

# KENSINGTON MUNICIPAL ADVISORY COUNCIL

## REGULAR MEETING NOTES - DRAFT

Location: Zoom Call

**Wednesday, January 12, 2022, – 6 PM PST**

1. Roll Call – Present: Patrick Tahara, Lloyd Cowell, Larry Nucci, Melissa Holmes Snyder, Chris Brydon Absent: Adam Novickas

2. Citizens' Comments

FB Whitefield asked when KMAC's review of the fire station would be held. Patrick said that the review has been rescheduled for Tuesday, January 25<sup>th</sup> at 7 pm. The meeting will be held by Zoom. The zoom invite will be on Supervisor John Gioia's website.

Supervisor John Gioia addressed the attendees and explained future KMAC meetings. For the time being, all meetings will be conducted by Zoom. The hope will be that all future KMAC meetings will have a hybrid approach, KMAC members will attend in person, the public can attend in person or by Zoom. Applicants may be asked to attend in person. The reason for the change is to make the meetings more accessible to all. The hybrid meetings will be held in the library but once the Community Center is outfitted with new technology, the KMAC meetings will be held there.

3. Meeting Notes of November 30, 2021 .

Melissa asked to revise the meeting notes to add the request from the neighbor to remove two windows on the north elevation on Sheet E 6 due to a privacy issue on 340 Coventry (VR21-1034).

Meeting notes approved. Motion by Chris 2nd by Larry, Ayes (5) Patrick, Melissa, Chris, Lloyd, Larry (0) Nays

4. **125 Lawson Road (DP21-03040)** The applicant requests approval of a Development Plan permit and Variances to allow: 1) a 12'-10" setback (where 20 feet is required) for construction of a new residence, 2) a 0' setback (where 20 feet is required) and a 3-foot side yard (where 5 feet is required) for one off-street parking space, and 3) a 3<sup>rd</sup> story (where 2-1/2 stories are the maximum), and a Kensington Design Review to allow for the construction of a new, 3,480 sq ft., single-family residence on a vacant lot. The proposed development results in a gross floor area that exceeds the threshold standard of 2,800 sq. ft. In addition, a tree permit may be necessary for the removal of trees without a permit by the prior owner, and for work within the dripline(s) of tree(s) on the subject and adjacent property.

Sally presented the application and explained that the proposed project took in consideration of concerns of the neighbors with regards to privacy and views. She provided story poles to indicate the height of the building to the uphill neighbors. She also showed a sketch which indicated the height of the proposed residence as it relates to the uphill properties. She also noted that the plans were revised to respond to concerns of privacy from the neighbor to the north. Two windows were eliminated from the north elevation. Sally did not agree with the County's interpretation of the third floor as she did not believe the 4' overhang on the top floor qualified as a third floor.

Chris conveyed that he was complimentary of the design and the process that the applicant applied to the project. He stated that he really did not have any concerns with the side yard setbacks as it related to the retaining walls on either side of the property. He also believed that the parking space in the setback was acceptable as it was better than parking on the street. He mentioned that residences in the neighborhood were the size of 3000 SF. However, Chris did have concerns with the 3<sup>rd</sup> floor variance and asked the applicant if the plan could be accommodated to eliminate the 3<sup>rd</sup> floor variance condition. Sally mentioned that the design pushed the residence forward and pushing the top floor back would change the design significantly and they would be building into the hillside more, eliminating windows.

Melissa was also complimentary of the design and did not have any concerns about the size or the variances. She did have questions of how the County interpreted the 3<sup>rd</sup> floor. Sally mentioned that they did not plan to change the design as the County did not seem too concerned about it.

Lloyd did not have any initial comments.

Larry did not have any questions to add but believed that the applicant had addressed the concerns of the neighbors with regards to views and privacy.

Patrick had concerns regarding the variances as well as the size of the proposed project. He stated that he understood and was agreeable to the variances of the side yard setbacks allowed for retaining walls. He questioned the applicant as to the front yard setback as it relates to the parking. While the “appearance” of the front yard setback for parking space may be similar to other properties in the area, it is nevertheless is within the setback as the property line at the street curves toward the property at that point. The county may at some point, widen the street to conform to the property line. Patrick also asked about the third floor and asked why it could not be pushed back which would eliminate the variance for a 3<sup>rd</sup> floor as well as reduce the square footage. He stated that 25% over the FAR is not in keeping with many of the properties which KMAC reviews, especially as this is new construction.

