



TOWN OF TIBURON  
Tiburon Town Hall  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Action and Approved Minutes - Regular Meeting  
Design Review Board  
April 7, 2011  
7:00 P.M.

## ACTION MINUTES #5

### TIBURON DESIGN REVIEW BOARD

#### CALL TO ORDER AND ROLL CALL At 7:00 PM

**Present:** Chair Tollini, Vice Chairman Kricensky and Boardmember Chong  
**Absent:** Boardmembers Emberson and Weller  
**Ex-Officio:** Planning Manager Watrous, Associate Planner Tyler and Minutes Clerk Harper

#### OLD BUSINESS

1. **112 HOWARD DRIVE:** File No. 21102; Rob Mickel & Marilyn Zimmerman, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with Variances for reduced front yard setback and excess lot coverage and a Floor Area Exception. The applicants propose to add 378 square feet to the home by expanding the garage and front entry of the home, and incorporate a larger kitchen at the rear of the home. The additions would increase the total floor area to 3,375 square feet, which exceeds the maximum floor area ratio of 3,323 square feet. The additions would result in a lot coverage of 24.6% which exceeds the maximum permitted in the RO-2 zone (15.0%). The expansion at the front entry would further encroach into the front yard setback, for a total reduced front yard setback of 23'4" in lieu of the minimum 30' required in the RO-2 zone. APN 039-141-01 Approved

#### PUBLIC HEARINGS AND NEW BUSINESS

2. **4 MCCART COURT:** File No. 711022; Bruce Lavine and Lisa Zimmerman, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Floor Area Exception. The applicants propose to construct 864 square feet of additions to the main and upper floors of the existing house, convert existing living space into an attached garage, change the roof design and add 5 skylights. The additions would increase the total floor area to 3,592 square feet, which exceeds the maximum floor area ratio of 3,408 square feet. Assessor's Parcel No. 055-171-22.  
Continued to 5/5/11
3. **1915 STRAITS VIEW DRIVE:** File No. 21101; John Jiang & Ning Lang, Owners; Site Plan and Architectural Review for construction of a new single-family dwelling, with a Variance for excess lot coverage. The applicants propose to construct a 4,099 square foot house with a 3,612 square foot basement, along with an attached two-car garage, swimming pool, spa and new retaining walls and landscaping. The proposed lot coverage of 4,151 square feet (19.1%) would be greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. APN 038-301-35 Continued to 5/5/11

## MINUTES

4. Regular Meeting of March 17, 2011 Approved

## ADJOURNMENT At 9:35 PM

### **APPROVED MINUTES #5 TIBURON DESIGN REVIEW BOARD MEETING OF APRIL 7, 2011**

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

#### **A. ROLL CALL**

**Present:** Chair Tollini, Vice-Chair Kricensky, and Boardmember Chong  
**Absent:** Boardmembers Emberson and Weller  
**Ex-Officio:** Planning Manager Watrous, Associate Planner Tyler and Minutes Clerk Harper

#### **B. ORAL COMMUNICATIONS - None**

#### **C. STAFF BRIEFING – None**

#### **D. OLD BUSINESS**

1. **112 HOWARD DRIVE:** File No. 21102; Rob Mickel & Marilyn Zimmerman, Owners; Site Plan and Architectural Review for construction of additions to an existing single family dwelling, with Variances for reduced front yard setback and excess lot coverage and a Floor Area Exception. The applicants propose to add 378 square feet to the home by expanding the garage and front entry of the home, and incorporate a larger kitchen at the rear of the home. The additions would increase the total floor area to 3,375 square feet, which exceeds the maximum floor area ratio of 3,323 square feet. The additions would result in a lot coverage of 24.6% which exceeds the maximum permitted in the RO-2 zone (15.0%). The expansion at the front entry would further encroach into the front yard setback, for a total reduced front yard setback of 23'4" in lieu of the minimum 30' required in the RO-2 zone. APN 039-141-01 [LT]

On March 17, 2011, the Design Review Board reviewed a proposal for construction of additions to the existing single-family dwelling, located at 112 Howard Drive, with variances for reduced front yard setback, excess lot coverage and a floor area exception. At that time, the Board noted that hardship findings could be made in order to increase the depth of the garage, but struggled to make the same hardship findings for the larger kitchen addition and the expansion of the front family room and entry area which increased the lot coverage. The Board continued the project with direction given to the applicant to work with the neighbors regarding the privacy concerns, and to come up with additional information regarding the hardship findings for both the kitchen addition and front living room and entry area expansions.

