her estate sale partner Cynthia said she was called the "Dancing Queen." All her neighbors on Eldridge Court have many fond memories of Jean and miss her boundless energy, entertaining stories and work ethic.

Fire Mitigation Funding Sought by Blake Garden

By Meghan Ray

Much admired (and open to the public for walks and wonder) Blake Garden would love your support. Over the past three years, the Blake Garden staff has been working hard to improve fire safety. Part of this effort has included hauling dead branches and other debris off-site rather than leaving material to break down on the grounds.

This effort has been an added expense and a strain on our pretty limited budget. We are trying to raise \$5,000 for eight 15-yard green waste dumpsters for use over the next 24 months.

If anyone would like to help fund our green waste removal effort, we would greatly appreciate it! Checks can be made payable to UC Berkeley Foundation (include fund #FN7561), and mail to Blake Garden, 70 Rincon Road, Kensington, CA 94707 or donate on our website at <https://blakegarden.ced.berkeley.edu/donate>.

Worms Are Everybody's Best Friends

By Maureen Parkes

A free virtual Worm Composting Workshop will be offered by the Contra Costa County Department of Conservation and Development on Saturday, April 29 from 10am-noon. Kensington residents have been very involved in these workshops in the past, so be sure to tune in so you can learn how to make your own worm compost.

Vermicomposting ("vermi" is Latin for "worm") is the process of using worms to process organic food waste into nutrient-rich soil. Worms eat decaying food waste and produce vermicompost, a very effective soil supplement. The worms will produce both a liquid fertilizer and worm castings (a fancy name for worm poop). Worm poop is the best compost! It is a solid, odor-free byproduct of worm digestion. You can collect your worm castings periodically and use them as a soil addition, soil conditioner, or even light mulch.

The instructor, Todd Sutton, an expert with more than 30 years in the environmental field, has appeared on national television including Discovery and History channels, and has educated thousands on waste prevention, reuse, recycling, and composting.

All Contra Costa County residents are welcome. To register call 925-655-2909 or email maureen.parkes@dcd.cccounty.us. This event will be hosted live online via Zoom. Participants will be emailed the Zoom link once they are registered. To learn about composting or recycling, go to <http://www.cccrecycle.org/>.

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CALLING ALL HIGH SCHOOL SENIORS!

Did you attend Kensington Hilltop at any point during elementary school? Come get your photo taken on May 7 up at Kensington Park, 3:30pm at the KCC Rec Building. If you're in touch with old classmates who might not see this, invite them to participate. High school seniors from out of town can send in a photo to editor@kensingtonoutlook.com with current high school and college plan.

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MAY 2023

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GAMES

11 AM - 3 PM

COME PLAY

RAFFLE

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Past Carnivals featured happy faces. Top and middle photos are from the 1989 Carnival; bottom photo shows the prize quilt from 2014.



Livia Burns and Riley Marasco won the cake in the Cakewalk at last year's Carnival. Lauren Burns, who took the photo, says the girls grabbed two forks and dug right into their prize.

Hilltop Carnival Hits 75 Years and Counting

By Scott Burns

While spring continues to come in like a lion, the Kensington Hilltop Elementary School community has our sights set on sunnier days, including the upcoming 75th Annual Spring Carnival. The diamond anniversary edition of this yearly event will take place on Saturday, May 13 from 11am-3pm at Hilltop Elementary.

Nothing signals spring and the proximity of summer like hundreds of children running around the school grounds, fueled by cotton candy and root beer floats. This year promises more of the same with the Dads' Club manning the grill, refurbished bicycles and strollers finding new homes via Deals on Wheels and all the games and activities we have come to love over the past seven decades. And of course, one epic quilt will go on raffle.

Using this historic moment to look back, we've discovered that Carnival hasn't changed all that much, giving it an enduring quality students, parents, and alumni have come to cherish. As we hit the big 7-5, the Kensington Hilltop PTA has been reaching out to the community to gather stories and perspectives on the event and what it has meant to those who have attended Hilltop, volunteered, or simply tried their luck at the Cakewalk.

At one point in time, horse and buggy rides were the big hit amongst Carnival attendees. Later, we've learned, a zip-line contraption from the upper yard to the lower yard was created to offer thrills (and we imagine some spills) to kids of all ages. We've also heard stories of terrible weather (which we can all relate to these days) and booths being set up in the school walkways and corridors to avoid the rain.

It should also be known that at one point, the carnival almost ceased to exist. In the '80s, the carnival had dwindled to just a few games in the yard. Members of the PTA and volunteer families resolved to change its trajectory, infusing energy back into the event, tapping the Dads' Club with new booth construction.

Jim Sanders, husband of longtime principal Judy Sanders, introduced Deals on Wheels and worked with the Dads' Club to build the first snow cone booth. There was even talk of a new Maypole at one point...a conversation that continues to this day!

But mostly we've heard from families and alumni who have painted familiar pictures with their stories and revelations—the excitement of seeing friends, a youthful sense of independence running from booth to booth, the smell of bar-b-que in the air, and classmates showing up in their team uniforms, coming and going from Saturday ball games.

