



STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 173 Stewart Drive; File No. DR2016036; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling (Continued from May 19, 2016)

Reviewed By: _____

BACKGROUND

The applicant is requesting to construct a new two-story single-family dwelling. The existing single-family dwelling on the site shall be demolished.

This application was first reviewed at the May 19, 2016 Design Review Board meeting. At that meeting, several neighboring residents raised concerns about the accuracy of the story poles and the height of the house.

The Design Review Board did not support the project design. The Board reiterated its concerns that were raised during the review of the previous application for this property, stating that having all of the living area on the upper floor without extending the lower floor was contrary to the Hillside Design Guidelines and that the eventual removal of the pine trees on the site would make the house very visible when viewed from below on Sierra Court. The Board encouraged the applicant to consider placing some of the floor area on the lower floor, which could require some excavation on the site. The application was continued to the July 7, 2016 meeting, and further continued until September 1, 2016 at the request of the applicant.

Since the May 19 meeting, the applicant has told Town staff that she met with several nearby residents who told her that they would not support a revised project design with more floor area on the lower level, but, with the exception of concerns over the glass patio railings, would not oppose the original building design.

The applicant has now submitted revised plans that only marginally change the project design. The roof has been slightly reconfigured to lower the ridge height above the southern portion of the house by 1 foot 2 inches to 2 feet, 4 inches. The dining room windows have been reduced in size by 25%. The main floor kitchen would be 6 inches narrower and the lower floor laundry has been pulled back 6 inches. The curved patio design has been squared off. Otherwise, the floor plans are identical to the previous design and the floor area and lot coverage of the house remain unchanged.

As previously noted, the proposal would increase the floor area on the site by 885 square feet to a total of 2,723 square feet with a 510 square foot garage, which would be 32 square feet less than the maximum floor area allowed for a lot of this size. The proposal would result in lot coverage of 2,264 square feet (30.0%), which is 2 square feet less than the 30.0% maximum lot coverage permitted in the R-1 zone.

ANALYSIS

Zoning

Staff has reviewed the proposal and finds that it is in general conformance with the development standards for the R-1 zone.

Design Issues

The project design reviewed by the Design Review Board on May 19, 2016 staff report was not substantially different from the plans reviewed by the Design Review Board in 2015. The current plans are nearly identical to those reviewed on May 19, 2016, with only minor changes to the roofline, dining room windows and patio design. Staff believes that these plans are unresponsive to the direction given by the Design Review Board at its previous meetings.

The Design Review Board has previously concluded that the project would be inconsistent with Goal 1 of the Hillside Design Guidelines to “reduce effective visual bulk of a structure and to avoid monumental and excessively large buildings” and Goal 1, Principle 1 to “cut [a] building into [the] hillside to reduce effective visual bulk.” The Design Review Board also found that the placement of almost all of the floor area on the second level was also inconsistent with the Hillside Design Guidelines.

Public Comment

As of the date of this report, two letters have been received regarding the subject application since the May 19, 2016 Design Review Board meeting.

CONCLUSION

Despite repeated and consistent direction from the Design Review Board, the applicant has not substantially modified the project design to comply with the Hillside Design Guidelines. As a result, staff recommends that the application be denied.

Section 16-54.040 of the Tiburon Zoning Ordinance (Filing of New Application After Denial) reads as follows:

“After the denial of an application for, or the revocation of, a Site Plan and Architectural Review approval, Variance, Conditional Use Permit, Condominium Use Permit, Secondary Dwelling Unit, Junior Accessory Dwelling Unit, or Tidelands Permit, no application for the approval of the same or a substantially similar project on the same site shall be considered by the Review Authority within one year after the date of its action on

the original application, unless it is established that there has been a substantial change in the circumstances under consideration in the original proceedings, or that the denial was made without prejudice.”

In conformance with these requirements, if the subject application is denied the applicant would be unable to file a new application for “the same or a substantially similar project” for one year, unless the Board denies the application without prejudice. The applicant may submit a substantially revised project within a shorter timeframe.

