

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING

Planning Manager Watrous noted that the application for 680 Hawthorne Drive has been withdrawn.

D. OLD BUSINESS BEFORE THE BOARD

1. 166 ROCK HILL ROAD ROBBERTS, NEW DWELLING

The applicant has submitted a request for construction of a new two-story single-family dwelling on the property located at 166 Rock Hill Road. This application was first reviewed at the June 18, 2009 Design Review Board meeting. At that meeting, various neighboring property owners along Rock Hill Road raised concerns about the design theme of the proposed new home, potential water view impacts for the uphill neighboring property owner, and concerns from the downhill neighboring property owner about retaining walls and windows facing downhill. The Board requested that the amount of glass facing downhill and the size of the proposed retaining walls on the downhill side of the property be scaled back, and suggested relocation or redesigning the swimming pool. The Board continued the project to give the applicant time to revise the proposal and to allow for additional dialogue between the neighbors. The applicant has now submitted revised plans for the project.

Michael Heckmann, architect, said this project is causing change which is difficult for the neighbors to accept. He described property line issues with the neighbors, including a fence and landscaping across the property lines. He said that with these impositions in mind, the applicant still made some significant concessions to make the project more amenable to the neighbors by eliminating the window facing the Lacey's, and moving pool location back and changing the design and location of the retaining walls. He stated that they reduced the heights of windows and with the foreground trees and dense vegetation below the wall, sunlight reflection should be less of a problem. He showed photos of other houses in the vicinity and said that the proposed house would be compatible with the neighborhood.

Pete Pedersen, landscape architect, said they moved the retaining walls away from the Pelfini's, have also shorted the length of the lower wall by 25% and took 8-10 feet off the length of the upper wall. He described the varying heights of the retaining walls and noted that there would be a 5 foot separation between the walls. He stated that the alignment of the walls would be well within the property, giving some space for existing and proposed landscaping. He said that some trees would be removed and they are proposing 36-inch box sized trees, which would have a 14-16 foot height when planted, to reestablish the privacy barrier. He also noted that they moved the swimming pool 10 feet further away from the Pelfini's.

David Cincotta, attorney, reviewed the property dispute with the Robberts and the Pelfinis. He stated that the two adjacent homes properties are nonconforming structures that intrude into setbacks, yet, the Robberts are willing to set back their improvements even further to accommodate the neighbors. He said that in the last year the Pelfinis have added new

landscaping in the downhill area on the Robberts' property. He said that the uphill neighbors are still not satisfied even after seeing that the Robberts had pulled back the front of their building. He believed that the Robberts have designed a project that is sensitive to the neighborhood.

The public hearing was opened.

Jim Malott, representing the Lacey's, Pelfini's, and other members of the neighborhood, said that the proposed home would make life worse for the neighbors if it is built as designed. He said that the house would be built upon a large, flat platform that would nearly double the visual mass of the house. He spoke about the property line dispute and said that the fully mature landscaping on the lower portion of the Robberts' property area would be torn out primarily to create a lawn for the Robberts and these trees are critical for the Pelfini's privacy. He suggested moving the house and rotating it 6 feet to preserve the view corridor and reduce the reflectivity of the windows. He said that the building design needs to be massaged, which would make a big difference for the neighborhood.

Jean Pelfini said her primary concern is that the proposed construction would change the look and feel of their backyard and will make them feel like they are being closed in. She said that the first retaining wall appears to be 10 feet from their house and the second wall comes to just under the height of their roof. She said that the walls would be located directly in front of their master bedroom sliding glass doors and would be especially visible from the family room and master bedroom. She recognized that their house was built close to the property line 40 years ago but that was how it was when they purchased it. She said that the existing trees and shrubs are mature and provide excellent screening and she did not approve of the location of the new trees that would be only 5 feet from the property line and reduce their view of the hillside. She stated that her family suffers from allergies and has been careful about what they plan near their home. She characterized the reduction in glass as minor, stating that the south side of the house would be mostly windows and they are concerned about how this will affect them. She felt that their property would receive an unfair burden from the remodel because they would be looking directly into a high wall. She requested that story poles be put up to allow them to assess the visual impact of the retaining walls.

