

# KENSINGTON MUNICIPAL ADVISORY COUNCIL REGULAR MEETING AGENDA

**TUESDAY, January 27, 2009**

1. Roll Call – Patrick Tahara, Ray Barraza, Pamela Brown, Chris Bryon, Kay Reed and Vanessa Cordova were present. Patrick remained present through citizens' comments and then he had to leave. Vice-Chair Ray Barraza took over the meeting and Vanessa Cordova became a voting member.
2. Approval of the Minutes of the January 6, 2009 – The date needed to be changed to 2009. Under section seven of those minutes, we include the following comments from Ryan Hernandez, Senior Planner in Conservation & Development Dept. *They are included here because they expand upon rather than correct the 1/6/09 minutes.* “First, the Department affirmed the important role of KMAC in the review process and the good working relationship between the Department and the MAC. This also included the review of the new County wide MAC policies adopted in December and specified that MAC review should not delay the planning review. I remember the outcome of our working meeting as: Rather than the fixed 40 day period, KMAC agreed to try to be flexible during the 30 to 40 days prior to a meeting to accommodate projects and if at all possible to schedule the project for the next KMAC meeting.

To help facilitate this the Department agreed to distribute application materials more quickly reducing the overall review period and including adding a step to our application intake procedure that sends a scanned copy of the application and site plans (by email) directly to KMAC members within two days of receipt of that application. Additionally, there were a number of concerns raised about KMAC conducting an informal design review before the applicant submits a project. (Catherine and I discussed item #2 in the summary after the meeting and we also have concerns given KMAC is governed by the Brown Act, the public will likely not understand that if they introduce the project during public comment the MAC is not allowed to comment or discuss the project.) So instead, the front counter staff will suggest that the applicants go and observe a KMAC meeting to have a better understanding of the process and what types of questions might be asked.”

As amended, the minutes were approved unanimously. Pamela, Chris and Vanessa did not vote because Pamela and Chris were not in attendance and Vanessa was not a voting member at that time.

3. Citizens' Comments – there were no citizens comments.
4. **258 Amherst (VR08-1035)** Variance review to recommend approval of an existing pergola and gate in the front yard setback. Continued hearing.

In reviewing any construction that has already been built, KMAC has been instructed to assume that it does not exist. Jeff Thomas, the applicant, came with additional information and photos. Fred Hyer (263 Amherst), a neighbor who is also an architect, came to speak on behalf of his neighbor. They described the photos, all which were in Kensington, but only two on the same street. One had an archway and one had a structure attached to the house, but none in the vicinity had pergolas.

A motion was made to recommend denial of the variance application because it did not meet all three conditions to warrant a variance, in particular it would be a grant of special privilege. It passed five to zero.

5. **106 York (DP 083022)** Development Plan review for an additional story on the north side of the residence and enclosing an existing rear deck. Variances requested for a third story (2-1/2 permitted) and for 4'7" side yard (5' required, 4'7" existing at first story). Continued hearing.

Meg Shean, the applicant, indicated that they have addressed the issues identified at the previous hearing, including addressing the concerns of the neighbors.

Lloyd Cowell (107 Arlington), the neighbor, indicated he was contacted by the architect and based on their concerns involving privacy, their concerns have been met. Their remaining concern is that if there is any change in ownership on either side, they wanted to have some assurance that the tree will be put in with the construction.

Steve Holland (105 Arlington) is the neighbor on the other side and potentially had privacy concerns. He hasn't seen the plans and wasn't present at the earlier hearing, though a letter was submitted on his behalf.

A motion was made to recommend approval the application date stamped January 14, 2009 provided that the new ridge line will be no higher than one foot below the existing ridge line and that an evergreen tree with an optimal height of 18 feet be located in the northwest corner of the applicant's property to assure neighbor privacy. In addition, the two variances for the third story and the side yard setback were recommended for approval because they met the three conditions, in particular they were not deemed a grant of special privilege due to an existing third story and existing setback. Motion passed five to zero.

6. Information Reports
  - a) Enforcement Report – Vice Chair did not have a copy of the report.
7. Adjournment – meeting adjourned at 8:25pm.