The common thread in all of this, of course, is you. Or better said: us—the Kensington and Hilltop communities who have been coming to celebrate spring for 75 years and counting. The names and games change, the weather throws us curve balls, and even pandemics interrupt the fun. And yet, Carnival endures, a testament to the community and parent volunteers who have made it happen for over seven decades.

We hope to create a memory wall at Carnival to commemorate this fantastic 75th celebration, lighting the fuse of excitement for a new generation of children, families, and community members to carry us forward.

If you have stories or images you don't mind sharing you can send them to stock-burns@gmail.com.

We look forward to seeing you all there on Saturday, May 13th!



This quilt from a past Carnival, based on a cartoon by Ed Larson, a Santa Fe artist, was made by Hilltop parents and teachers in 1987. Mabry Benson donated the original cartoon and Betty Anne Engel donated the quilt.

Is Your Neighbor's Tree Blocking Your View?

By John Gioia, Contra Costa County Supervisor

Under California law, a property owner generally has no right to an unobstructed view over another person's property. However, California appeals courts have ruled that local ordinances similar to Kensington's current Tree Obstruction of Views (TOV) ordinance may establish the right to preserve and seek the restoration of views and sunlight that existed when a property owner purchased their property.

A recent Superior Court decision stated that "Property owners in Kensington...are subject to an Ordinance that recognizes some right to a view, but that right is not absolute. The Ordinance does not...state that all interference with a neighbor's view is prohibited. The Ordinance instead provides a process for resolution and balancing of interests that may culminate in arbitration or a civil action for abatement if certain preliminary exhaustion requirements have been met."

Kensington's current ordinance provides a process for voluntary reconciliation or binding arbitration by a mutually agreed upon arbitrator. The county is not involved in this process, and in each case, both parties must agree to participate in the process. If parties cannot agree, the only recourse is civil legal action by the party whose view has been obstructed. Legal action can be costly.

Since many Kensington residents have expressed interest in creating a better process to resolve tree and view disputes, I formed a diverse working group of Kensington residents to evaluate potential changes. The working group reviewed laws from other cities and our county counsel was directed to change our current ordinance to make it similar to ones in Sausalito and Tiburon. Tiburon's law was upheld by a California appeals court.

The working group's draft TOV ordinance establishes a new county arbitration procedure to resolve view disputes. Property owners are encouraged to resolve disputes informally or by voluntary mediation, but if they are unsuccessful, a "view claim" can be filed with the county. A person who files a view claim has no right to a view that is greater than the view that existed when they purchased the property.

The view claim is heard by a tree arbitration board established by the county Board of Supervisors. The Kensington Municipal Advisory Council (KMAC), composed of local residents, could serve as this board. After hearing evidence, the tree arbitration board issues a written decision with findings on whether the view that existed when the property was purchased is obstructed.

The tree arbitration board's decision is binding only if both parties agreed in advance to be bound. If the parties do not agree to binding arbitration, either the property owner whose view has been obstructed or the tree owner may request a non-binding advisory decision from the board. The board will make a decision after hearing evidence.

If one of the parties goes to court to enforce the advisory decision, there is a "rebuttable presumption" in favor of the tree arbitration board's decision—that is, the board's decision is presumed to be correct, and the court must uphold the decision unless new evidence is presented to disprove the evidence presented at the board hearing.

The revised draft ordinance will soon be going back to KMAC for further input, then to the Planning Commission and Board of Supervisors for adoption.

Information about the Kensington TOV Ordinance changes is at <https://www.contra-costa.ca.gov/4433/Kensington>. Email comments or questions to Robert.rogers@bos.cccounty.us.



Celebrate the New Park!

By Lisa Caronna

Please join the Kensington Improvement Club (KIC) and the Kensington Police Protection and Community Services District (KPPCSD) for the ribbon-cutting celebration at the new Elsie Neilson Park at the corner of Arlington Ave. and Coventry Rd.

The ceremony takes place Friday, April 14, at 4pm. This will be an opportunity to take pride in the accomplishments that our community achieves, working together in the spirit of volunteerism and cooperation.

The little park is now a lovely spot with plants and seating areas for resting and visiting as well as a welcoming feature for those driving through Kensington along Arlington Ave.

This wonderful improvement to the Kensington community would not have been possible without community donations, volunteers, and a partnership between KIC and KPPCSD. Come take part in this happy occasion!

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KENSINGTON

Community Education



Kensington Community Council Adult & Family Classes



Summer Camp

We still have available space in several weeks at KCC Summer camp.

Register Online:
KensingtonCommunityCouncil.Org

Scholarships are available.
Application link is on our website

KCC Summer Camp 2023

Week 1 June 12- June 16
* **FULL** Theme: Pod Pride
Specialty: Made from Scratch w/ April Schlanger

Week 2 June 20 – June 23 (no camp Monday 6/19)
* **FULL** Theme: Superheroes
Specialty: Sport Medley

Week 3 June 26– June 30
* **FULL** Theme: Under the Sea
Specialty: Carpentry w/Vicky

Week 4 July 3- July 7 (no camp Tuesday 7/4)
Theme: Stars & Stripes
Specialty: Dance Fitness

Week 5 July 10 – July 14
* **FULL** Theme: Zoo Life
Specialty: Fun with Food

Week 6 July 17 – July 21
Theme: Dino Days
Specialty: Wizarding World Legos

Week 7 July 24 – July 28
Theme: Space Explorers
Specialty: Creative Creations w/ April Schlanger