RECOMMENDATION

The Design Review Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board agrees with staff’s conclusions, it is recommended that the Board direct staff to prepare a resolution denying the application, for adoption at the next meeting. If the Board wishes to approve the application, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Design Review Board staff report dated May 19, 2016
3. Minutes of the May 19, 2016 Design Review Board meeting
4. Letter from Laurie James, dated August 24, 2016
5. Letter from Joan Foster, dated August 24, 2016
6. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

173 STEWART DRIVE

FILE #DR2016036

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform with the application dated by the Town of Tiburon on March 29, 2016, or as amended by these conditions of approval. Any modifications to the plans of August 22, 2016 must be reviewed and approved by the Design Review Board.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not “deemed approved” if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
6. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney’s fees that might result from the third party challenge.
7. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24” x 24” in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site

8. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
9. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
 - a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
 - b. No changes of grade are allowed in the drainage easement without the approval of specific plans by the Town Engineer.
 - c. No lot-to-lot drainage is allowed except where easements for drainage are provided. No drainage may discharge across sidewalks.
 - d. All site drains and ditches shall be privately maintained and shall be contained within private storm drain easements. The easement shall be 10 feet wide for any pipes outside the Town right-of-way.
 - e. The improvement plans shall show that all concentrated site drainage shall be directed to an under-sidewalk drain or an approved onsite storm drainage system.
 - f. If over 2,500 square feet of surface area will be added or replaced, the site must provide at least one Post Construction mitigation in accordance with Section E.12 of the Town's Municipal Stormwater Permit and the BASMAA Post-Construction Manual Design Guidance for Stormwater Treatment and Control for Projects in Marin, Sonoma, Napa and Solano Counties.
 - g. An erosion sediment control plan shall be prepared prior to issuance of a building permit for this project.
10. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
11. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:
 - a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2

- b. Approved smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10The vegetation on this parcel shall comply with the requirements of TFPD and the recommendations of Fire Safe Marin.
 - c. CFC 304.1.2 Note that the existing pine trees require evaluation and not all of these trees may remain based on this evaluation.
 - d. Access gates shall be operable using the Fire District's "Knox" key system. CFC 503.6.2
13. The project shall comply with all requirements of the Richardson Bay Sanitary District.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
May 19, 2016
Agenda Item: 5

STAFF REPORT

To: Members of the Design Review Board
From: Planning Manager Watrous
Subject: 173 Stewart Drive; File No. DR2016036; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling
Reviewed By: _____

PROJECT DATA

ADDRESS: 173 STEWART DRIVE
OWNER: AFIE ROYO
APPLICANT: JOSEPH FARRELL (ARCHITECT)
ASSESSOR'S PARCEL: 055-101-21
FILE NUMBER: DR2016036
LOT SIZE: 7,553 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: MH (MEDIUM HIGH RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: APRIL 27, 2016

PRELIMINARY ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15303.

