

Final Minutes from KMAC meeting of January 6, 2009

1. Present: Barraza, Reed, Tahara, and Becker

2. Members who were present at the meeting of October 2008 voted to approve the minutes, 3-0.

Members who were present at the meeting of November 2008 voted to approve the minutes, 3-0.

3. Public comment:

Ciara Wood is working to legalize a second unit. She stated that modifying the parking requirements as set forth in the county code would benefit people in her position.

Chair Tahara introduced Vanessa Cordova, who is expected to be the second alternate to the KMAC.

Chair Tahara explained the procedures by which the MAC evaluates projects and makes recommendations to the county.

4. 19 Lenox

Andrew Lojo is in discussion with his neighbor about the patio cover. In the design, he moved the support beam for the beveled portion of the patio cover and changed the post locations to reduce the impact on the neighbors. The goal of the project is to provide privacy.

The second part of the project is a rear yard deck. He is in discussions with his neighbor to the east regarding reducing sound impact. He proposes providing tongue and groove fencing on both sides of the posts to provide sound attenuation.

Mr. Lojo sought to address the conditions for a finding for variance. In his opinion, the project does not constitute special privilege as other neighborhood properties have development elements at or near property lines.

Member Reed asked why he could not downsize the patio. The proponent answered that the posts need to move to get the desired effect.

Dwight Hendricks, the neighbor to the south, spoke in favor of the project.

Member Barraza mentioned that emergency access may be comprised by development within the setback. The proponent responded that access would be improved by moving the posts to the top of the retaining wall.

Member Reed made a motion to: 1) approve the rear fence reconstruction with facing on both sides for acoustic purposes in that it meets the conditions for variance; 2) approve the deck as constructed; 3) recommend denial of a permit for the patio cover as it does not meet required conditions for variance. Motion was approved 4-0.

5. 258 Amherst

Jeff Thomas spoke on behalf of his project, which is a gate and pergola constructed without a permit and higher than allowable.

KMAC members discussed the project and indicated that they were unlikely to find for a variance. Member Reed recommended providing evidence of other, similar projects. Member Becker suggested redesign. The proponent was offered the opportunity for continuance, which he accepted. Motion to grant a continuance was made by member Reed and approved 4-0.

6. 77 Edgecroft

Tom Russell, builder, and Meryl Rafferty, owner discussed the project, which is a seismic retrofit and remodel. The driveway is not usable due to immediate grade change from the street level. The proponent proposes to reduce the slope of the driveway in the right of way to allow for two off street parking spaces.

Members discussed the project. Member Reed recommended approval of the plans, subject to procurement of an encroachment permit from Public works Dept. The motion was approved 4-0.

7. Catherine Kutsuris addressed the MAC regarding the time period some project proponents must wait through before receiving a decision regarding their applications. In particular, the KMAC's noticing requirement is longer than other MACs, and the period from application to the KMAC hearing can be up to 70 days. Also, it can be up to 12 weeks before an applicant knows whether they are subject to a hearing in Martinez. This issue concerns projects involving variance and design review, some 70 percent of cases.

Options discussed included accepting items for the agenda items less than 40 days prior to the meeting date. Other options to improve our process included:

1. decreasing noticing period for design review/variance projects
2. conducting informal design review before they submit project
3. changing code
4. increasing flexibility about hearing delay
5. receiving notices before a county planner is assigned

County staff and the KMAC members agreed to increase communication and to consider requests for deviation from the 40 day advance notice requirement.

8. The KMAC reviewed enforcement reports.

9. The KMAC voted to adjourn, 4-0.