

D. NEW BUSINESS BEFORE THE BOARD

1. 1-54 LAGOON VISTA, PT. TIBURON LAGOON CONDOMINIUM ASSOCIATION, FENCE/VARIANCE

The applicant is submitting a request for construction of a lattice fence extension to a portion of an existing fence, with a variance for excess fence height, located on the property at Point Tiburon Lagoon. Currently the existing fence is four feet (4') in height. The lattice fence extension would increase the fence height an additional four feet (4'), for a total fence height of eight feet (8'). The fence would therefore exceed the maximum fence height of six feet (6'). The applicant is requesting a variance for excess fence height.

Sam Esterkyn, resident of Lagoon Vista, said that they are requesting a continuation of a fence that is already in place. He said that the Fire District tore down the foliage and the trellis that completed this fence and it was not subsequently replaced. He said that the condominium homeowners now have an unpleasant view of Fire District equipment and they would like to complete the fence and plant ivy to grow up the trellis.

There was no public comment.

Boardmember Wilson said he viewed the property on both sides and he thought that the request for the variance for the fence was absolutely fine. Boardmember Kricensky said that the situation would be better with the proposed fence. Chair Chong said that the fence would be an appropriate buffer to the Fire District equipment.

<p>ACTION: It was M/S (Wilson/Doyle) that the request for 1-54 Lagoon Vista is exempt from the California Environmental Quality Act (CEQA) and approved the project subject to the attached conditions of approval. Vote: 4-0.</p>

2. 14 ST. BERNARD LANE HAMER, NEW DWELLING/VARIANCE/FLOOR AREA EXCEPTION

The applicant is requesting Design Review approval for the construction of a new three-level single-family dwelling on property located at 14 St. Bernard Lane. The existing house and detached carport on the site would be demolished. The upper level of the new house would include a living room, family room, kitchen, dining room, a master bedroom suite, two offices and 1½ bathrooms. The mid level of the house would include two bedrooms, a gym, a guest studio with a wet bar and 3½ bathrooms. A guest bedroom and bathroom would be located on a lower level, and a basement area would include craft and media rooms. The proposed house would cover 8,219 square feet (21.6%) of the lot, which is less than the 35.0% maximum lot coverage permitted in the R-2 zone. The proposed house would have a floor area of 7,408 square feet, which is 1,608 square feet greater than the 5,800 square foot floor area ratio for a lot of this size. Therefore a floor area exception is requested. A variance is requested for reduced front yard setback.

Robert Hamer, owner, said that they have lived in the area and feel they really understand the challenges and issues in the area. He described the process of designing the plans, talking to neighbors and making changes. He said that they have made adjustments over the past year to accommodate neighbors' concerns.

Julie Hamer, owner noted that that it was important to them to have most of the living space on one level so that her older parents can participate in family celebrations.

Paul Smith, land use consultant, said that he was very proud of this project. He said that the owners have assembled a great team, the architecture is stunning, and the site is unique. He acknowledged that it required some sophistication to come up with a design will work on this challenging site. He said that there are homes all around the site and they needed to find a way to accommodate not only the neighbors' issues, but also to find something compatible with the neighborhood and consistent with the Town's guidelines. He described the lot configuration and said that the home would be built into the hillside and follow the contours of the lot. He explained that the bulk of the house would be broken up into those two main areas and the building would have a natural living roof to accommodate the neighbors above. He explained that an unusual amount of square footage of the home would be dug into the hillside and be essentially underground.

Mr. Smith said that the house design would meet virtually every one of the principles in the Hillside Design Guidelines. He stated that the findings could be made for the front yard setback variance because of the steepness of the hill and narrowness of the lot. He said that the house was to be located on the site where it would impact neighbors the least, which involved moving the home closer to the front property line to preserve the neighbors' views. He acknowledged that the other primary issue was the floor area ratio, which he said is intended to address visual bulk and that many of the homes in the neighborhood are much larger visually. He stated that the two findings required for a floor area exception could be made and stated that 2,000 square feet of floor area would be underground and would not contribute at all to the mass and bulk of the house. He said that the aboveground portion of the house would be about 900 square feet below the floor area ratio. He presented visual simulations showing the existing conditions and the way it would look with the house present, with much of it obscured behind existing landscaping.

The public hearing was opened.

Jim Horan said that the story poles block a portion of the water view from his home. He built his house 11 years ago and he said that he made sure that such view blockage did not happen to any of his neighbors. He said that he did not want any of his water views blocked by permanent structures.