Chair Tollini opened the public hearing.

Rob Mickel, owner, discussed the need to make changes and additions to their home to correct a number of problems from the home's two-stage construction in the 1960's and 1980's, which included a tub that began leaking, an outdated kitchen, and of issues involving a very small garage and lack of storage. He stated that they propose a modest extension of the property forward to enlarge the garage and adjoining family room which he said would address the second hardship involving two non-functional living

spaces, one of which is a major thoroughfare to the kitchen. He stated that the kitchen is very small, has very little countertop space and old appliances. He said that the proposal necessitated exceeding the FAR and lot coverage, which he said would be difficult to accomplish in less space. He noted that the neighborhood was created prior to the Town's incorporation. He said that the house had been forced to the front of the lot which necessitated them going into their front setbacks, and the house already encroaches into the side setbacks.

Mr. Mickel stated that the proposed area would put them 52 feet over the FAR, which he felt would still represent a modest house and by the Town's standards. He suggested that a second story would result in an impractical layout, uphill view problems, and make for a very bulky house from the street.

Mr. Mickel stated that limiting the visual impact for neighbors created by the new, second-story window on the south side, would create a hardship by not allowing them to have views from this bathroom. He said that his neighbors, the Hess's are not far away and have three bedrooms on that side which represents a potential impediment to their privacy. He proposed to mitigate any potential privacy impacts caused by the middle window with trees, which would need to extend past the top of the fence by 3 to 4 feet. He explained that the Fire Marshal indicated that there was no fire issue with the trees and he presented three Photoshop views taken from the Hess's window at the level where Mr. Hess often works looking toward their home. He pointed out that a tall Pittosporum hedge was torn down with the intent of replacing it with three trees, the species of which are negotiable, and which would completely obscure views of the window and provide mitigation. He also noted that they had reduced the size of the window by one foot.

He stated that hoped to find a solutions to his neighbors' concerns and his sense was that with vegetation, they can completely obscure any views of the windows. He acknowledged the Hess's concern to not obscure the sky view and he was willing to be flexible with the trees to be planted to mitigate the view. He stated that having some view other than from the toilet enclosure would be a tremendous asset for them.

Michael Heckmann, architect, stated that the subject lot is in a location transitioning from R-1 to RO-2 where the neighborhood lots are basically the same size in both zones. He asked the Board to keep this in mind as a factor in how they can expect to utilize the lot to their best advantage, noting that the R-1 zoning regulations are much more lenient with reduced setbacks and reduced lot coverage. He said that by being only 3 lots further up the street they are restricted in comparison with lots more generous in size up the hill. He stated that met with Fire District staff who reviewed the proposed trees and confirmed that they meet the necessary clearance between the house and the trees. He distributed a sample of the railing material to the Board, stating that they also plan to use it for the fencing in the front yard to provide privacy. He stated that the vegetation solution is one that is found all over town and he believed will work, and he hoped for approval by the Board.

Chair Tollini reiterated the Board's preliminary conclusion that while there was a lot of support for the variance for the garage and kitchen, it struggled more with respect to the family/dining room and entry. He asked for the approximate additional size of the family room and entry. Mr. Heckmann responded that the additional square footage would total 37.5 square feet.

The public hearing was opened.

Joan Hess said that while she and her husband support Mr. Heckmann's plan and concept to improve the home, their concern is the large window as was indicated at the last meeting. She presented a sample of the window's size at 3 x 6 feet which would be in addition to two other windows on that side of the home and that would create an entire bank of windows facing their bedroom wing. She said that if anyone was getting into, out of, standing up, or sitting in the Jacuzzi tub, they would be visible from her home below. Therefore, if no trees are planted or they do not survive over time, she said that their privacy would be lost. Mrs. Hess also commented that trees and vegetation are not permanent. She described the loss of their sky view over 10 years ago when they approved of an addition to put on their second story. She presented a picture taken from their bedroom window showing their view and said that the installation of the three trees would darken their middle bedroom from. In working with the Mickels, Mrs. Hess said that

they have come up with options that have been rejected and they are looking for a mutually acceptable compromise.

