

**MINUTES #2
TIBURON DESIGN REVIEW BOARD
MEETING OF FEBRUARY 4, 2010**

The meeting was opened at 7:00 p.m. by Chair Chong.

A. ROLL CALL

Present: Chair Chong, Vice-Chair Tollini, Boardmembers Kricensky and Wilson

Absent: None

Ex-Officio: Associate Planner Tyler and Minutes Clerk Rusting

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING

Associate Planner Tyler announced that 280 Loma Avenue has been continued to the February 18, 2010 meeting and may possibly be postponed to the first meeting in March.

D. OLD BUSINESS BEFORE THE BOARD - None

E. NEW BUSINESS BEFORE THE BOARD

- | | | | |
|----|--------------------|---------------|---|
| 1. | 280 Loma Avenue | Goodhart | Additions/Floor Area Exception
CONTINUED TO 2/18/10 |
| 2. | 77 Round Hill Road | Mariner Homes | New Single-Family Dwelling/
Variance for Reduced Front Yard
Setback |

On September 1, 2005, the Design Review Board approved an application to construct a new single-family dwelling with a variance for reduced front yard setback, on a vacant lot located at 77 Round Hill Road. The owners of the adjacent property at 75 Round Hill Road appealed the Board's decision to approve the project, based on several grounds which included that the design of the house would create unwanted view and privacy impacts. The Council denied the appeal at its November 2, 2005 meeting.

On September 17, 2009, the Board reviewed a proposal for modifications to the approved single family dwelling, which included relocating the garage footprint, garage doors and driveway access. The approved building footprint would shift and expand in order to allow for modified living space. However, it would shift the home closer to 75 Round Hill Road. After much discussion, the Board continued the item, with direction given to the applicant to provide better communication of the designs proposed, and noted that these modifications would shift the home closer to the neighbor at 75 Round Hill Road. The applicant withdrew the application shortly thereafter. Minutes of the meeting are attached as Exhibit 3.

The applicant has since re-evaluated the project for a more functional design, and has decided to reapply for a new dwelling. The project design is substantially different enough from the existing approval to constitute a new application rather than modifications to an existing approval.

Carl Weissensee, owner, said they currently have an approved permit that must be started within 5 months or new design review will be required. At the last meeting they presented a plan to create a larger landscape buffer between 75 and 77 Round Hill Road. When they did not receive approval, his partner lost interest and Mr. Weissensee took over the property. He has worked with the architect to come up with changes in response to the DRB's comments at the last meeting.

He said the neighbors requested moving the garage an additional 8 feet from their property, lowering the roof by 1 foot, and planting trees to screen their view of the house. In response to requests, he has eliminated the entire room on the second story, dropped the roof by 1 foot, and added plantings. He moved the family room away from the street and added a library. More of the house is buried in the hill than before.

Kyle Thayer, Architect, summarized changes to the plans. At the lower level, bedrooms 1 and 2 moved over 5 feet into the hillside, thereby reducing the footprint of the building on that side. The garage was rotated for a better orientation to the street and the garage slab was raised 2 feet to achieve a better backing in process. The family room moved to the west and to the south, a den and library were created in the area. They reduced the size of the living room and pushed it over 4 feet into the hillside. They lowered the entire building by 1 foot. The biggest change was to move the upper floor area a good distance away from the sides of the lower floor area. It is now 45 feet away from the parking pad, whereas before it was 38 feet. They have moved the house approximately 6 feet downhill. All of these changes together result in an increased planting area on the neighbor's side, which will be used to create a buffer.

Mr. Weissensee said all of the changes were completed in order to create more planting area and reduce the mass of the structure. The landscape area is quadruple the area of the landscape area in the old plan.

The public hearing was opened.

Public Comments:

Charles Sofnas suggested all they have heard is a comparison between a new plan and a plan that is not approved. The plan that is approved is dramatically different.

Boardmember Kricensky corrected Mr. Sofnas and stated that the applicant is comparing to the plan that was approved and not the one they previously rejected.

Mr. Sofnas said they are immediately adjacent to the site and strongly object to it. They made their objections clear at the last meeting and said the new plan made the house larger and moved it closer to their property than the previously approved plan. He noted that the new plan was rejected by the Board; however, he said he does appreciate the developer moving the garage. He was contacted by Miles Berger, a member of the Town Council at the time, who wished to speak with them about the plans. They met at his house to discuss ideas and they agreed to the following modifications:

- Reduce the proposed larger footprint to the approved smaller footprint
- Move the proposed house 5 additional feet from their property line
- Plant additional and larger trees, larger than the 24-inch box trees in the proposal
- Remove the retaining wall
- Reduce the height of the house

Mr. Sofnas said Mr. Berger agreed these were reasonable requests. The developer rejected their ideas and he requested the DRB reject the proposed plan as submitted.