PROJECT DESCRIPTION

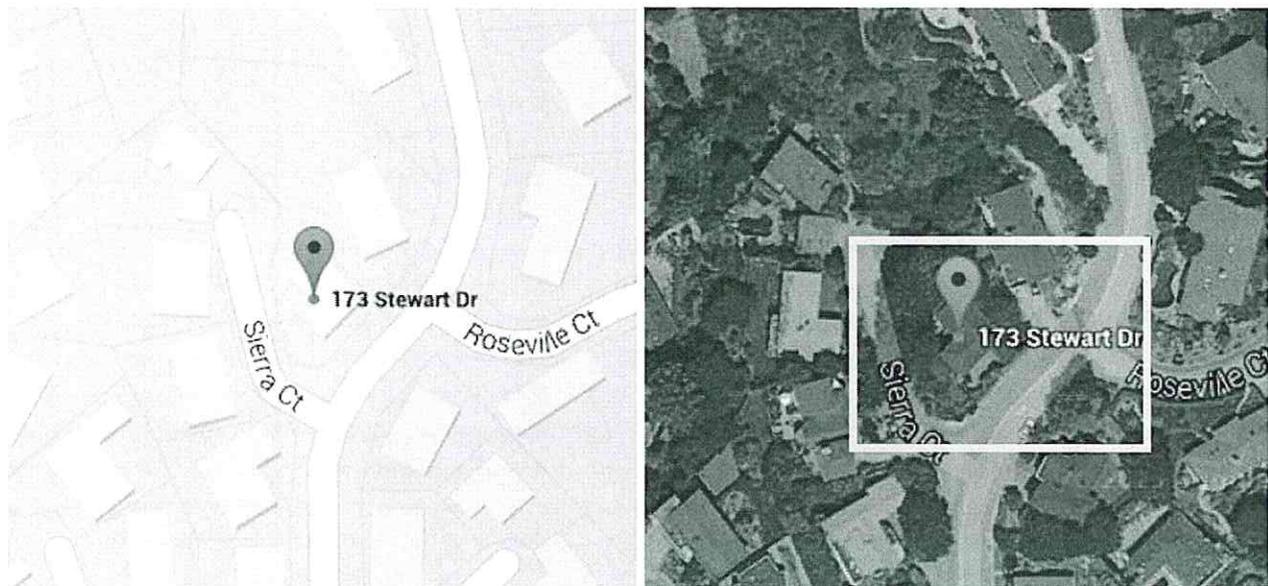
The applicant is requesting to construct a new two-story single-family dwelling. The existing single-family dwelling on the site shall be demolished.

The main level floor of the house would be expanded on all sides from the footprint of the existing house. The main floor would include a living room, dining room, kitchen, family room, three bedrooms, two bathrooms and a powder room. The lower garage level would include a two-car garage, laundry room, mud room and storage space. A new 6 foot tall wooden fence and gate would be installed along the right side of the lot facing Stewart Drive. Several mature Pine trees would be removed along the lower portion of the lot facing Sierra Court.

The proposal would increase the floor area on the site by 885 square feet to a total of 2,723 square feet with a 510 square foot garage, which would be 32 square feet less than the maximum floor area allowed for a lot of this size. The proposal would result in lot coverage of 2,264 square feet (30.0%), which is 2 square feet less than the 30.0% maximum lot coverage permitted in the R-1 zone.

The proposed colors and materials for the home include beige colored stucco and wood siding with bronze trim. A dark bronze colored metal roof would be installed. A color and materials board will be available at the meeting for review by the Board.

PROJECT SETTING



The subject property is situated on a relatively level site midway up Audrey Court, above the level of homes along Acela Drive. Mature vegetation extends along the rear and south side of the house.

BACKGROUND

In 2015, a Site Plan and Architectural Review application (File No. DR2015015) was submitted for construction of additions to an existing two-story single-family dwelling. As more than 50% of the existing dwelling would be demolished as part of this project, the application was classified as the construction of a new single-family dwelling.

The application was first reviewed at the May 21, 2015 Design Review Board meeting. The project design presented at that time included expansions to both levels of the existing house and construction of a new upper level. At the meeting, several neighboring property owners objected to the height and mass of the proposed project and the owner of the adjacent home at 175 Stewart Drive raised concerns about potential view blockage and the visual mass when viewed from the kitchen, dining room and deck of her residence.

The Design Review Board shared some of these concerns and felt that the project would impact the home at 175 Stewart Drive, would look too tall and massive when viewed from below, and had too much glazing. The Board continued the application to the August 20, 2015 meeting to allow the applicant to submit revised plans.

Revised project plans were submitted which eliminated the previously requested upper floor addition. The main level of the house was reconfigured and expanded slightly to the left (west) of the house, adding one more bedroom and bathroom to this level and increasing the proposed floor area of the level from 168 square feet to a total of 2,332 square feet. A laundry room, workshop and entry were requested to be added to the garage level, placing 426 additional square feet of floor area on this level. The previously flat roof was replaced with a slightly pitched roofline.