Mr. Mickel addressed comments and distributed color coded pictures showing the neighborhood. He described privacy issues between other homes and living areas with windows in between homes. He said that many neighbors have chosen to deal with windows facing each other in different ways; some have bedrooms with shades, and some with and without vegetation in between. He thought that the proposed solution for trees was something that many neighbors have proposed. He said that they could resolve the privacy issue by planting either two or three trees in front of the window which would not block any of the Hess' sky view. He rejected the suggestion to have one-foot wide windows for their bay views.

Mr. Heckmann said that the Jacuzzi tub would be about 3.5 to 4 feet wide and the window with the sill at 3 foot, 8 inches. He stated that this design would restrict the Mickels' view down into the Hess property. Regarding room darkening or issues about outlook, he noted the south-facing sun into the intervening side yard and concluded that the light level to the Hess's house would not change significantly no matter what is planted. He added that there was also the possibility for the Hess's to arrive at their own privacy mitigation solution, which he said was not uncommon.

The public hearing was closed.

Boardmember Kricensky noted that the Town has allowed more lot coverage on RO-2 lots if the alternative is to go up, which was not a good alternative here. He agreed with staff that it was hard to make the practical difficulty finding for the family room and entry, but as an architect, he thought about how to enhance the look of the house architecturally. He thought that something should be done with the front of the house to make this happen, but that did not mean that square footage must be added. He stated that trying to change the interior circulation pattern would mean an entire remodel of the first floor. He said that the entry which would provide some identification to the front of the house. He noted that if the family room was not expanded, the project would only be 14 square feet over the FAR and without the entry as well, the project would be 2.5 square feet under the FAR. He said that the need to accommodate the larger RO-2 setbacks put on much larger lots would create a hardship in certain cases.

In terms of the bathroom window, Boardmember Kricensky said that it is nice to have light in the bathroom. He does not think that it is the Town's priority to accommodate views from a tub as opposed to a primary living area. He suggested that the sill plate could be raised and not hinder the view when standing, and the window, while not a slit window, could still have a view.

Chair Tollini echoed many comments of Boardmember Kricensky. He thought that seeing the zoning map was helpful which confirmed that the lots on the uphill side are zoned RO-2, which forces the Board to come up with inconsistent results that are tough to stand behind. He said that that this is a substandard sized lot and the curved front yard creates an incremental difficulty in complying with the required setbacks. He said that the only front yard setback issue was the front family room. He said that the floor area exception requested was at the margin. He thought that having an extremely shallow front family room was a difficulty. He definitely agreed that there was more than one way to see this and he did not disagree with staff's conservative view that you could conclude the other way. For these reasons, he said that he was able to make the findings for the variances requested and did not see the projects as a fundamental overbuilding of the property.

Chair Tollini agreed that the bathroom window would be a privacy issue for the neighbor but he felt that the issue was there because of the recently removed Pittosporum hedge or other landscaping. He agreed that either neighbor could plant something and not just the applicant, but felt that this was easily fixable with landscaping. He said that he had seen lots that were much closer with more windows that look directly into each other and landscaping was a good solution. He noted that there is always the potential for sky and light blockage, but he said that the window proposed would be in the middle of the house and not like a new corner window that would infringe more on the sky and light. He said that a new window in the middle of a wall could be screened by landscaping without going beyond the periphery of the wall.

Boardmember Chong echoed the other Boardmembers' comments regarding the variance. He said that given the layout with the kitchen and family room, he was not sure there was a way to easily pull out 52 feet without impacting the ultimate goals of the project. He stated that the lot was difficult to build upon and has the same look and feel of other nearby homes in the R-1 zone. He acknowledged that such windows are always sensitive subjects but he did not think the window was oversized. He agreed that the privacy issue could be easily solved by a landscaping solution by either neighbor and he would not require a slit window.

Chair Tollini said that Boardmember Kricensky's suggestion about raising the window sill height could be argued either way, but he felt that the landscaping would address the privacy issue and the lower part of the window would be less of an issue.

Boardmember Chong questioned specificity for size or height of the landscaping, and Chair Tollini referred to Sheet A-1.0, noting that no box size is specified. Boardmember Chong requested trees be sufficiently large enough to be a certain height from day one, noting that it is in both parties' interest to do so.