Week 8 July 31 - August 4
Theme: Olympic Week
Specialty: Camp Olympics

Week 9 August 7 - August 11
* **FULL** Theme: Beach Week
Specialty: Sports Medley



Summer Camp Counselor Opportunity

We have openings for summer camp counselors. If you are a senior in high school or older, enjoy working with children, and want to be part of a fun, energetic team, please download an application at KensingtonCommunityCouncil.org/Summer-Camp

KASEP- Kensington After School Enrichment Programs

We have just begun the Spring session of KASEP, offering more than 65 classes each week for students after school. KASEP classes are open to all K-6 students. Our location is an easy walk for kids coming down from Hilltop School and Neighborhood school. We also offer a homework club right after school for kids who are taking a later KASEP class.

Classes fill up fast, if you missed your favorite class sign up, mark your calendars for the Fall KASEP registration scheduled for Tuesday, August 29th at 7:00pm.

Important Dates: Spring Break is April 4th -8th and there are no KASEP classes this week.

Adult and Family Classes

Come join Lori Hess with **Way to Glow Kids Yoga** for some family yoga time where parents and kids will playfully explore yoga poses, breathing exercises, and mindfulness activities together. Family Yoga will take place on Saturdays @ 10:00-10:45 (kids aged 2 to 5) and @ 11:00-11:45 (kids aged 5 to 10) on the grassy lawn outside the KCC Office/Recreation Building (past the tennis courts) or, if raining, class will be inside the Recreation Building.

The next 4 week session will run on 3/18, 3/25, 4/15, and 4/22. If possible, please bring a waterproof blanket/tarp, two yoga mats (we will have extra mats available), warm layers, and a water bottle. Masks are optional. Suggested cost: \$100 for the 4 week session; discounted tuition and scholarships are available. Please complete a registration form at <https://bit.ly/38Sq91k> and contact waytokidsyoga@gmail.com with questions about the class.

Adult Yoga Class at the Community Center

Strength & Balance Yoga -Tuesdays 8:30am
Gentle Yoga -Thursdays 11:30am
Teacher Anja Borgstrom
Cost is \$20 drop in or register online
Tai Chi with Nobuo Nishi
Wednesdays & Fridays 9:30-11:00am
Drop-in fee is \$15

Register at KensingtonCommunityCouncil.org/adult-and-family-classes

Keep checking our website for updated adult class schedules.

Follow us on Instagram
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CITIZENFORUM

Safety for All Citizens Won’t Include the Paths

By Eileen Nottoli, Chris Deppe, and Rachelle Sherris-Watt

A recent Citizen Forum advocated for community ownership of the several paths in Kensington. While the paths have charm and create shortcuts for able-bodied pedestrians, the paths are in disrepair and could subject any entity acquiring the paths to significant costs to repair and maintain them as well as liability for injuries on the paths, as well as significant—and unknown—costs to comply with the Americans with Disabilities Act (ADA) or litigation for failure to comply with the ADA.

As last month’s Forum stated, ownership of the paths is unclear, and a group of residents has been working with Supervisor John Gioia on determining ownership. It is not surprising that the issue of ownership has not been settled since whichever entity owns the paths must maintain them and possibly face legal challenges under the ADA. The Forum article also stated that a property assessment would most likely need to be approved by voters. Several proponents of the paths have argued that the Kensington Police Protection and Community Service District (KPPCSD) take over the paths as recreational paths. As stated at past meetings, the KPPCSD has insufficient funding to manage the park, and it is facing several fiscal challenges including funding of a permanent location for the police. There is a far more pressing need to improve our streets for the benefit of all residents as discussed below and now is not the time for voters to be taking on significant, unknown financial burdens and liabilities.

A solution for the paths is needed, but it must be a solution that takes into account the likely costs to repair and maintain the paths and comply with the ADA. Perhaps those paths for which there is a reasonable alternative route that complies with the ADA could be open to the public. Another option might be to have entry to the paths only to members, which would not render the paths subject to the ADA. Paths that are essentially dirt paths might be sold to adjacent homeowners.

Those advocating for the paths frequently tout them as fire evacuation routes. This has great emotional appeal but is without merit. Former Fire Chief Michael Pigni detailed several reasons why the paths would never be used by the Fire Department or considered evacuation routes. The County has also advised that the paths cannot be considered for fire evacuation yet the myth continues. People cannot outrun a wildfire and will far more likely use a vehicle to evacuate.

All the paths need significant, costly repairs. Most, if not all, concrete walkways are severely cracked and some have a steep slope. The rise and run of stairs on the paths likely do not meet current code, and some stairs are angled forward. Few paths have handrails and several paths are narrow. Repairs on the path would require bringing the paths up to current code, which would mean re-grading as well as reconstruction.

Even if the paths could be brought up to code, the ADA requires public places to be accessible to those with disabilities with standards issued by the Department of Justice. It is likely that none of the paths could be brought to current accessible standards. County representatives have stated that if the county had responsibility for the paths, they would close off access because of the likely impossible task of making them ADA-accessible. The sidewalks in Kensington, where they exist, would not likely be considered reasonable alternatives. Several of our sidewalks are quite steep and few of our sidewalks have accessible ramps at intersections. Indeed, the gutters at the foot of sidewalks can be difficult to traverse even for able-bodied people. Any entity acquiring the paths would face significant potential liability should it undertake to acquire the paths for public access.