The overall size of the proposed house was increased slightly to 2,755 square feet of floor area. The changes to the main level of the house increased the lot coverage on the site to 2,382 square feet (31.5%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone and necessitated a variance is requested for excess lot coverage.

At the August 20, 2015 meeting, neighboring property owners again objected to the height and mass of the proposed project. The Design Review Board determined that the house would appear too massive when viewed from below, possibly exacerbated by the placement of all the floor area onto the main level. The Board also had concerns about the accuracy of the plans and story poles and raised doubts about whether this lot could support a house at the maximum floor area allowed for a lot of this size.

The application was continued to the September 17, 2015 meeting. On August 27, 2015 the applicant withdrew the application.

ANALYSIS

Zoning

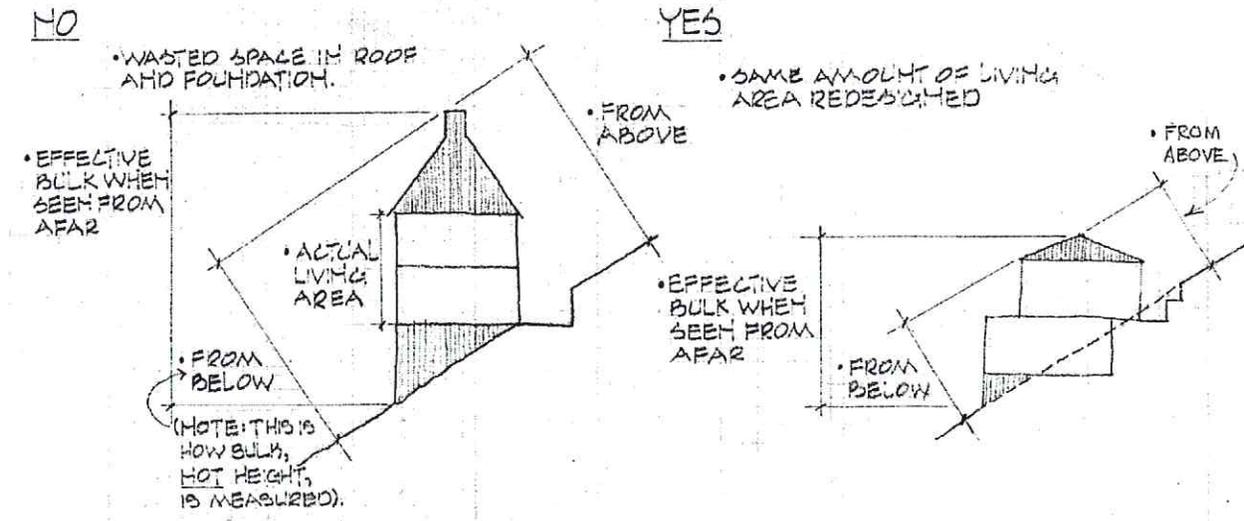
Staff has reviewed the proposal and finds that it is in general conformance with the development standards for the R-1 zone.

Design Issues

The current plans are not substantially different from the plans reviewed by the Design Review Board at the August 20, 2015 meeting. The floor area of the house has been reduced by 2 square feet and the lot coverage reduced by 118 square feet. The depth of the house was increased by approximately 4 feet on the south side and 2 feet on the north side. The width of the house was decreased by about 10 feet. The height of the house varies, but would appear to exceed the existing ridge height by one foot on the southern portion of the building.

The proposed garage would be set back from the outline of the floor above. The garage door would be 14 back from the face of the master bedroom above. The master bedroom would also cantilever almost 4 past the side wall of the garage. As a result, the upper floor of the house would project past the lower floor at the point closest to Sierra Court and the area of most visual concern to the Design Review Board and neighbors at the previous meeting. The design would be

inconsistent with Goal 1 of the Hillside Design Guidelines to “reduce effective visual bulk of a structure and to avoid monumental and excessively large buildings” and Goal 1, Principle 1 to “cut [a] building into [the] hillside to reduce effective visual bulk.”