Mr. Mickel noted that a 24-inch box size equals a tree of 11 feet. Mr. Watrous suggested that in most cases it is better to have something more quantifiable in a condition so as to allow staff to inspect the size. Chair Tollini felt that 24-inch box is a huge tree and more than sufficient.

Mr. Watrous suggested and confirmed the Board's consensus to eliminate the condition relating to reducing the floor area of the project.

Boardmembers discussed the minimum number of trees and agreed that there be at least two trees, as three may be too many. The species of the trees was discussed, and Mr. Watrous indicated that staff can address whatever species is ultimately agreed upon between the neighbors.

<p><b>ACTION:</b> It was M/S (Chong/Kricensky) that the project is categorically exempt from CEQA and that the project be approved with conditions of approval, removing Condition No. 11, and adding a condition for planting two 24-inch box trees to provide screening between the neighbors. Vote: 3-0.</p>
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## **E. PUBLIC HEARINGS AND NEW BUSINESS**

- 2. 4 MCCART COURT:** File No. 711022; Bruce Lavine and Lisa Zimmerman, Owners; Site Plan and Architectural Review for construction of additions to an existing single family dwelling, with a Floor Area Exception. The applicants propose to construct 864 square feet of additions to the main and upper floors of the existing house, convert existing living space into an attached garage, change the roof design and add 5 skylights. The additions would increase the total floor area to 3,592 square feet, which exceeds the maximum floor area ratio of 3,408 square feet. Assessor's Parcel No. 055-171-22.

The applicant is proposing to construct additions to an existing single-family dwelling with a floor area exception, located at 4 McCart Court. As part of an overall interior remodel of the home, the proposal would convert the existing studio back into a two-car garage, add an office at the rear of the home, infill the entry area and expand the front bedrooms at the lower level of the home. The upper level would also be expanded at the front, in addition to other infill areas and expansion of the rear deck.

The proposed additions would increase the floor area by 864 square feet, for a total gross floor area of 3,592 square feet. As the maximum permitted gross floor area for the property is 3,409 square feet, a floor area exception has been requested. The proposed addition would also increase the lot coverage by 546 square feet, for total lot coverage of 2,218 square feet (16.0%), which is below the maximum permitted lot coverage in the R-1 zone (30%).

Chair Tollini opened the public hearing.

Phil Rossington, architect, described the project as straightforward. He said that the floor area exception was requested mainly due to put the garage back into the house. He stated that the story poles went up before he received the staff report. He then made a site visit to the site and saw that the story poles block the neighbor's entire water view. He said that they have therefore already redesigned the project and lowered the entire length of the roof by three feet in order to restore the water views. He said that they also altered the story poles to reflect the new design, but the staff report went out prior to making these changes, for which he apologized. Due to this timing, the project will need to be continued to the next meeting. In the meantime, he wanted to work with the Board and neighbors to find a solution that works for everyone.

Chair Tollini asked how high the roof would be raised from the height of the current roof. Mr. Rossington said that it would be in excess of 4 feet at the ridge. Mr. Rossington then presented a front elevation of the new proposal which showed the 3 foot reduction in height. Chair Tollini confirmed that the drawing was consistent with the story poles as they are now.

The public hearing was opened.

Michael Heckmann, architect, said that he represented Peter Kaiser, the neighbor most affected by this project. He stated that since the project would be continued, they will have a chance to confirm revisions as reflected by the story poles and asked if the Board could require the story poles be surveyed and certified.

Chair Tollini questioned and confirmed with Planning Manager Watrous that story pole certification is only required for a new houses and not necessarily for additions to an existing house.

Mr. Heckmann distributed a color rendition and photographs showing the area that would be blocked by the current project design. He said that a lot of progress had been made, and he believed a continuance would provide Mr. Kaiser with more time to fully understand what is being proposed and provide input to Mr. Rossington and the owners. He said that there may be more water view that can be liberated and he encouraged the Board to visit the Kaiser residence prior to the next meeting.

Margo Zender, realtor, said that she represented Mr. Kaiser when he purchased the home. She said that he owns a view property and she hoped the Board will consider the valuation and views when assessing the project. She noted that the neighbor's home already has two levels and she questioned the need to increase the roofline.

Mr. Rossington responded to comments, stating that the owners desire to have higher than 8 foot ceilings in the upper floor, and noted that they would maintain the first floor ceiling heights as is.

