

D. NEW BUSINESS BEFORE THE BOARD

1. 13 ROSEVILLE COURT VAN DUSEN, RETAINING WALL/VARIANCE

The applicant submitted an application (File #20915) to legalize the as-built walls with a variance for excess wall height. At that time, the applicant estimated that the wall had a maximum height of 10 feet. The Design Review Board reviewed the application at the August 6, 2009 meeting and found that the height and location of the wall was necessary to support a driveway turnaround area required by the Tiburon Fire Protection District. The Board voted unanimously (5-0) to approve the as-built wall and variance.

The applicants subsequently submitted plans to the Building Division for this wall. The Town Building Inspector visited the site and measured the maximum height of the as-built wall as 12 feet above the original grade on the site. Since the previously approved variance only allowed a wall height of 10 feet, the applicant was required to submit another variance application to request approval for the 12 foot height of the wall.

James Bradanini, architect, said the wall was not measured properly in the previous application. He said that the wall is actually 11'3" tall and, therefore, they are applying for a 12-foot variance for the wall. He said that the variance applies to a 12 foot long portion of the wall and that nothing else has changed on the application.

The public hearing was opened.

Victoria Fong said that she was concerned about the process of constant revision with the project. She thought that no other property has such a large retaining wall and the series of variances makes it seem that a great deal of leeway is being given to the applicant. She urged the Board to consider the cumulative impact of the size of building on the property. She also noted that a significant amount of mature landscaping has been removed, and requested landscaping to shield the building.

Barry Thornton said that he lives next door to the project. He expressed a great deal of frustration over the increased size and scope of the project over time. He said that the hillside is completely bald and the natural landscape has been ruined by the removal of trees. He ordered a survey because he does not trust anything going on, and blamed the Board for allowing this to go on.

Karen Land concurred with the comments of her husband, Mr. Thornton, and those of Ms. Fong. She asked the Board to require an updated plan including the details of all of the changes. She questioned whether the plans are being followed accurately and said the project has had a huge impact on her property. She said that she was appalled to see all of the old growth trees removed, which she felt has had a terrible impact on wildlife and her privacy. She also voiced concern about the instability of the soil which has necessitated so many walls and drains and said that she would like an engineer to examine this.

Chair Chong said some of the issues that came up should be addressed with the Building Division. Mr. Bradanini agreed that concerns about dust and construction should be addressed with the Building Division and he noted that all of the plans are on file with the Town for neighbors to review. He said that they plan to re-landscape the hillside and his intent is to move the project along and ultimately he felt that this will be a beautiful project.

Boardmember Doyle asked the size of the plants in the back. Mr. Bradanini said they are 15-gallon, which would hold about a 12-14 foot tree.

The public hearing was closed.

Boardmember Doyle said tonight's discussion is focused on the driveway only. He said that his concern last time was that the neighbors uphill would not see the whole turnaround. He thought that the plants around it will block that view. He said that he was concerned about the other things happening to the neighbors, which need to be addressed by the Building Division. He agreed that living through construction is not easy, but nothing has changed on the project except for the height of the wall which was discussed at the previous meeting.

Boardmember Kricensky agreed with Boardmember Doyle. He said that the topography and shape of the lot creates a hazard, and the driveway should have some form of turnaround. He thought that this is a more elegant solution than a hammerhead, and said a hammerhead would require an even larger retaining wall.

Boardmember Wilson said that he agreed with everything said, but felt that it was unfortunate that the project has been so difficult for the neighbors.

Vice-Chair Tollini said he agreed with everything said, as well. He appreciated the frustration of the neighbors and felt that they have valid concerns, but, all the Board could do was discuss the height difference in the wall. He agreed with Boardmember Kricensky that the turnaround was a superior solution to the hammerhead.

Chair Chong agreed and said he thought that this was a case where the wall height was simply mis-measured.