A far greater need for public safety is improving our streets. Many of our streets are narrow with deep gutters. Vehicles traversing each other have little space to pass each other especially with parked cars on one side of the street. Driving is a challenge in normal times to avoid going into the deep gutters and could become hazardous during an emergency with vehicles rushing to evacuate downhill or race uphill to pick up family members or children at school. The chaos could result in accidents with vehicles blocking the street. Should this happen when trying to evacuate during a fire, this could cause loss of life.

Some of our intersections such as those at Arlington and Amherst, Arlington and Sunset, and Arlington and Rincon are substandard. All three are busy intersections that have the potential for accidents during an emergency. The County has estimated that the cost of improving each of these would be well over \$1 million.

According to the County, there were discussions in the late 1980s and early ‘90s about road improvements in Kensington. Three options were proposed. The cheapest was to limit work to surface treatments, repairs, and general maintenance. The next was a proposal to also address the drainage issues on the roads. The third and most expensive was to include undergrounding of utilities. Voters in Kensington apparently rejected both the option to improve drainage and to underground utilities although the vote was close on the option to fix the drainage issues. Perhaps it is time to revisit this issue and make our roads safer for all residents and not paths that would benefit only those who are able-bodied, especially since ownership would come with an enormous potential ADA issue.

Citizen Forums are guest editorials written by Kensington residents. To submit a Citizen Forum for consideration, email editor@kensingtonoutlook.com



Fabian Herrera, brother of KPPCSD’s maintenance supervisor Fernando Herrera, slams a pickaxe into the disturbed concrete on Ardmore Path. The path is back in business. Photo by Byron Kawaichi.

The Library Has Something for Everyone

By Mary French

Take advantage of the free programs offered by the Kensington Library at 61 Arlington Avenue. Call 510-524-3043 with questions or for details.

April 1, 8, 15, 22, 29 Math Club for grades 3-6, 11:30am, free. Each meeting covers a different math topic using puzzles and fun problems. No math skills needed, just a little curiosity. 11:30am. Free.

April 4 Family Storytime 6:30pm, free. Lots of picture books, songs, rhymes, and fun! Stuffed animals & pajamas welcome. Mr. Charles will be on vacation for the remainder of April.

April 4, 11, 13, 18, 20, 25, 27 One-on-One Tech Help Get help using the library’s website, e-books, email or your own phone, tablet, or computer, all for free! Call or visit the library to reserve an appointment.

April 7, 14, 21, 28 Baby and Toddler Storytime Fun stories, songs, action rhymes, shaky eggs, and more! Great for increasing early literacy skills and making friends. Two identical sessions, 10am and 11am.

April 13 Rock Painting for teens and kids 9+. Calm your mind and celebrate spring-time by painting a rock or two. 2:30pm.

April 15 Packing Peanut Sculptures Build with starch-based packing peanuts that stick together with a dab of water. It takes a bit of patience, but it’s loads of fun! Make simple flat art or 3D sculptures. Best for preschool to grade 6, 3pm.

April 24 Kensington Library Book Club This month’s selection for discussion is *Grey Bees* by Andrew Kurkov. Online. Contact the library to join. 6:30pm.

April 26 Outdoor Explorer Presents: Ethical Wildlife Photography. Local photographer Sarah Killingsworth will discuss her work and the need for ethics in the field. Attend for a chance to win recreational gear! Online, 1pm. Contact the library to join.

A reminder to patrons of all ages that there is no eating or drinking in the library, and please clean up our toys when you are done playing with them. Thank you!

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District Meetings

...from front page

This could go back to not even the fire district but to the other district five or ten years ago.” He paused. “The candidates that have good professional networks in the public sector have not a red flag but a yellow flag in Kensington.”

Ives repeatedly tried to steer the directors to expand the candidate pool beyond those with public sector experience, who might be leery of the work environment. Larry Nagel did not care for the idea of a manager with only private sector experience (he also wanted specific fire managerial experience), while Julie Stein thought perhaps a managing background at a university could be a middle ground between public and private sectors.

Ives said that opening up the position to those with private sector background would necessitate overlap with the current interim GM, Mary Morris-Mayorga. Special district complications, the Brown Act, and ethics training were mentioned as necessary training. And then the “M” word came up again. “Micromanagement is a thing that can really hang over your head,” Ives cautioned. “I don’t want candidates to get spooked. And I want to warn them off the worry about consolidation. Your manager should help you move in that direction. We all know it’s a while off, two, three years off.”

He also tried to underline the relationship of the GM to the board, reiterating that the GM does not work for the board president. “The GM implements policy that the board majority votes on and sets. The objective is that the district runs by virtue of the majority of the board.”

Daniel Levine asked how much the part-time nature of the position added to the challenge.

“It’s a big problem,” Ives confirmed, and suggested that sharing the candidate with another employer might be possible. Morris-Mayorga estimated that 20-25 hours per week was a good time estimate.

Ives reminded the directors that past meetings can be viewed on the website. “They [candidates] work for a five-headed boss,” he said, referring to the five directors. “The way those five people interact will have a great effect on the candidates. And the smart ones will be watching.”