The public hearing was closed.

Boardmember Chong recalled when Mr. Kaiser brought his project to the Board there were many modifications the Board required of his home due to uphill neighbor's views and the proposal was lowered from three stories to two stories. He said that he would be hard pressed to get behind any application that impacted the view at all since the Board made such stringent requirements of this neighbor.

Boardmember Kricensky agreed with staff on the floor area exception. He said that what was presented on the plans was unacceptable and the applicant had made great strides to bring that down. He said that the revised story poles seemed to indicate minimal intrusion into the water view. He felt that a nice pitched roof with shingles is better than looking at a tar and paper flat roof all the time. He said that he would want to know that the story poles are accurate and would agree with the need for them to be surveyed.

Boardmember Chong agreed with Boardmember comments regarding the floor area exception. He likened the situation to an uphill neighbor of his who fought very hard for not having pitched roof and

instead had a flat graveled roof to maximize views, which he later regretted. However, he wanted to know that the applicants had done everything they could to keep it as low as possible.

Chair Tollini agreed that pitching the roof would look more attractive and cited the current roof and satellite dish as eyesores. He noted that additional engineering would need to go into designing a green roof which would make this alternative somewhat cost prohibitive and noted that the proposed roof was gently pitched and about the minimum for composition shingles. He did not think that the ceiling necessarily needed to be as high as proposed, but at the same time if the two side pitches were to be brought down, it would make for a somewhat unusual looking house. He thought that the revised story poles did not represent a material intrusion into the viewshed, but he would like to see the height brought down another foot if possible. He agreed with staff's conclusion with respect to findings for the floor area exception. He suggested certifying the story poles for the two peaks on the left and right side of the house in the front elevation. While the survey would be appreciated by everyone, given the added costs, he said that he would be hesitant to require it but rather be willing to listen to explanations as to why it was not obtained.

Boardmember Kricensky said given the need for continuance, he asked the applicant to try and find a way to open up more views.

**ACTION:** It was M/S (Chong/Kricensky) to continue the item to the May 5, 2011 Design Review Board meeting. Vote: 3-0

3. **1915 STRAITS VIEW DRIVE:** File No. 21101; John Jiang & Ning Lang, Owners; Site Plan and Architectural Review for construction of a new single-family dwelling, with a Variance for excess lot coverage. The applicants propose to construct a 4,099 square foot house with a 3,612 square foot basement, along with an attached two-car garage, swimming pool, spa and new retaining walls and landscaping. The proposed lot coverage of 4,151 square feet (19.1%) would be greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. APN 038-301-35.

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 1915 Straits View Drive. The main floor of the house would include a living room, dining room, kitchen, family room, master bedroom suite, one additional bedroom and 1½ bathrooms. A basement level would include three bedrooms, three bathrooms, a media room, gym, wine storage and laundry room. A two car garage would be attached to the basement level. A swimming pool and spa would be constructed in front of the main level. The front of the site would be graded and retaining walls installed to create a larger, more level front yard.

The floor area of the proposed house would be 4,099 square feet, which is less than the 4,173 square foot floor area ratio for this site (the proposed 3,612 square foot basement level is exempt from the floor area ratio requirements). The house would cover a total of 4,151 square feet (19.1%) of the site, which would be greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Therefore a variance is requested for excess lot coverage.

Chair Tollini opened the public hearing.

Bob Swatt, architect, stated that the design was based on the owners' desire to create a large play area for their children on the south side of the property. He displayed and presenting colored photographs and renderings of the existing and proposed buildings. He said that they eliminated a large driveway running along the south side of the property, as well as on the east side of the property to a parking pad at the top of the site, noting that a garage was abandoned years ago. He said that the proposed access for the house would use an existing, non exclusive driveway on the property that serves the two houses above at 1911 and 1907 Straits View Drive. He described the proposed retaining walls and screening landscaping.

Mr. Swatt stated that the main roof height was set to align exactly with the ridge of the old building, but they would move the building substantially back on the property. He said that they would also add a 3.5 foot high clerestory element which would pop up above the existing ridgeline by 3.5 feet and would be 60

feet back from the front edge of the existing building. He said that they studied the heights of the roof in computer studies and had been very careful not to impact any significant views with the clerestory element. He said that a meeting was held with the neighbors and he prepared studies of views from every one of the surrounding houses, choosing what they believed to be the most important views. He noted that the story poles were inaccurate, as the real roof height is one foot lower than shown by the poles.