The project would remove three large Pine trees on the northwest side of the house. The trees currently screen much of the house from view along Sierra Court and their removal would open up some views of the new house from below the site.

Public Comment

As of the date of this report, one letter has been received regarding the subject application.

CONCLUSION

The current house design is not substantially different than the project that was reviewed at the August 20, 2015 meeting and therefore does not address many of the concerns raised at that meeting. In particular, the house would have almost all living area on the main level and the floor area is nearly at the FAR for this lot. The portions of the main floor that would project past the garage would not help lessen the visual mass of the building when viewed from below the site on Sierra Court. Staff believes that the Design Review Board should give direction to the applicant on specific design changes that need to be made to better address these previously raised concerns.

RECOMMENDATION

The Design Review Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board agrees with staff's conclusions, it is recommended that the application be continued to a later date and direction given to the applicant regarding recommended changes to the project design. If the Board wishes to approve the application, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Design Review Board staff report dated May 21, 2015
4. Design Review Board staff report dated August 20, 2015
5. Minutes of the May 21, 2015 Design Review Board meeting
6. Minutes of the August 20, 2015 Design Review Board meeting
7. Letter from Laurie James, dated May 11, 2016
8. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

5. **173 STEWART DRIVE:** File No. DR2016036; Afie Royo, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling. The applicant proposes to construct a new two-story, 2,723 square foot house with a 510 square foot garage. Assessor's Parcel No. 055-101-21.

The applicant is requesting to construct a new two-story single-family dwelling. The existing single-family dwelling on the site shall be demolished. The main level floor of the house would be expanded on all sides from the footprint of the existing house. The main floor would include a living room, dining room, kitchen, family room, three bedrooms, two bathrooms and a powder room. The lower garage level would include a two-car garage, laundry room, mud room and storage space. A new 6 foot tall wooden fence and gate would be installed along the right side of the lot facing Stewart Drive. Several mature Pine trees would be removed along the lower portion of the lot facing Sierra Court.

The proposal would increase the floor area on the site by 885 square feet to a total of 2,723 square feet with a 510 square foot garage, which would be 32 square feet less than the maximum floor area allowed for a lot of this size. The proposal would result in lot coverage of 2,264 square feet (30.0%), which is 2 square feet less than the 30.0% maximum lot coverage permitted in the R-1 zone.

Joe Farrell, architect, stated that this project came before the Board several times and each time its size and scope was reduced. He stated that the project previously requested a floor area exception and a coverage variance, but now it met the development standards. He said that they met with the neighbors and reviewed the project and the story poles, but they were now unsure whether the story poles were correct and will meet with the surveyor next week to confirm the elevation of the poles.

Mr. Farrell reviewed the changes made to the previous project, including removing the large addition at the northwest side of the building, which now extends only slightly at the upper level. He described changes to the fence, patio area and driveway. He said that they tried to put all of the living area in the upper level of the home, with the laundry and mud room area on the lower level where the existing garage is located. He said that they studied the possibility of putting the living area on the bottom floor, but putting living space on that floor would require major excavation and was not feasible. He said that they reduced the height of the structure by several feet and the overall height was lower than the previous design. He noted that they also added significant landscaping to screen the building.

The public hearing was opened.

Bibi Assad said that she was very happy with the new design because it was a big change from previous designs, which involved a taller building that would have blocked her views. She said that she was concerned that the story poles that were put in two days ago look very high and do not look right and she hoped that that would be resolved.

Laurie James said that she met with applicants regarding the story poles which went up last week and were then readjusted on Monday, and she felt that this did not provide enough time to give

thoughtful feedback to the Board. She said that her main concern was the height of the story poles, as they looked taller than shown on the plans. She wanted to see the corrected poles and be sure that nothing was approved until the story poles were verified. She raised concerns about possible glare and privacy issues from the new glass panels around the patio.