Dale Sofnas said the house is 9 feet closer to their property than the originally approved house. It has been 5 years of tremendous stress and worry for them. They are 35 year residents of Tiburon and all they want is a compromise of 4 or 5 feet so the proximity and the height that affects them so greatly is altered. They would like maximum screening with mature evergreens.

Frank Doyle said he likes the new house better than the old house. He likes that the height has been dropped by an entire floor because it feels less "condo-like." Both plans are similar in how they affect his property. He would like to see the parking area minimized to create more of a landscape buffer and an oak tree of similar size to the other mature landscaping on the other side of the entry. He felt there were only so many ways to squeeze the house and he was not sure how much more could be changed.

Mr. Weissensee said they moved the house 2 ½ feet further from the Sofnas' property from the plan that was rejected and were trying to get as far away as possible. In addition, they eliminated the upper floor in that area which can be completely blocked by shrubbery and plantings. He suggested removing the upper floor as a far better solution than moving the entire structure 8 feet away. He thinks the retaining wall is valuable and can be blocked by 3 foot shrubs. They would be stepping up the hill with landscaping. He agreed to add another oak tree to the front of the house and thought that was a good suggestion and the parking could also be shifted now that there is extra space created by moving the house.

Vice-Chair Tollini asked how many feet the northeast corner had shifted from the approved plan. Mr. Thayer measured it and reported it had shifted 7 feet. Vice-Chair Tollini asked if the height of that corner had changed. Mr. Weissensee said the height of the roof is the same for the current proposal and the approved plan.

The public hearing was closed.

Boardmember Wilson said he inspected the site today and visited the neighbors at 75 and 85 Round Hill Road. He appreciated the reduction in mass of the second story and the trees they will be keeping in the front. He was concerned there is not a lot of entrance detail. There is no tangible plan showing the front entrance detail and he would like to see more details. He was also concerned about the new library/bedroom and suggested putting in another tree in that location to soften the façade. He suggested removing the parking stall in front completely or shifting it over and said it would make more sense to have the third stall with the other two.

Vice-Chair Tollini agreed with Boardmember Wilson, although he was not as concerned about detail near the front door because it is subterranean. He was concerned about the setback variance and said he would like to see more screening. He thinks an oak tree might not be the best solution because it can block views. The parking in front would exacerbate the closeness of the house to the road. On the east side of the house, he appreciates that the house is 7 feet closer to the Sofnas and that is more than is currently approved. However, all things considered, he thinks that is superior because it allows for more landscaping and only one story. The new design is 7 feet closer and is more attractive, and even if it were not for the prior design, he would be okay with the design of this house.

Boardmember Kricensky agreed and said the isolated parking space should be moved so 3 cars could park in the driveway. To mirror the tree on the other side is a good suggestion and he liked the idea of it also being an oak tree. He thinks the driveway and the stepped landscaping is far superior to what was approved before. Unfortunately, it was not well communicated to the neighbor. They have used over 52% of the building envelope, and he thinks that substantiates granting the front yard setback. The setback seems similar to the neighbors. With all of the constraints he thinks the applicant has done a good job and thinks the plan is a good compromise.

Vice-Chair Tollini said he thinks the landscaping is fairly generous and believed that the fast-growing evergreens will work out well.

Chair Chong said he compared this plan to the originally approved plan and thinks it is a lot better. Removing the second story gives more sky and light and the landscaping will look nice. He suggested a conditional approval to address the remaining issues. He asked if there is a size larger than a 24 inch box.

Associated Planner Tyler said a 24-inch box tree is somewhat mature; any additional landscape improvements would have to be contingent on approval by the Fire Marshall since they have a currently approved VMP landscape plan.

Boardmember Wilson said the owner could revert to the original approved plan and could start building within 5 months. The other Boardmembers agreed the new proposed plan is superior to the originally approved plan and that they did not want to revert to the originally approved plan.

ACTION: It was M/S (Tollini/Wilson) that the request for 77 Round Hill Road is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, and the request is approved, subject to the attached conditions of approval and the following additional conditions of approval: Relocate the isolated parking space on the northwest so it is adjacent to the two existing parking spaces, and expand on plantings in the northwest portion of the property and plant one tree at the entry of the property, with all plantings contingent upon approval by the Fire Marshall. Vote: 4-0.

F. APPROVAL OF MINUTES #1 OF THE 1/21/10 DESIGN REVIEW BOARD MEETING

ACTION: It was M/S (Kricensky/Wilson) to approve Minutes #1 of the January 21, 2010 meeting as written. Vote: 4-0.

G. ADJOURNMENT

The meeting was adjourned at 7:58 p.m.