John Kern said that although the applicants had addressed two of the three concerns the Board had at the initial meeting by relocating the pool and reduced the amount of glass, he felt that the retaining wall remained unchanged. He said that the walls would add up to a 12 foot structure that separates this property from the neighbors. He held up a pole showing the height of the retaining walls, which he said would imprison the downhill neighbors and would be unacceptable. He said that the walls would completely violate the natural topography of this parcel and that one of the goals of design review must be to insure that new projects harmonize with the natural environment and the surrounding area. He strongly recommended a redesign.

Ian Pearson said he lives above the site and would look down on their house. He requested the Board ensure light spill is minimized with no lights in skylight wells and he requested a dark brown roof color. He described how other homes along Rock Hill Road have been improved over the years and said that this has required compromise. He said that this project involves a vertical two-story house and would add a deck looking down on neighbors and a high retaining

wall. He said that the building materials would be out of character and the retaining wall would devastate the downhill neighbors. He said that the massive wall would break up views of the beautiful rolling hills for those who drive by this property.

David Flaherty said the neighborhood is very open and he enjoys its natural character. He said that he was only concerned about the retaining wall and he felt that it would be a tremendous loss for the Pelfini's if it is 12 feet high. He suggested that the wall be designed more in keeping with the landscape and he suggested putting up story poles to show the impact to the Pelfinis.

Tad Lacey said he lives uphill from the Robberts home and has been in the neighborhood for 29 years. He described joint efforts between himself and the previous property owners for a fence between the two lots. He thought that the story poles had been raised since the last meeting. He noted that the interior entryway would be 23 feet 6 inches tall and all glass and would block his views. He said that moving the house to the back would resolve a number of problems for the neighbors. He asked to see story poles delineating the roof height of the library.

Dave Pelfini clarified the accusation of the area that they have used a portion of the Robberts' property, stating that they intentionally did not plant anything in the area below the fence that is the Robberts' property.

Patricia Navone said she represented the Robberts in the purchase of their home, and there was no disclosure about a common fence. She said that Robberts had survey done so they were very clear about the property lines.

Julia Robberts, owner, felt they have come up with a good design that takes into account the neighbors' concerns. She said that they purchased the property two years ago and love the views and family environment of the neighborhood. She said that they are very invested in the neighborhood and plan to live there for a long time. She respected the rights of neighbors to express opinions, and hoped that the neighbors will respect their right to build a home that works for their family.

Mr. Heckmann said that he understood that change is difficult, but he felt that there was also a fair amount of exaggeration about the impacts of the proposed house. He said that they would provide landscaping, terrace the wall properly, preserve the main views for the Lacey's, and have responded to the Board's concerns.

Mr. Pedersen noted that the existing slope comes down abruptly and currently one cannot see how steep it is because it is full of scotch broom. He proposes putting in a terraced green environment alongside the walls.

Will Robberts, owner, said that the change in height is already in existence today because of the hill so it is incorrect to state that they will put in a tall wall because that would be following the contour of the hill that already exists.

The public hearing was closed.

Vice-Chair Tollini said that the built up portion of the site is an existing condition of the land. He stated that nonconforming uses and fences outside the lot lines are fairly common. He said that putting this much earth in an area close to a nonconforming house is another matter. He said that retaining wall would move the high point of the lot much closer to the Pelfinis' house. He thought that some progress on the project had been made, but was concerned that the walls were perhaps still too high and too close.

Boardmember Wilson stated that the issues with the pool, house design and retaining walls had been only marginally addressed. He was still concerned that the project would replace a view of trees with a permanent structure. He said that the wall was still the main issue and the sloped area between the homes had been landscaped over time. He said that when these properties were developed 30 to 40 years ago they were probably leveled out, and the downhill neighbor's house is an existing condition. He felt that it was not natural to build a tall retaining wall to create a flat lawn. He said that he could possibly support the project if the downhill area was left in its current condition and this might eliminate a lot of friction between the neighbors.