Vivien Jacobs said that she had a lot of questions from the last meeting in February. She stated that the story poles indicate that the house would not step up the hill. She said that the most glaring issue was the height and she said that there were several errors in the measurements and questioned the trustworthiness of the plans. She said that the story poles make the house look much higher and appear blocky.

Mr. Farrell stated that the submitted plans and project data accurately show the building height. He said that they were willing to extend the fence out further to achieve more privacy for the neighbors and were open to considering different fence designs and materials. He said that they had a neighborhood meeting and will meet with their surveyor to correct the story poles, as he felt that they were too high.

Afie Royo, owner, clarified the story pole situation, stating that a contractor installed them and the surveyor said they were too short, so the contractor came out and made them taller. She said that the poles now appear to be too high. She said that she was willing to consider an opaque fence to avoid the problems noted about the glass panels.

The public hearing was closed.

Boardmember Cousins said that he appreciated what the applicant did, but on this site there is a problem with having all of the living area on the upper floor without extending the lower floor, which was contrary to the Hillside Design Guidelines. He said that the house is currently screened by pine trees, and once that screen is gone the house would be visible, particularly the cantilevered element on the upper floor. He said that not much had been changed much from the previous designs. He said that in order to achieve the desired floor area, the project may have to excavate to accommodate more living space on the lower floor and possibly dig down for the garage. He noted that the raised ceiling of the living room also pushes up the roof and he suggested keeping the eaves at the same height without raising the roof height.

Vice Chair Kricensky agreed with Boardmember Cousins' comments. He felt that the plans made sense on their own, but do not take the site into account and were contrary to the Hillside Design Guidelines. He agreed that it would take quite a bit of work to place floor area on the lower level. He thought that this design was better than the previous one because it did not push out on the northwest side, but with the trees removed it would open up views of a very tall facade.

Chair Tollini said that his view on the project had not changed from before. He said that he was more focused on the challenging site and he was not sure how to best solve the problem. He said that the shape and size of the lot are challenging. He said that this would be a tall house and although it is currently behind pine trees, when those trees are removed it would be very visible. He said that placing virtually all of the improvements on the top floor may not be possible. He

said that the cantilevered portion would be in one of the more sensitive areas. He felt that the project was inconsistent with the Hillside Design Guidelines and with other homes in the vicinity and would have a dramatic impact on Sierra Court. He said that developing floor area in the crawl space was not attractive, but would be the path of least resistance for adding floor area to the house. Planning Manager Watrous confirmed that the primary problem visually was from the side facing Sierra Court.

Planning Manager Watrous indicated that the project could be continued to the June 16 meeting. The applicant indicated a preference to continue to the meeting after that. Mr. Watrous indicated that the applicant would need to agree to an extension of the Permit Streamlining Act deadline to accommodate a continuance to a date in July. The applicant agreed to an extension.

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| <p>ACTION: It was M/S (Cousins/Kricensky) to continue the application for 173 Stewart Drive to the July 7, 2016 meeting. Vote: 3-0.</p> |
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6. **101 HOWARD DRIVE:** File No. DR2016038; Chris and Kenna Norris, Owners; Site Plan and Architectural Review to legalize as-built construction of a fence for an existing single-family dwelling. Assessor's Parcel No. 039-133-09.

The applicant is requesting design review approval to legalize as-built construction of a wooden fence for an existing single-family dwelling on property located at 101 Howard Drive. The property is currently developed with a single-family dwelling. The fence is situated near the front and side property lines on the corner of Howard Drive and Hilary Drive. The as-built wooden fence replaced an existing wooden fence covered with overgrown landscaping. The as-built fence would appear to be in the same location and height as the previous existing fence. The as-built fence would have a maximum height of six feet (6'). The property owner proposes to stain the fence a slate gray color and plant 30 inch tall landscaping in front of the fence along Howard Drive and Hilary Drive.

This application was first submitted for staff-level design review. During the review of this application, an adjacent property owner raised objections to the design of the as-built fence. As a result, the Community Development Director referred this application to the Design Review Board for action.