<p>ACTION: It was M/S (Tollini/Wilson) that the request for 13 Roseville Court is exempt from the California Environmental Quality Act and approved the project subject to the attached conditions of approval. Vote: 5-0.</p>

2. 83 CLAIRE WAY KAMLOONWASARAJ, GARAGE CONVERSION

The applicant is requesting Design Review approval for the conversion of the garage into living space and various exterior modifications at an existing single-family dwelling on property located at 83 Claire Way. The original one-car garage developed with this house has been converted into a bedroom, bathroom and laundry room. Two windows on the right side of the home and the garage door were eliminated during the conversion process. The proposed garage conversion does not meet the standards set forth within the Town's garage conversion policy. Therefore, in accordance with that policy, this application has been referred to the Design Review Board.

Nardrdee Kamloonwasaraj, applicant, said that they want to bring the existing garage conversion up to code. She said that they have lived there 20 years and have not done any work on the house.

The public hearing was opened.

Cynthia Carrey said that her main concern was that if this had been a legal garage conversion, the owner would have been asked to do several things that they did not do. She said that there does not seem to be any storage in the backyard, and the renters tend to pile all of their bikes and toys in the yard. She also did not understand the part of the staff report that discussed the potential for another carport to be built there.

Ms. Kamloonwasaraj said that the renters put their belongings outside as part of packing because they were moving back to England. She said that there is a small storage shed beside the house, but it is a big lot and there is room for storage sheds. She stated that the house looks the same as other houses in the neighborhood and the lawn is even nicer than many of the other houses on the street.

Vice-Chair Tollini questioned where things are kept that are typically stored in the garage, such as lawnmowers. Somsak Kamloonwasaraj said that they have a gardener and there is no need for any lawn equipment.

Boardmember Doyle asked if the house will remain a rental. Mr. Kamloonwasaraj answered yes, for now, because they cannot sell it without having the legal garage.

The public hearing was closed.

Boardmember Wilson said that this is an existing condition built 20 years ago. He visited the house and it seemed fine. He did not notice that it was a rental as it did not seem any different from any other house on Claire Way.

Boardmember Kricensky said that he wanted to be sure that there would be enough storage for tenants so that belongings do not end up in the yard. He was also concerned about the lack of two off-street parking spaces, stating that if the Board starts allowing that, it could create problems. Other than these two concerns, he said that this was an existing condition that has been there for a long time.

Vice-Chair Tollini agreed with Boardmembers Wilson and Kricensky. He said that the 32-foot long driveway is long enough to fit two cars. He thought that having some sort of storage solution would be the right thing for the neighborhood. He did not think that it was necessary to require a landscaping screen.

Boardmember Doyle agreed with Vice-Chair Tollini that this situation has been in this condition for a long time, but that some kind of storage solution should be required.

Chair Chong said that although he it would not be easy to screen it, it is important to have storage.

Boardmember Kricensky suggested putting landscaping in front of the driveway to make it look more like part of the house. Boardmember Wilson agreed on the storage but did not agree that the applicant should be required to change the driveway.

<p>ACTION: It was M/S (Doyle/Wilson) that the request for 83 Claire Way is exempt from the California Environmental Quality Act and approved the project subject to the attached conditions of approval, with the additional condition of approval that a storage unit be required in the backyard. Vote: 5-0.</p>

3. 77 ROUND HILL ROAD WEISSENSEE, MODIFICATIONS/VARIANCE

Boardmember Doyle recused himself from the hearing for this application.

The applicant is requesting Design Review approval for modifications to the approved new two-story single-family home on property located at 77 Round Hill Road. The subject property is currently vacant. A new single-family dwelling was previously approved for this property in 2005 with a variance for reduced front yard setback (file #20507). The proposed modifications include relocating the garage footprint, garage doors and driveway access. The approved building footprint would be shifted and expanded to allow for modified living space. Various windows and doors would be modified as well. The proposed relocated home would place additional floor area within 15 feet of the roadway easement at the front of the property, which is defined as the front property line for zoning purposes. As a 30 foot front yard setback is required in the RO-2 zone, a variance is requested for reduced front yard setback.