He described their meetings with the neighbors, the LaCroutes, at 1925 Straits View Drive directly east to the site, who voiced concerns about losing their privacy from their house. He stated that there was a perceived lack of privacy from a rear courtyard that could be easily addressed by installing landscaping or a 5 foot high wall, which would prevent his client from seeing the building next door. He believed that the neighbors' issue is that they would be able to see the building from the bedroom, from the corridor and from their courtyard, which is true. However, Mr. Swatt felt that this is not a privacy issue because his clients would not be able to see into the windows and the courtyard. He said that Ms. LaCroute indicated that when they built their house, they substantially buried the building into the hill as a response to neighborhood concerns and expected that his client's house would do the same. Mr. Swatt explained that they were doing the same thing and he pointed out the amount they would sink the building into the ground, noting that the basement would be 3,612 square feet and they would remove 1,680 cubic yards of hill to bury the building. He stated that the LaCroutes' primary view is looking up to the west and their only view in direction of the proposed house is sky, possibly some planting, and the building next door. He cited several discrepancies in a letter written by Mr. LaCroute about the project. He said that their request for 15 foot high landscaping at the northeast corner of the property would completely block his clients' views to the east and make it invisible to the LaCroute's to the west for their secondary view. He said that this landscaping would also be taller than their proposed building and would block other neighbors' views in looking down the hill.

Mr. Swatt stated that they also met with Trudy Taich, listened to her issues with what had happened in the past and explained to her that her view would be dramatically improved by the project. He said that she asked that a cedar tree be removed and to lower the landscaping along the retaining walls so it would not grow up and block her views, both of which they have agreed to do.

Mr. Swatt said that their studies of the Becker's property at 1907 Straits View Drive indicate that their views would be significantly improved because the amount of building mass subtracted would be very dramatic and a more important view, in his opinion. He said that he received a letter this afternoon from the Becker's attorney and he reviewed the letter with his own attorney. He refuted the claims in the letter, stating that there were sufficient grounds for approving the variance. He described the proposed basement and said that this area would not affect the mass of the building. He noted that other homes in the area had received similar or greater lot coverage variances.

He began to address an issue raised in the letter regarding an easement. Chair Tollini interjected and said that generally, deed restriction issues are beyond the scope of the Board's authority.

Mr. Swatt summarized that they disagree categorically with every comment made by the attorney. He summarized the views of the proposed house from several other homes in the vicinity. He stated that the architecture of the building would be very quiet, contemporary, and horizontal. He said that most of the glass would be on the south side and no skylights. He stated that his client wanted to build up, but he encouraged the owners not to build up. He stated that a lot of sensitivity had gone into the design of the building.

Chair Tollini questioned if there are any guard rails proposed along or near the edge of the retaining wall on the raised up lawn areas. Mr. Swatt said that in some areas the distance of the wall to the grade would be 30 inches and he pointed out the locations of glass guard rail by the pool.

The public hearing was opened.

Bob McDermott distributed photographs of his viewpoint, stating that his home is diagonally across from the view. He said that his concern was not the house itself, but the large lawn area and retaining walls, which represent about 10% of his views. He presented a view from the street of what the retaining wall

would look like. While he acknowledged it would be covered with plants, he said that the walls would look like a massive rectangle from the street. He suggested the plan be more terraced with curves instead of a long, flat playing field.

Trudy Taich said that her and her husband's property is directly west of the property in question and they have lived there for 54 years and have been subjected to three reconstructions, plus the original home built on the property. She said that this has been very difficult for them because two lots happen to be on one large strata of solid rock. She said that dynamite was blasted to level the surface of the previous home on the site and that the proposed project would involve lots of jack hammering and bulldozers. She said that her house would bear the brunt of this during what could be a two-year construction period. She said that her main objection was to the size of the house and if it did not have such a large basement and require so much digging, it would help. She believed that the house would not conform to the size of others in the neighborhood.