Searching for a New Board Director

While the fire board looks for a GM, the police district is doing the same, but this special meeting was about filling the vacancy left by director Eileen Nottoli’s February 10 resignation. The Zoom meeting on February 23 was the first of new Interim General Manager David Aranda’s tenure.

Aranda wanted to take the steps involved in filling the vacancy in order, and so they first accepted Nottoli’s resignation, then discussed options to a board appointment, which were quickly disposed of (a special election likely costing over \$20,000 or asking the county Board of Supervisors to appoint someone). Instead, the directors will choose a resident who applied to become one of the five directors. Applications are posted on the website and around town, with several questions those interested must answer. (For example, “Provide your approach in handling a situation or matter that has very divisive points of view or conflicts with your personal philosophy” and “If you could change one thing about how Kensington operates, what would it be and why?”)

Applications must be turned in by April 3; they will be included in the board packet with addresses redacted. At the KPPCSD’s regular meeting April 13, applicants will be asked more questions, and the board will appoint a new director at the same meeting. It was not discussed when that person would be sworn in.

The second order of business was extending the Kensington Community Council contract to May 31. Said Sylvia Hacaj, now the sole representative trying to hammer out the contract, “We first began meeting in July, and we’re continuing to work at it. We’re taking longer than we all wish.” Hacaj added that she would like this to be last extension, so the contract would be signed before the start of a new fiscal year. The motion passed unanimously.

On that same Thursday, the fire board held another meeting, this one closed, to discuss possible litigation. Nothing public was reported from that meeting.

KPPCSD Struggles with Sound

On a night deluged by rain and wind, over 40 people (including the four directors, Police Chief Mike Gancasz, and new interim GM David Aranda) showed up on Zoom or in person at the Community Center (present were the four brave directors, board counsel Ann Danforth, Aranda, and fire board director Larry Nagel). Unfortunately, something in the audio system was broken, so it was impossible to hear Danforth, Aranda, or at various times, the directors. Mostly inaudible reports were given by the board’s several committees (locating police, consolidation, replanting the park—see story about park replanting on facing page). Board president Alex Aquino-Fike and vice president Sarah Gough urged patience for the police location question, saying that all options for housing the police were being looked at, and that they could not say much beyond that before they issued a formal recommendation.

Much of the meeting was taken up by discussion of the paths and the upraised sidewalk on Ardmore Path, closed by the Kensington Police Department because of the hazard. Although the paths were not on the agenda for a vote, the hazard was discussed in Aranda’s general manager report, so it could be brought up by the board. Aranda’s report said, “I believe I have worked out a solution in getting the area repaired, with the County, the District, and a property owner sharing in the cost of \$2,700 and no party accepting responsibility for the path itself.” The district’s maintenance worker examined the problem and felt confident that he could fix it.

In public comment, Gail Feldman objected to this solution, noting that the district has no authority or responsibility for the paths, and that it was overreach on Aranda’s part to agree to fund work without going through the board. She urged the board not to fund the work. Following the GM’s report, Danforth said that “if we send our own people to do the work, then they [an injured party] would come after the district because the district would be responsible for maintenance.” She thought KPPCSD should stand at a remove, perhaps by reimbursing the homeowner for repairs.

Director Sylvia Hacaj seconded Danforth: “It’s not an extraordinary amount of money for the county or the homeowner to shoulder. I think we should take Ann’s advice and not enter into an agreement.”

Gough worried because “that hazard could stay out there forever.” She noted that “the public should be aware that there is a county working group” trying to deal with the ownership issue.

Director Cass Duggan cautioned that “the issue of ownership of paths is not going to go away if we ignore it.... We already have the park, the Elsie Neilson park, and the medians covered by insurance. If we do accept ownership of paths, that will be covered by insurance also.”

Several spoke in favor of the board acquiring the paths, including Rodney Paul and Lisa Caronna, who said, “It’s fundamentally the position of the police department to put up warning signs and caution tape.... Doing nothing can lead to a lawsuit against the district.”

John Gaccione finished up the comments: “It’s been a hundred years since no one wants to claim ownership. You can see the depth of the problem.”

In the end, the board took the middle road, deciding to ask the homeowner to pay the district’s maintenance worker to repair the path, after which the district would reimburse the homeowner.

Who’s on First (Floor)?

On the agenda for the March 15 fire board board meeting was this item: *Approval of the district’s architect, Marjang, preparing a first floor realignment of the restroom and a new kitchenette as shown on the attachments for possible modifications to the PSB, at a cost not to exceed \$25,000.*

Switching a restroom from the south to the west side of the elevator shaft and adding a tiny kitchenette seemed not guaranteed to draw a crowd, but over 45 people attended on Zoom along with about twelve residents who came in person on one of the first dry nights in March. The change was viewed as the first shot across the bow of the police possibly moving back into the Public Safety Building after renovations are complete. Long posts on NextDoor and a widely reviewed analysis by resident Matt Freedman of possible repercussions of delaying the PSB’s renovation in order to fit the Kensington Police Department into what is now scheduled as a fire-only building brought an audience to a meeting that grew progressively stranger as it went on.