Bruce Morrow, 134 Lawson, spoke of his concerns with the large size of the proposed project in relation with the size of the lot. He also was concerned with all of the construction in the area which is creating access problems.

FB Whitefield, 22 Kensington Court, stated that he is in favor of the proposed project as he has spoken with the applicant and have addressed his concerns.

Anna Storesund, 154, Lawson, voiced her concerns with the construction in the area. She said that Lawson road is a very narrow road and the construction trucks park in her property and creates access problems. She stated that she did not receive notification from KMAC.

Ross Libenson, 140 Kensington Court, questioned the size and bulk of the proposed project and the 3<sup>rd</sup> floor variance.

Chen and Ross Storeson, 149 Lawson, relayed their concerns about construction and the access on Lawson.

Frank Haase Planit, 16 Kensington Court, had concerns with setback and bulk / size of the proposed project. He also had concerns with new construction and the possible fire concerns in the area.

Maureen Boyer, 121 Lawson, stated that she has worked with the applicant to make some revisions with regards to the windows. She supports the project.

Chris Rea, 146 Lawson, raised concerns about access and safety on Lawson with the construction which is occurring in the area. He also believes that the proposed project is too large for the size of the property. He stated that he does not live in a 3000 SF home and there are many of the residences in the area are not that size either. He also stated that he was not provided with notification of the project.

Sally responded to some of the questions regarding reducing the size of the residence. She believes that she has satisfied the adjacent neighbors with regards to views and privacy. She believes that the proposed project is in keeping with the size of residences in the area and feels that by reducing the size would infringe on her rights as a property owner. She reiterated that she does not agree with the county's interpretation of the third floor and does not plan to eliminate the condition of the third floor at this time. By pushing the floor back toward the hillside will only dig further into the ground and eliminate access to light for the proposed property.

Larry stated that he is support of the project as he believes that the applicant has addressed the concerns of the adjacent neighbor. The proposed project fits in the neighborhood. He stated that he will refer to Chris and Patrick as to the technical issues of the variances.

Lloyd agreed with the comments from Larry and supports the project. He questions the 3<sup>rd</sup> floor variance issue.

Melissa addressed the issue of notification and stated that while she did not provide this notification, she mentioned that the notices are not delivered by mail and is left under door mats, in gates, fences at the front entry of the residence. Also, the notifications are usually provided to homes immediate adjacent to the residence, and homes of properties two on each side of the proposed properties. The notices are distributed to neighbors who will have an immediate impact on the property. Melissa supports the project.

Chris stated that the variances regarding the front and side yard setbacks can be supported with regards to topographical issues on the property. However, he still questions the issue of the 3<sup>rd</sup> floor variance and believes that the applicant could address this issue and eliminate this variance.

Patrick can support the findings of the side yard variances and agrees with Chris that the providing off street parking is a favorable result for parking/ access in the area. However, he still questions the 3<sup>rd</sup> floor issue as he stated that the floor plan can be reconfigured to eliminate the variance. He also had questions on the size of the residence as it is 25% over the FAR. He believes that the residence SF should be reduced to better conform to the Kensington standards.

Melissa made a motion to recommend approval of the proposed project , date stamped 1/6/22 , as it meets the 3 variance findings. Larry provided a 2<sup>nd</sup>. Project recommended for approval. Ayes (3) Melissa, Lloyd, Larry. Nays (2) Chris, Patrick

**5. Discussion regarding KMAC Meetings in 2022**

Patrick stated that there will be another KMAC meeting on Tuesday, January 25<sup>th</sup> at 7 pm. This meeting will be held by Zoom. Future meetings in 2022 may be hybrid but will have KMAC meetings by Zoom only until further notice.

- 6.** Chris motioned to adjourn, 2<sup>nd</sup> by Larry. Ayes (5) Chris, Patrick, Lloyd, Larry, Melissa. Nays (0). Meeting was adjourned at 7:57 pm.