Dan Kemper requested re-surveying the story poles and stated that the colors in the submitted drawings misrepresented the potential view impacts. He believed that the project was very large for a family living in the home only two months a year. He read a letter into the record regarding his objections, and said that his views of the Golden Gate Bridge and the bay from their primary living areas of the living room, kitchen and deck will be affected. He asked that the roofline be lowered and the addition be pulled back from his view of the bridge. He thought that the floor area was too large the variance was uncalled for. He also voiced concern about light intrusion from the guest bedroom which would have floor to ceiling windows facing their property and asked the window to be moved to the other side of the room or that it be eliminated. In closing, he said that he had the same concerns voiced in the Beckers' attorney's letter.

Bernard LaCroute said he was originally in favor of the project when he saw the model, but felt that it was quite misleading and is not to scale. He opposed the project and said that he will take and most important is what can be seen from the pool area, which completely overlooks his yard. He opposed the large retaining wall and he saw no reason for a variance to be granted. He said that when he built his house he paid a lot of attention to respect the neighbors, and he felt that little or no attempt had been made in this regard. He said that the proposed screening solution of 5 gallon trees were much too small. He said that he understood the need for a big house but felt that the lot is too small for a house of this size.

Bob Becker said that when he first was involved with the project he had little interest in what the owners were proposing because he assumed it would not affect their house at all. He stated that there is a legal obligation for entering into a maintenance agreement if they are going to use the driveway. He said that he also had minor concerns about drainage. He said that while he did not object to small lot coverage variance if it solves the neighbors' problems, he felt that the project went way beyond the scope of a variance that could be granted. He referred to the points made in his attorney's letter, which he thought should necessitate a redesign.

Mr. Swatt, in responding to Mr. McDermott's comments, stated that the story poles show the top of the retaining walls, not the modified grades. He said that retaining walls would vary from zero to 6 feet. He said that what can be seen in the field are just the tops of the walls, which would be heavily mitigated by landscaping. In responding to Ms. Taich's comments about damage during construction, he understood that construction is a hassle. He said that he had no knowledge that the owners would only live at the home two months out of the year. He confirmed that Mrs. LaCroute did not agree with him and he explained that a wall, hedge, or stone wall at three feet high would make it impossible for anybody in his client's house to see the house next door.

Boardmember Chong asked for the amount of excavation for the basement. Mr. Swatt responded that it would be approximately 1,600 cubic yards.

The public hearing was closed.

Boardmember Chong stated that from a design aesthetic viewpoint, the home is beautiful and a very nice design. However, he did not know if it was the right design for the lot. He said that it felt like the applicant was trying to force a large flat house, yard and pool onto what is clearly a hillside lot. He stated

that he visited all four surrounding homes. He said that from 1905 Straits View Drive and from 601 Ridge Drive there would be arguably a minimal amount of impact when viewed from the porch area that is by no means the primary view of the homes. He said that the home at 1907 Straits View Drive has a downward looking view that would not be greatly impacted. He thought that the retaining walls would have minimal effect on the overall view from 601 Ridge Drive.

Boardmember Chong stated that the two most impacted homes would be 1925 and 1911 Straits View Drive. He said that the house would have a looming feel from what is clearly an outdoor area of 1925 Straits View Drive that looks and feels like primary living space, along with some level of impact from the corners of the retaining walls. He said that the living room of 1911 Straits View Drive is almost overlooked because it is uphill and hidden away, but would be the most impacted of the entire project. He said that the pictures taken from a bedroom misrepresented the impact and said that the house would eliminate views of the entire entrance of Raccoon Strait and a huge bite of the water from the living room. He felt that this home would benefit the most from some redesigning of the house.

Boardmember Chong said that he was unsure that such a large yard was necessary. He said that the basement did not concern him as much as the view blockage from 1911 Straits View Drive and some of the privacy concerns that a yard and pool area out front would have. His thought that there was still work to be done.

Boardmember Kricensky stated that he agreed with almost everything Boardmember Chong said. He said that the first thing he noticed on the plans was how much the house would crowd the driveway going up and how the drainage is being handled. He felt that trying to use the 20 foot driveway easement for the setback and overhangs was inappropriate. He also voiced concern about the amount of new yard area. He said that he could understand what the owners want to do with the pool and yard, but he suggested terracing with stone walls to make it more of a natural slope, stating that what was proposed was drastic and involved a lot of fill. He agreed with Boardmember Chong's comments about view issues, but noted that he was not able to access 1911 Straits View Drive, but went to the back of the home and could appreciate the observations of Boardmember Chong. He liked the design of the house and confirmed with Mr. Swatt that the scale model was vertically to scale. He suggested staying within the setback and working with landscape screening, which he felt would resolve the privacy issue. However, he believed that the house crowded the driveway side of the property. Regarding the basement, he said that the owners adhered to the Town's definition of basement, even though it would be very large.