Long before bathrooms or kitchenettes made an appearance, speakers tackled the underlying issue. John Gaccione called the push to put the two agencies into the same building “factually challenged.” Mabry Benson couldn’t believe that Freedman’s analysis was not on the agenda. (Freedman tried to get it agendized but was denied.) Freedman summarized his main points (see story on facing page) and asked the board to consult Capital One (which holds the leaseback agreement that partially funds the construction), a financial expert, and the county before voting to alter plans.

Paul Dorroh said he was not concerned about defaulting on the leaseback agreement, which requires the construction be finished by September 2024. He said there was “slip-page” built into the plan; the contractor intends to finish by March 2024, and on September 1 Capital One would give a thirty-day notice, and another sixty days is built into the contract.

Andrew Reed said that Freedman’s concerns were valid but that in Reed’s experience, lenders are loath to close out a deal. “Where something is possible does not make it probable or likely,” he said.

Marilyn Stollon asked, “Where will this end with costly changes to create a tenement environment that both chiefs do not want?”

After some board business, it was on to the agenda item. Director Watt said, “This project was put on the agenda in order to try to get minor designs that will provide better efficiencies and needed location for a sink, drinking water, and snacks downstairs. The concrete slab has been removed. The new slab will be poured in 60 days. A possible future benefit is that the police department could use some of the first floor. The 1,500-square-foot administrative space is far larger than it needs to be. Meetings could be held in the Community Center rather than in a meeting room. This would give 1300 square feet of usable space for the police on the first floor.”

Director Don Dommer warned Watt that he couldn’t just plan out a solution by himself. “You’ve got to talk to the people you’re going to be working next to, fire, police, and you’ve left out areas we need like the captain’s office.”

Director Larry Nagel said the plan had serious flaws. “The fire department didn’t ask for this change, nor did the police department. If the fire district pays for this and it benefits the police department, we could be on the hook for illegal use of public funds. I do not want to have anything to do with this project as it stands.” Then he charged that the bathroom alteration would involve moving shear walls.

Dommer insisted, “There simply is not enough space. You can pretend it’ll work but it doesn’t work.”

Board president Julie Stein jumped in at that point. “I want to reiterate that this item is about potentially moving the restroom and incorporating a kitchenette.”

Watt seconded her. “This agenda item is not to talk about bringing the police into the PSB. It’s about incorporating new aspects, and bringing in a drinking area and snacks, which should have been done at the outset.”

There followed a heated discussion about shear walls and whether they would be affected by the proposed restroom change, which no one seemed able to answer. Dommer said, “If you get into shear walls, you fire the contractor and put it out to bid. If it’s not him coming back, we’re stuck, we’ll pay fifty percent more. You can draw it up many ways, but [the building] doesn’t get any bigger.”

Stein asked why there was no kitchenette or drinking water in the existing plan, in a building that contains district offices and a large meeting room capable of seating seven-teen. “It seems like a design flaw from the beginning.”

Nagel answered Stein’s question, which brought up another issue. “The reason,” he said, “there is not a kitchenette is because the firefighters didn’t request a kitchenette.”

Stein said, “The architect emphasized to us that the first floor was the district’s space for the district’s administrative staff. I think the board has every right to weigh in on options to that space.”

Director Daniel Levine said he believed the kitchenette had value. “I don’t like speculating. If we can get information from the architect, I think it’s reasonable to get the answer from a definitive source, and in this case the definitive source is the architect.” Interim general manager Mary Morris-Mayorga pointed out that she is the liaison for the board with the architect. But she needed, she said, the board’s direction to ask questions. She could not do it “just at the request of any single board member.”

Eventually someone pointed out that there are two drinking fountains side by side in the lobby. Someone else said a kitchenette is on the west wall of the meeting room. There is a counter planned for that wall, which in the April 2022 plans contains what appears to be a sink. For some reason (cost-cutting?) the sink disappeared in the final September 2022 plans. The kitchenette on Watt’s proposed plan is not in the meeting room but against the west wall of the building, and is smaller than the approved counter arrangement in the meeting room.

Residents had plenty of remarks after the directors had their say. Mabry Benson wanted the department chiefs brought into the discussion. Matt Freedman said that \$25,000 was just the first installment and that some involved restroom walls are shear walls. (The next day, residents confirmed with Levine that two walls are shear walls.) Paul Dorroh thought the kitchenette and restroom should be considered separately; Stein

had suggested this earlier, saying she considered the kitchenette “critical,” and that the restroom project could be dropped.

Marilyn Stollon said that part of the problem with the agenda item and the attachments were that they show police and fire in the design. “\$320,000 has been spent over the past five or six years trying to squeeze two departments into one building.... Then there’s the \$100K the KPPCSD has spent on remodeling the modular. Both fire and police unions formally objected to the plans. Is this how we show respect to our first responders? We’re not talking Taj Mahal, we’re talking basic living space.”

John Gaccione said, “You’ve wasted so much time on what is and what isn’t on that drawing. Go back to the actual document.... Exhibit B shows the restroom rotated around the elevator core.... Not shown is the impact of rotating the restroom downstairs on the restroom and utility core on the second floor. For a detail-oriented board, not looking at the actual plans is really, I don’t have words to describe it.”