Boardmember Kricensky said that he was disappointed that so few changes had been made to the wall because he had hoped to see one with a more natural appearance. He said that the wall height is also a concern. He said that the fact that a developer created these pads and then put a house within two feet of the property line is unfortunate, but this was 40 years ago so the applicants need to work with the neighbors. He said that the wall would form the visual base for the house when driving up the street. He said moving the retaining wall back 5 feet or terracing the walls further would help, but he believed it is trying to create a level lawn on the slope did not feel natural. He said that the house would take only part of a larger panoramic view for the uphill neighbors. He said that moving the pool back helps, but changing the slope to put in a lawn felt wrong.

Chair Chong said the lot line situation is unfortunate, but it was done a long time ago. He felt that the improvements made the project dramatically better. He said that many property owners in Tiburon have moved a lot of earth around and that flattening the lot would not be unnatural by Tiburon standards. He said that the retaining wall would have multiple tiers and be landscaped, but he thought that stone wall might look a little nicer. He said that he would like to see more done, but the wall had been moved back and the shrubs, which would be more like small trees, would supplement the existing landscaping. He said that he could support the project with a changed to the materials of the walls.

Boardmember Wilson said there is not enough area to have a huge level lawn on the side. Chair Chong questioned how far would the wall would need to be moved toward the house to be acceptable. Vice-Chair Tollini said that he did not have a number, but would know better if it story poles were installed because this is a material element of the landscape.

The public hearing was re-opened.

Boardmember Wilson asked whether the existing landscaping could be retained and then fill be brought forward from the pool area. Mr. Pedersen said they could reduce the height of the walls

by adding a third tier and give up some flat area. Planning Manager Watrous suggested that the Board could request that only a single six foot tall wall be allowed much closer to the house.

Mr. Pedersen asked if the house could be approved by the Board and the redesigned site plan could be brought back to Staff for approval. Vice-Chair Tollini said he was basically happy with the house design and pool location, and Chair Chong noted that his main concern was the retaining wall.

Mr. Robberts said they have been very flexible and willing to compromise but are facing a time constraint because they want to begin grading before winter. He said that they could possibly redesign the project with only a single six foot wall if that was all that was needed.

The public hearing was closed.

Boardmember Wilson said he did not have enough information about changes to the retaining walls to make a decision for approval. Vice-Chair Tollini said the more distant of the two walls may be a starting point for giving guidelines as to the location of a six foot wall, and his preference was to see a six foot tall, one-wall solution and story poles.

The consensus of the Board was that the remaining concerns were proximity of the wall to neighbors, height of the wall, and the removal of existing vegetation. They also wanted to see more detail on the landscaping plan itself, materials for the walls and story poles installed for the walls.

<p>ACTION: It was M/S (Kricensky/Wilson) to continue the application for 166 Rock Hill Road to the August 20, 2009 meeting. Vote: 4-0.</p>

E. NEW BUSINESS BEFORE THE BOARD

2. 22 JUNO ROAD AMIR, ADDITIONS/VARIANCES

The applicant is requesting Design Review approval for the construction of additions to an existing one-story single-family dwelling on property located at 22 Juno Road. The project would create a new bedroom and bathroom and expand the living room at the front of the house and create a new office and expand the dining room at the rear of the dwelling. The exterior of the house would change to a contemporary design with a flat, taller roof and stucco siding and new windows would be installed around the entire house. Three new skylights would also be installed. Variances are requested for reduced front yard setback and excess lot coverage.

Daniel Amir, owner, said they are expecting their third child and their current home is too small. After talking to neighbors, he said that the general consensus was that remodeling the house on one floor would enhance and improve the neighborhood. He described the design of the project. He said that the lot size is extremely small even for the Belveron area and not granting the variance would force them to design a two-story house which could block views and impact privacy. He felt that the one-story solution with the variance requests was the best solution for his family and neighbors. He said that they consulted numerous neighbors about the plans and

incorporated the neighbors' suggestions and concerns as much as possible. He said that the plans were in line with other projects that have been approved in the past in their neighborhood.

The public hearing was opened.

Eleanor Sutcliffe said that she lives across the street and had concerns with the compatibility of the design with the neighborhood. Her particular objection was to the 17-foot tall entry. She said that she would be less concerned if this were usable space, but it is not livable or usable space and would be located in the front yard setback. She said that she would lose part of the view of the hills across Trestle Glen Boulevard and the house would appear massive from the street. She appreciated that the owners are trying to keep the house to one story to minimize impacts, but the high entryway would block her view of the hills and she requested toning down the projection of the entryway.