Chair Tollini stated that any time new construction occurs in an existing neighborhood, it represents varying degrees of change for the neighborhood. He complimented the applicant and architects on the attractive building design. He stated that building up is an issue from 1925 Straits View Drive. He felt that this was not a privacy issue per se, but the house would have a looming feel. He said that that even if no one from the inside can see out and even if the land will be landscaped and inaccessible, it would just feel less private in the neighbors' outdoor living space.

Chair Tollini said that he visited the house at 1911 Straits View Drive and he came away with a different opinion than Boardmember Chong, characterizing this as a relatively minimal view intrusion into a panoramic view. He agreed that when standing in the living room, views of Raccoon Strait would be more blocked than the architect's picture represents, but at the same time, this would be generally consistent with the guiding principles of the Hillside Guidelines. Therefore, he had a hard time concluding that the view impacts from any of the surrounding homes would be problematic with respect to the house itself.

Chair Tollini said that his main concerns were the two pinch points of building right up to the side yard setbacks. He said that there would be an incredible amount of fill adjacent to the wall that would represent a substantial change to the site. He said that he could not conclude that the views shown on the pictures are so fundamental that absolute protection was needed. However, he said that this would be a significant build-out of lawn and he struggled with the amount being bumped out. He agreed with Boardmember Kricensky's comments about the design guidelines and not counting the basement, as the project was designed with that in mind for subterranean living space, and this is the type of thing the Town

contemplated when setting up the rule exempting basement from floor area requirements. He noted that it is not within the scope of the Board to review easements and deed restrictions, and the Board's decision does not change any legal standing insofar as whatever legal contracts are in place.

Boardmember Kricensky stated that the retaining walls would bring that mass out closer to the roadway. Chair Tollini agreed and said that the walls would create a platform-like area, which he struggled to accept. Boardmember Chong questioned and confirmed that the square footage of the upper portion of the lawn would be approximately 2,600 square feet.

Chair Tollini summarized that it seems that in terms of reaching consensus, all three Boardmembers have concerns with the amount of land that is being added behind the new retaining walls and the feeling that the owners are trying to turn a hillside lot into a flat situation. Boardmember Chong expressed added concerns of the ends of the house abutting the setbacks and exploring what can be done to minimize impacts from 1911 Straits View Drive.

Boardmember Kricensky voiced concern about how the trellis would crowd the area adjacent to the driveway, as it would be 13-14 feet high and limit the ability to have landscaping there. He said to have a driveway coming right next to the bathroom was also questionable.

Chair Tollini suggesting a continuance to see something done to either bring back the yard a bit, lower it down a bit, step it or reduce the continuous plain of it. He said that the Board would like to see the driveway side less crowded by the house directly up to the easement. He felt that the issue of crowding the side could be reasonably addressed with a better buffer between the actual side of the building and the driveway, but he saw the lawn and the retaining wall as needing a more substantial change. He added that bringing the story poles down to the correct height would obviously help.

Boardmember Kricensky referred to the excess lot coverage variance, stating that as opposed to other applications the Board has approved, the lot size is consistent with the RO-2 zoning. Chair Tollini agreed, and said that if the house were pulled back from the sides it would alleviate the excess lot coverage. He did not necessarily agree with staff's conclusion on the unnecessary hardship finding, stating that the house could be built towards the front rather than going up and does not have to be built at its precise location. Boardmember Chong said that he was split on this because from the lot coverage standpoint, when starting from scratch and with the use of the basement, he thought that the house should be that much closer to the Town's guidelines.

ACTION: It was M/S (Kricensky/Chong) to continue the item to May 5, 2011. Vote: 3-0.
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**F. APPROVAL OF MINUTES #4 OF THE 3/17/11 DESIGN REVIEW BOARD MEETING**

ACTION: It was M/S (Kricensky/Chong) to approve the minutes of the March 17, 2011 meeting as written. Vote: 3-0.
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**G. ADJOURNMENT**

The meeting was adjourned at 9:40 p.m.