Dave Spath noted that the latest iteration of proposals talked about “doesn’t carry a money amount. It’s most appropriate to ask the GM to query the architect and structural engineers. Get questions answered before moving forward.”

At the end of a long meeting, Watt made a motion to ask Morris-Mayorga to speak to the architect about the feasibility of adding a kitchenette and moving the bathroom. No money was attached—the supposition is that Marjang will come back with a three- or four-part proposal with possibilities and how much it would cost. That motion passed four to one, Dommer dissenting. He said he didn’t believe in the process. “If police and fire aren’t involved, you’re wasting your money.”

An attempt to confirm information about shear walls and sinks was sent to the architect, Marjang, who forwarded them to Morris-Mayorga. The interim GM sent an email: “Please direct any inquiries to the District, consultants and contractors are not authorized to speak on behalf of the District. We are in the process of getting that information as part of the RFP process, so it will be forthcoming.”

That information will likely be restricted to the kitchenette. Said Watt on the Monday following the meeting, “You realize that the bathroom as it’s located has shear walls around it. All this stuff came to me after the meeting. Had I known this, I would have given up on the relocation of the bathroom. But I believe there is an alternate approach that could possibly be taken.” Watt did not elaborate. Stay tuned.



The Monterey pines that lined Highland Boulevard on the approach to Kensington Hilltop Elementary are now gone, but planning has begun to create a wholistic landscape design for Kensington Park. Photo by Sylvia Elsbury.

Replanting Committee Holds Public Meeting, Consults Experts

By Sylvia Elsbury

The removal of Kensington Park’s condemned trees is well underway, and a committee of two KPPCSD directors are addressing the aftermath. Board vice president Sarah Gough and director Cassandra Duggan have begun meeting with area experts as well as interested community members. Their aim is to gather ideas and advice on replanting denuded areas of the park. Gough and Duggan will present their findings and recommendations to the full KPPCSD board later this year, possibly prior to the start of the new fiscal year (July 1) so replanting costs can be included in the annual budget.

About fifteen Kensington residents, from a ten-year-old-child to senior citizens, gathered at 7pm on February 27 in the Community Center to brainstorm with Gough and Duggan. While the discussion was wide-ranging, some common themes emerged. Many spoke in favor of native plants, water conservation and firewise plantings. Those present seemed to agree on the importance of taking the long view rather than seeking quick fixes such as fast-growing species, which can be less hardy and enduring.

The discussion at times veered toward a broader wish list of enhanced park facilities. But Ciara Wood, who served on the original Kensington Park Advisory Committee that created the 1997 Master Plan for Kensington Park, emphasized that the immediate and pressing need is for replacement plantings in the wake of the tree removals. Wood suggested replanting one park area at a time, which would give the project structure and keep it manageable.

Gough and Duggan plan to consult the indigenous community via the Sogorea-Te Land Trust (<https://sogoreate-landtrust.org>), for guidance on including plants used historically by the people indigenous to the East Bay hills. The connection was facilitated by the group, Good Guest: Kensington, whose representative, Laura Callen, attended the meeting.

Many plant names were mentioned during the meeting, all recorded by directors Gough and Duggan, who had already consulted Blake Garden personnel and a UC Berkeley botanist, among others. The committee also met with El Cerrito Fire Chief Eric Saylor for advice on firewise planting, as well as with KPPCSD’s lead landscaper, Fernando Herrera, to discuss irrigation and more.

At this point, all suggestions are purely preliminary, and none has been endorsed by the board. Ideas are welcomed by the committee. Reach them via email at sgough@kppcsd.org and cduggan@kppcsd.org.



The interior of the Public Safety Building has been torn down to its studs, concrete floor removed, and asbestos abatement completed. The building must be in move-in state by September 1, 2024. Photo by Byron Kawaichi.

Delays to PSB Renovation Could Skewer Taxpayers, Derail Project

By Matt Freedman

Although the renovation of the Public Safety Building (PSB) is already happening, some members of the Kensington Fire Protection District (KFPD) are seeking to modify the design to allow joint occupancy by both firefighters and the Kensington Police Department. This effort is greatly complicated by the challenge of making significant revisions to a project with an executed fixed-price construction contract that has already been designed, permitted and financed. Any credible proposal to change the PSB project must grapple with the onerous terms of the leaseback agreement used to finance the renovation, the need to conduct new competitive bidding process for additional work, and the risk that the county will reject permit modifications due to state law governing projects built on earthquake faults. Unless all these issues are resolved prior to any decision to change course on the PSB, the resulting delays could trigger a series of extremely adverse consequences for Kensington taxpayers.

To finance construction, KFPD entered into a “leaseback” agreement in July 2022 that leased the entire PSB site to Capital One for 25 years. Capital One simultaneously leases the site back to KFPD (in exchange for semi-annual payments) and made \$2.16 million available to support construction, an approach that effectively constitutes a loan at a 4.07 percent interest rate. Under the agreement, if the PSB project is not completed, or expected to be completed, by September 1, 2024, KFPD would be in default. This deadline provides less than six months of delay time relative to the March 2024 completion date in the current construction contract.

Failure to honor this deadline obligates KFPD to immediately repay \$2.16 million via alternative financing (at a much higher interest rate), could trigger litigation, and would force KFPD to bear legal fees and other costs incurred by Capital One. Alternative financing would raise the costs by \$300,000 if the interest rate is even 1 percent higher and \$750,000 if the rate is 2 percent higher.