Chris Norris, owner, distributed renderings of the proposed project showing the fence from the surrounding streets and the corner. He said that the fence would be stained and landscaped. He said that the project would improve the visual appeal of their home, as well as the safety and visibility when turning onto Howard Drive from Hilary Drive. He stated that the previous fence was overgrown and dilapidated. He said that they received strong positive feedback from all neighbors except for one and that every home that has a direct vantage point of the new fence has indicated their approval. He stated that other fences in the neighborhood have the same height and aesthetics as this fence.

The public hearing was opened.

Dan Watrous

From: Laurie James [lajames07@comcast.net]
Sent: Wednesday, August 24, 2016 11:14 AM
To: Dan Watrous
Cc: 'Laurie James'
Subject: 173 Stewart Drive Project
Attachments: Poles Aug 24 2016.jpg

Hi Dan.

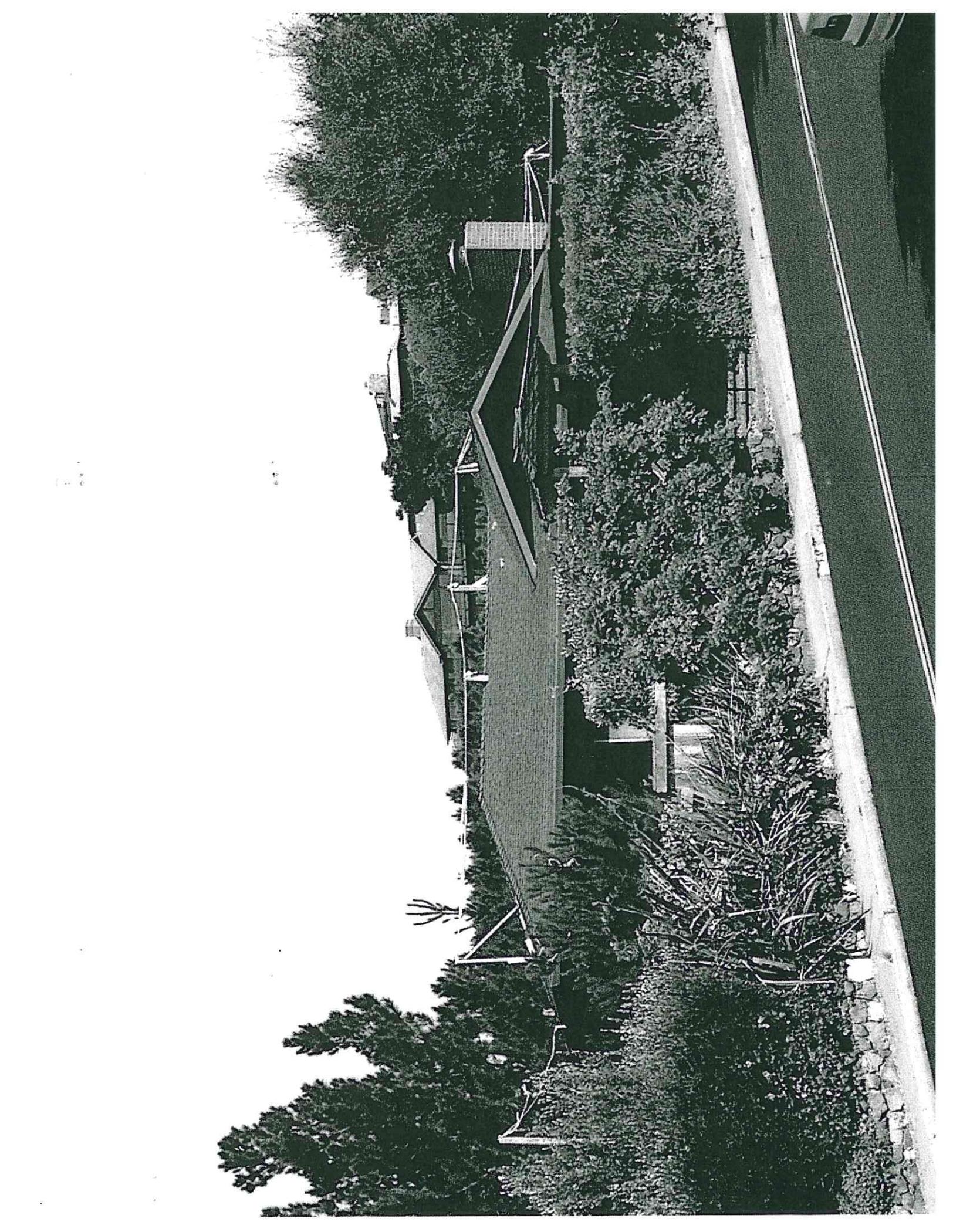
Thank you for the 3 sets of plans yesterday (the 2 extra going to my neighbors...Shaw and Jacobs).