Mel Ronick said that over the years they have seen their views reduced incrementally by new buildings. He noted that a house, unlike a tree, cannot be pruned. He said that if this property has room for a swimming pool, he did not understand the reason why the trellis in the middle and the guest house had to be built in a place that would impact his views.

Roger Nicoll said that Mr. Hamer had been very interactive with him. Mr. Nicoll thought that this was a tastefully done house. He had no objections and supported the project completely.

Todd Werbey said that the home would be well set into the hillside and attractive. He said that the house would be better than what is there right now, and he and his wife were very supportive of the project.

Allan Fingerhut said that his residence would be most affected by the house. He said that at first he was shocked when he saw the plans, but now that the house would be tucked into the hill he would gain a lot more of his water view. He acknowledged that Mr. Hamer moved the house to accommodate him. Mr. Fingerhut had no problem working with them and he supported the progressive nature of the project.

Mr. Smith said the Hamer's were very concerned with the view impacts on neighbors. He said that they made many changes to accommodate all neighbors and have located the area of the site that would impact neighbors the least. He stated that Mr. Horan and Mr. Ronick have panoramic views and the house would block only a very small part of those panoramic views. He said that there really is not another good option for the house, as they have found the location that works best for this lot. He believed that this would be a project the Board

and the community could be proud of, and that the neighbors will find a great addition to their neighborhood.

Boardmember Wilson asked if the doors would be wood or metal clad. Mr. Smith said the windows would be wood and the doors would be metal.

Boardmember Wilson noted that the Fire District was concerned about the trees near the house and asked if the trees would be removed. Mr. Smith said that they will do whatever the Fire District asks them to do regarding trimming or removing trees.

The public hearing was closed.

Boardmember Doyle said that this is great architecture and was beautifully designed. He said that the materials were beautiful and a lot of thought had gone into the design. He said that it was a challenge to follow the Hillside Guidelines, deal with one of the oddest shaped lots in Tiburon, and the house above it with a beautiful view. He acknowledged the large size of the house is it is large in size, but noted that much of the area underground could be removed and it would not change the appearance of the house. He liked that the house would blends in with the hillside but would not be visible from many other homes. He liked the green roof and the use of space in the house. He noted that the concerned neighbors were quite some distance away and the percentage of view that would be blocked was small compared to the amount of view they have. He stated that this is a good compromise and he did not know what else the applicant could do. He thought that this was a beautiful design and he supported the application.

Boardmember Kricensky agreed with Boardmember Doyle and commended the architect for doing a great job on a very difficult site. He said that the proposed house was big, but did not feel too big in that location. He said that the parking area would help divide up the house and make it feel less massive. He said that the materials work well and he had no problem with the setback variance because the setback is along a private driveway the variance would work for both neighbors who share the driveway. He was sympathetic to the neighbors regarding their views, as the house would take a portion of their water view, but he said that it would be such a small portion of the view, especially compared to the impact from other homes. He commented on the view photos provided where one used a wide angle and the other used a telephoto lens, making the actual impact deceiving. He said that the visual mass and the bulk of the house felt minimal and he thought that the house would be an asset to the community.

Boardmember Wilson said he inspected the property and neighbors' property. He said that this was the nicest house he has reviewed as a Boardmember with one of the best views in all of Tiburon. He felt that the proposed house was great and he loved the materials. He was concerned that the size of the floor area exception was a bit excessive and he did not understand why this space was needed. He said that the reduced front yard setback would not affect anyone. He said that he had some empathy for the neighbors' views, adding that projects chip away at these views over time. He was unsure why the breezeway was needed and he suggested removing it and tucking part of the house underneath.

Chair Chong said that this is a beautiful piece of property and would be a beautiful house. He recognized the amount of work that had gone into working with neighbors. He viewed the site from the Horans' house and said that the house would have an impact on the view. He said that if the pictures that were provided in the telephoto version were the only ones provided, he would oppose the project, but the house would not affect other portions of their panoramic view. He found the house design to be well thought out and would have a minimal impact. He acknowledged that the floor area was large, but he could support the floor area exception because he felt the applicant made an honest portrayal of the actual floor area.

Boardmember Kricensky suggested eliminating eucalyptus trees in the neighboring property to provide more view for neighbors, as those trees block a large portion of their view. He also noted that the stone materials would help the house blend into the hillside. He said that he has opposed other floor area exception requests that were inappropriate for their site, but felt that if there was ever a place for such an exception, this was it.

ACTION: It was M/S (Kricensky/Doyle) that the request for 14 St. Bernard Lane is exempt from the California Environmental Quality Act and approved the project subject to the attached conditions of approval. Vote: 3-1 (Wilson opposed).

E. ADJOURNMENT

The meeting was adjourned at 7:55 p.m.