Ellen Rony said she has lived on Juno Road for 30 years and was upset when people move into the neighborhood and want to expand their homes. She is opposed to the front yard variance request because there are no sidewalks in the neighborhood and as houses move closer to the street, pedestrians are forced into the street. She said that approving variances gives fuel to the next applicant to expect to receive a variance that can impact the neighborhood in perpetuity. She asked the Board to send the message that there are rules and regulations and the Board should not approve variances house by house. She requested that the applicants design a house that conforms to the zoning requirements. She thought that the design was massive and stark and inconsistent with the neighborhood.

Danny Gallagher said that he lives next door to the proposed remodel and he felt that the new design would look better than the current house. He supported the height of the project and pointed out that 17 feet is less than a two-story house of 30 feet.

Daniel Altman, designer, said that his client wanted a contemporary design and they are willing to accommodate some changes to the entry. He said if the variance for excess lot coverage was not approved, they would be forced to build another story, and the neighborhood will object much more to the design. He said that a house that would comply with the setback and lot coverage would be a much more bulky structure.

Mr. Amir added that many of the homes in the neighborhood are ranch style, but there are contemporary style homes on other streets in the neighborhood. He said that the Board and neighbors have provided positive feedback on homes of different designs that add character to the neighborhood. He said that they are asking for the variances to accommodate their needs for another bedroom and bathroom and the only other way they could do that would be to create a second story, and he thought that this would create more issues with the neighborhood than just expanding on one story.

Boardmember Kricensky asked for the reason for putting in the 12 x 16 foot window wall in front. Mr. Altman replied that the purpose was to let in light and he described it as a series of small windows and not one big window.

The public hearing was closed.

Boardmember Wilson said he liked the design and found it to be similar to other homes in the neighborhood. He questioned the size of the windows and roof height, noting that a tree that partially screens the house may not always be there. He said that he had no problem with the lot coverage variance because it is a small lot, but he had an issue with the front yard setback, as there seems to be room in the back yard and some of these elements could be placed back there. He questioned the height of the additions, the wall of glass, and the front yard setback variance.

Vice-Chair Tollini agreed with Boardmember Wilson that this would be a tastefully done house. He felt that there needed to be more detail in the plans, particularly for the windows and he thought that the 9 foot tall garage door was excessive. He said that he could support the lot coverage variance, but moving the house closer to the street exacerbates the increased volume of the design. He said that the project was too tall and too close to the street, and he would have a hard time with the setback variance.

Boardmember Kricensky said the lot coverage request was reasonable because this is a very small lot. He noted that variances are often approved if they do not impact the neighbors on the street very much and he thought that this project would substantially impact the street side. He said that the design felt very commercial. He said that the entry element was a dominant part of the house, sticking out further than the existing walls. He thought that the size of the 16 x 12 glass wall could be broken up and noted that the ceilings would be 14 feet high. He was not opposed to a contemporary design, but the height combined with the decreased setback did not work. He also felt that the large windows facing the public right-of-way that close to the street were unacceptable.

Chair Chong agreed that the lot coverage variance was not a concern because it is a small lot. He also said that the design does not bother him, but he thinks it is too close to the street and that the same design, pushed further back, could work. He said that more work needs to be done on the design, with more detailed drawings, and he suggested using the space in the back of the house to set it back further.

Vice-Chair Tollini said that he walked to the curb on the far side of the street and the main thing that would be obstructed was the view of the trees in the backyard. He would like to see to what extent the impact on the neighbors view would be diminished if the project complied with the front yard setback.

<p>ACTION: It was M/S (Wilson/Kricensky) to continue the application for 22 Juno Road to the August 20, 2009 meeting. Vote: 4-0.</p>

3. 680 HAWTHORNE DRIVE MAHONEY, ADDITIONS - WITHDRAWN

F. APPROVAL OF MINUTES #11 OF THE 7/2/09 DESIGN REVIEW BOARD MEETING

ACTION: It was M/S (Kricensky/Chong) to approve the minutes of the July 2, 2009 meeting as written. Vote: 4-0.

G. ADJOURNMENT

The meeting was adjourned at 9:20 p.m.