Changing the PSB project would require significant new architectural and structural engineering work (including a revised seismic design), permit modifications and review by Contra Costa County, and a new scope of construction work. Contracts for additional design and construction activities would likely be subject to state law requiring a competitive bidding process. All of these activities would take time and seem likely to push the project well past the September 1, 2024 deadline. The total cost of this work is unknown and could be substantial especially in light of inflationary pressures and escalating construction costs that would be reflected in any new agreements.

In addition, higher project costs resulting from additional work (and a revised/new construction contract) could prevent the county from approving any permit under the Alquist-Priolo Act. This Act prevents Contra Costa County from approving any new building located on an active earthquake fault but exempts renovations that do not exceed 50 percent of the replacement value. The PSB is on top of an active fault and the renovation cost of the current project was determined to represent 48.5 percent of the replacement cost. Even a small change in total costs would push the project over the 50 percent threshold.

At the March 15 meeting, the KFPD directors seeking changes to the PSB project failed to adequately address any of these issues or identify a plan for resolving them. The proposal by director Jim Watt to authorize \$25,000 for new architectural drawings was scaled back in response to concerns that the full cost of design work was unknown (there was no estimate from the architect) and that contemplated changes would require moving shear walls that are integral to the overall structural design. Director Watt appeared to be unaware of the impact of his proposed changes to the structural integrity of the building and incorrectly asserted that no shear walls would be affected, a claim that was debunked based on a review of the approved permit plans on KFPD’s own website. These omissions do not inspire confidence about the ability of KFPD to proactively tackle the many complex legal, design, contracting and financial challenges associated with a comprehensive redesign.

The debate over whether to require both police and fire to share the PSB should be tempered by the sober reality that changing this project in the middle of construction is a very risky proposition. KFPD should avoid any outcome that causes costs to skyrocket, creates extended delays, triggers default under the leaseback agreement, or causes the project to be un-permittable under state law.

My full analysis of the leaseback agreement, a set of summary slides, and an excerpt of the original PSB permit drawings from the structural engineer can be downloaded at the following link: <https://bit.ly/KensingtonPSB>



KENSINGTON EATS OUT

Lions & Tigers in El Cerrito

By Ittai Shiu

Tigon, situated on the corner of San Pablo and Central in El Cerrito, specializes in traditional Vietnamese cuisine. Occupying the same block as the Rialto theater and other up-and-coming businesses, it’s reassuring to see more signs of a post-pandemic recovery.

Without any previous restaurant experience, the Troung family opened Tigon in September 2022, going “all in” and relying heavily on their belief in their family’s cooking and recipes passed down from generation to generation.

Their gamble turned into a win as they quickly managed to establish a healthy following and some great reviews. Their values revolve around family and community, which is the reason they’ve achieved early success despite being new to the restaurant industry.

Recommended on Yelp! was the Bún Bò Huế, a traditional, semi-spicy noodle soup dish with thinly sliced boneless shanks, Vietnamese ham, and tendon. Served with fresh veggies and accoutrements such as mint leaves, cilantro, and bean sprouts, this is gluten-free as are many other options on the menu.

Given the exaggerated winter we’ve had this year, there’s always room for a warm bowl of soup, and while it’s easy to find Phở, the more familiar and very common Vietnamese rice noodles in broth, Tigon’s Bún Bò Huế is a heartier, more memorable alternative.

The biggest attraction for my family is Tigon’s BÒ 7 MÓN, which translates as Seven Courses of Beef. As the name implies, it requires a substantial commitment from the establishment to prepare and serve, which is why it’s rarely seen elsewhere, but at \$30 per person, with a minimum of two orders, it’s an excellent value.

Starting with carpaccio in a citrus-based sauce, the beef courses continue with different traditional preparations including a course grilled with lemongrass and another dipped in vinegar soup. You’ll also enjoy



beef in a fondue, wrapped in piper la lot leaf, grilled as a sausage, and steamed as a meatball. The final course is a beef rice porridge which ends/finishes/rounds out the experience on a high note.

Tigon’s interior is vast, featuring Southeast Asian decor and comfortable private booths on each side with room for large communal tables in the center. It feels like the outdoor courtyard owned by a family happy to host and entertain you as part of the community. This is not far from the truth.

From the ambiance, food, and service, Tigon exemplifies the very best of a family-run business. However, it’s during the weekend when the entire family is there that this vibe shines through.

The youngest members of the Troung family rotate between hanging out in the rear booth doing art projects to playing host—greeting and seating guests with the professionalism of a seasoned restaurateur.

During my last visit, under the supervision of an elder, a pint-sized waitress perhaps no older than ten, not only greeted us and walked us to our table, she made recommendations based on her expertise with the food she’s grown up with. The exchange absolutely warmed my heart because it reminded me of when I played restaurant with my daughter when she was younger...but in this case, instead of toy plates and play-doh, actual food arrived at the table!



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April is here, which means it’s Earth Month. We examine every action we take through the lens of sustainability, waste reduction and the creation of greener practices. That includes our office and business operations and the low-impact community events we host. Here are a few examples of how we put people and the planet first.

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