Carl Weissensee, applicant, noted some corrections that needed to be made in the staff report. He asked that the description of the house on page 1 be corrected to say the upper level includes a master bedroom suite, one bedroom, and bathroom and the description of the lower level be corrected to say it includes two additional bedrooms. He said that the relocated home would actually place less floor area in the front yard setback because they have moved the house back.

Mr. Weissensee stated that the history of the project has been long and arduous and was well-covered in the staff report. He noted that before they could perform work required in the view enhancement report a number of the trees died, which increased the neighbor's view and made the applicant consider other alternative sites for the house. He said that they met with the neighbor and came up with a solution where the lower bedrooms would be tucked under the home. He said that they created greatly increased landscaped areas in the front as well as along the neighbor's property line. He acknowledged that one alternative was to leave the house where currently approved, but he did not think that that was a good solution because the neighbor would be more impacted by the additional bedroom and bath at the lower level.

Kyle Thayer, architect, clarified that they enhanced the proposed plans to better show the changes.

Vice-Chair Tollini asked about the amount of new living area. Mr. Thayer replied that the additional area would be in the added bedroom 3 at the lowest level.

Vice-Chair Tollini asked about the extent of the crawl spaces. Mr. Weissensee said that the house would be sunk 10-15 feet into the ground and there would be virtually no crawl space over 24 inches in height. He said that the reason he asked for a permit to place fill to the rear of the site was avoid hauling the soil from the excavation offsite and this allowed them to plant shrubs and shield the house from below. He stated that the approved plans included about 3 feet between the turnaround area and the patio and now they are requesting to place the same size garage and bend it toward the road, leaving anywhere from 18-22 feet of planting area. He said that they added a fence to assure privacy for neighbors. He stated that they pulled the two bedrooms under the house, reduced its footprint and reduced the overall length of the house that would be visible from the neighbor's house from 62 feet to 42 feet in length. He said that the neighbors would now be looking at landscaping instead of looking at the face of a garage.

Boardmember Wilson asked if the height of the house had changed at all. Mr. Weissensee said that the height was increased one foot. He said that they had to raise the garage one foot because of the steepness of the grade. Mr. Thayer said they are using the same principles of the features that were approved in the previous plan.

The public hearing was opened.

Charles Sofnas stated that the developer accepted and agreed to the previously approved plans and started construction. He distributed copies of the minutes from 2005 and referred to several passages that he had highlighted where the applicants were asked to redesign the house, reduce its size, keep the house close to the road and perform tree trimming to enhance his view. He presented a photograph of the Belvedere Lagoon view from his property, stating that the proposed plan would raise the three-story house by an additional foot. He distributed a copy of the new site plan overlaid by the previously approved site plan and said that he was concerned about the new addition which would be directly in front of his house. He objected to the proposed design because it would be larger and closer to his home, which he believed to be inconsistent with the previous DRB and Town Council approvals. He disagreed that the garage design would be better than the original plan and he therefore did not see any advantage to the new plan, especially when it would move the house closer to his home. He said that the plan did not show a large oak tree and three pine trees that would

somewhat block the garage and did not include all of the new vegetation that was required by the Town Council to further screen it. He said that moving the house back would not allow the trees to screen the building and they would now have an unobstructed view of the garage. He said that he was not opposed to new ideas, but because of his concerns with the new design, he insisted that Mr. Weissensee build the house using the previously approved plans.

Dale Sofnas said that she could not live with the house so close to hers and the house needs to be situated as far away as possible, not be given a variance to be closer. She said that they would now be looking at a three-story house, closer than what the Town originally approved. She was concerned about destroying the value and livability of their property.

Frank Doyle, speaking as a resident, described some of the history behind the original approvals, explaining that when the trees died the neighbors got a better view. He said that Mr. Weissensee thought he would be able to improve things for everybody by moving the house down the hill. Mr. Doyle said that one of the original reasons for the placement of the house was to maintain the view, but when the trees died, it opened that view more and created an opportunity to revise the house design. He said that he was fine with either plan, but he would like to see the house reduced in height, even by a foot, and that every little bit would make a difference. He requested putting in an additional tree for screening, as the landscape plan only included a 15-gallon oak and he would like to see a larger tree planted. He said that he was concerned that the older, existing oak would be removed. He said that the project had been going on for many years and he agreed with Mr. Sofnas that this is driving everyone crazy but Mr. Weissensee had done everything he said he would do.