I will be following up with a more detailed letter to you and the Board but wanted to communicate the following:

- 1) The new story poles depicting the proposed ridge design might still have an issue....looks like the length proportionality is possibly off.
- 2) Also as per the proposed submitted plans "Story Pole Legend/Notes" on page A4.1, it states "story poles be coordinated with the Town" and "The story poles must be connected with orange construction netting and shall clearly and accurately demonstrate the maximum roof height and the perimeter of the structure. The construction netting must be at least 15 ft wide and must be installed at the base perimeter and at the ridgeline of the poles to represent the height, mass and bulk of the structure to the maximum extent feasible."

As you can see, they put some taping up but didn't complete entirely. With all the previous issues with their story poles inaccuracies, we're not sure what else might be off...**please see attached picture.**

Thanks.
Laurie James



August 24, 2016

To: The Town of Tiburon Planning Commission
From: Joan Foster, Trustee for 11 Sierra Court, Tiburon, California

Re: Royo, 173 Stewart Drive, Tiburon

On May 18, 2016 I wrote a letter to the Tiburon Planning Commission, prior to the May 19th meeting on this application. In that letter, I acknowledged that the resubmitted plans (dated 5/5/16) were an improvement over the original 3 story design but that there were still problems that needed to be addressed, in particular the massive height at the bottom of Sierra Court, the cantilevered portion of the home overlooking the downhill side of Sierra Court, and fears that the landscaping to replace the existing trees that would be lost would be too small to screen the residence as proposed. I was unable to attend the hearing on the proposal and was very relieved to learn that you also had these same concerns and had directed the applicant to revise the plans to address these issues and to consider relieving the building mass by placing some rooms on a lower level of the house.

Yesterday I had the opportunity to review the "new" plans being submitted for the September 1st meeting and was disheartened to see that they were essentially the same plans that had been rejected by the Commission in May. This only increased my trust issues and hopes for a remodel design that would compliment the existing homes in the neighborhood. Originally, I had hoped that the replanting of the north and northwest side (lower Sierra Court) would screen the massiveness of the home but after a number of visits to the site, I now realize that the extension out onto Sierra Court, as viewed from the bottom of the street, and the height from street level cannot be relieved with the landscaping proposed. As an example, I enclose a photograph taken today of a home on Redding Court, just above our home at 11 Sierra Court. Landscaping was a condition of approval for the remodel of that home. As you can see, there is no landscaping. Once the remodel was approved, all bets were off, the home was sold, and the neighborhood was left to suffer the consequences. Note the cantilevered deck to the left in the photo as an example of how the cantilever proposed for the Royo residence would look like when viewed from below.

The applicant, by not resubmitting plans that address the issues outlined above by the Commission as well as the neighbors, has shown a total disregard for the hearing process. I respectfully request that you reject this attempt to circumvent the previous ruling in May, so that the applicant receives a very clear message, that in Tiburon, we take the planning process very seriously and that the hope of "wearing them down" will just not work to gain approval for an inappropriate design on this site that we all would have to live with on a daily basis.

Thank you, as always, for being mindful of our neighborhood concerns.

Sincerely,

Joan Foster
Joan Foster