Mr. Weissensee said that he looked at the driveway slope and did not know if it could be easily lowered. He stated that the portion of the house that faces the Sofnas' view had been reduced by 20 feet. He believed that having a landscaped area between the properties would be better than a view of cars in the driveway. He reiterated that in the new plan, the two bedrooms would be pulled in more and the garage turned. He said that the retaining wall below is a key wall and there would only be about 2 feet of it showing when it was completed, as there would be plantings to screen it. He said that the area that changed in topography is all below and behind the trees and has no effect on the view. He said that there are a great deal of outdoor living spaces and windows on the side facing the neighbors in the original plan, but in the revised plan they reduced the use of the side yard so that now there would only be a landscape buffer on the side facing the Sofnas' home.

The public hearing was closed.

Boardmember Wilson said that he felt for the neighbors as this was the last house to go in on the street. He said that clearly a lot of time and energy and emotion have gone into the revised design, but it was hard for him to get around the amount of time and energy that went into the original plans and make changes now. He thought that this house was being unfairly penalized because this house is the last one along this street.

Boardmember Kricensky commended the previous Board and Town Council for all of their work on this project. He said that the view corridor which requires the house to be moved up toward the road would still be maintained. He said that it was unfortunate that the existing neighbor's house was designed with the main living room looking into a side yard, but either plan would maintain that view. He believed that in the end the neighbors would be happier with the new design of the driveway because the view of landscaping they would see from their living room would be much more pleasant than the view of the driveway turnaround. However, he felt that the house must be kept as far away from the neighbor as possible. He noted that the exposure of that side is less than the original, but would also be significantly closer. In terms of the architecture itself, he said that the other houses on this side of the roadway seem to be more lineal, while this one would pop up

higher, and he would like to see the height reduced by at least one foot.

Vice-Chair Tollini said that there is so much history to this project and it is hard to appreciate how much time has gone into this project. In terms of the view, he agreed that the house has not been moved down the hill. He said that the house would not be narrower when looking at the structure from left to right and the part that had been narrowed was behind a screen that the neighbors were happy with. He was concerned about the height and was not convinced that the house needed to be raised up by a foot. He said that the house had grown in height and moved closer to the Sofnas' house, both of which were historically controversial issues. He agreed that this was probably a better design, but he took issue with the creeping height and movement closer to the Sofnas' home.

Chair Chong said that he thought that this was a better design and pulling it away from the street was a good thing, but it had been done at the expense of pushing it closer to the Sofnas' home. He felt that respecting the original elevations that were approved was important.

Vice-Chair Tollini said that the last time efforts were made to push the house closer to the street. Now they have pushed it sideways, he wondered if it would make much of a difference if the house were moved five feet towards the street.

Boardmember Kricensky wondered if the western corner of the house could be shifted. Vice-Chair Tollini said it would raise the house up a little, but the difference might be marginal. Boardmember Kricensky suggested better communication of designs, and said that the neighbors may not be able to understand the improved landscaping because it was not communicated well.

ACTION: It was M/S (Kricensky/Tollini) to continue the application for 77 Round Hill Road to the October 15, 2009 meeting. Vote: 4-0-1 (Doyle recused).

Boardmember Doyle returned to the meeting.

E. APPROVAL OF MINUTES #14 OF THE 8/20/09 DESIGN REVIEW BOARD MEETING

ACTION: It was M/S (Doyle/Wilson) to approve the minutes of the August 20, 2009 meeting, as written. Vote: 5-0.

F. APPROVAL OF MINUTES #15 OF THE 9/3/09 DESIGN REVIEW BOARD MEETING

ACTION: It was M/S (Doyle/Wilson) to approve the minutes of the September 3, 2009 meeting, as written. Vote: 5-0.

G. ADJOURNMENT

The meeting was adjourned at 8:50 p.m.