

ACTION MINUTES #17

**TIBURON DESIGN REVIEW BOARD
THURSDAY, OCTOBER 2, 2003
1505 TIBURON BOULEVARD**

A. ROLL CALL: Present - Vice-Chair Teiser Boardmembers Beales and Figour
Absent - Boardmember Kunzweiler
Ex-Officio - Community Development Director Anderson,
Planning Manager Watrous, Associate Planner Lynch and
Minutes Clerk Flanagan

B. PUBLIC COMMENTS (FOR ITEMS NOT ON THE AGENDA)

C. STAFF BRIEFING

D. CONSENT CALENDAR

1.	81 East View Ave.	Kaiser	Resolution of Denial ADOPTED
2.	1 Main Street	Main St. Properties	Sign Permit APPROVED
3.	90Main Street	Main St. Properties	Sign Permit APPROVED

E. OLD BUSINESS BEFORE THE BOARD

4.	23 Old Landing Rd.	Esperson	New Dwelling WITHDRAWN
5.	118 Hacienda Drive	Spatz	Additions/Variances CONTINUED TO 10/16/03
6.	31 Juno Road	Morgan	New Dwelling/Variances APPROVED

F. NEW BUSINESS BEFORE THE BOARD

7.	283 Karen Way	Szymoniak	Additions/Variance APPROVED
8.	11 Roseville Court	Singerman	Additions/Variance APPROVED
9.	4 Old Landing Rd.	Nobari	New Dwelling CONTINUED TO 11/6/03
10.	Tiburon Boulevard	Town of Tiburon	Bus Shelter APPROVED

G. DISCUSSION ITEMS

11. Discussion of voting and quorum issues

**H. MINUTES OF THE 9/18/03 D.R.B. MEETING – APPROVED AS
AMENDED**

I. ADJOURNMENT – 8:35 P.M.

**MINUTES #17
TIBURON DESIGN REVIEW BOARD
MEETING OF OCTOBER 2, 2003**

The meeting was opened at 7:00 p.m. by Vice-Chair Teiser.

A. ROLL CALL

Present: Vice-Chair Teiser, Boardmembers Beales and Figour

Absent: Boardmember Kunzweiler

Ex-Officio: Community Development Director Anderson, Planning Manager Watrous, Associate Planner Lynch and Minutes Clerk Flanagan

B. PUBLIC COMMENTS:

No one spoke during this time.

C. STAFF BRIEFING

Planning Manager Watrous noted the application for 23 Old Landing Road had been withdrawn and the item for 118 Hacienda Drive was continued to the October 16, 2003 meeting. He noted that the Town Council had appointed Emmett O'Donnell to fill the vacancy on the Design Review Board. He stated that an appeal had been filed on the St. Hilary Church drainage and grading improvements, which will be heard at the October 15, 2003 Town Council meeting.

D. CONSENT CALENDAR

1. 81 EAST VIEW AVENUE KAISER, RESOLUTION OF DENIAL

On September 18, 2003, the Design Review considered a request for the construction of additions to an existing single-family dwelling on property located at 81 East View Avenue, with a Floor Area Exception. After considering the application and considering public testimony regarding this request, the Board directed Staff to prepare a resolution denying this application.

M/S, Beales/Figour (passed 3-0) to approve the resolution.

2. ONE MAIN STREET MAIN STREET PROPERTIES, SIGN PERMIT

The applicant is requesting approval for new signs for the purpose of advertising a business located at One Main Street. The building is located at the corner of Main Street and Tiburon Boulevard and is the previous site of Boudin Bakery. The proposed signs would be located in the area of the previous signs for the building. Signs would be installed above each of the exterior windows, and two hanging blade signs would be located at the front left corner of the building.

Kathryn and Angelo Servino, applicants, described and showed samples of the proposed signs. Ms. Servino stated that the finish had been changed to a softer, satin finish, which does not glare.

Boardmember Figour stated the signs are elegant. He said that toning down the finish and lettering was a good idea. He stated that this building was designed with transoms to provide for signs. He said that the blade signs are tastefully done.

Boardmember Beales stated that the signs look very nice, but he is concerned about the size of the exception. He asked if previous tenants had had signs of comparable size. Associate Planner Lynch responded that the requested signs would be comparable in size and possibly provide less signage than the previous tenant had.

Vice-Chair Teiser stated the signs are consistent with what has been there and are part of the downtown fabric. He appreciates the satin, less-reflective finish, which he felt should be required as a condition of approval.

M/S, Figour/Beales (passed 3-0), to determine that the project is categorically exempt from the provisions of CEQA and approve the application subject to the conditions of approval as set forth in the Staff report, with the additional condition of approval that the signs have a satin finish as presented at this meeting.

3. 90 MAIN STREET MAIN STREET PROPERTIES, SIGN PERMIT

The applicant is requesting approval for new signs for the purpose of advertising a business located at 90 Main Street. The applicant is requesting approval for two wall signs and one portable "A" frame sign. One of the wall signs would be located on the front of the building, and the other wall sign would be located on the rear of the building facing the parking lot. The portable sign would be located in front of the business during hours of operation.

Boardmember Figour stated he had questions that were answered somewhat by the applicant before this meeting. He said that the drawings are not to scale and the location of the sign at the rear is on the upper portion of the building. He noted that the Downtown Design Guidelines prohibit portable signs.

Boardmember Beales stated the portable sign is not appropriate. He presumed that the existing sign on the front will go to the back and the new sign will go in the front. He found the other proposed signage on the building to be acceptable.

Vice-Chair Teiser concurred, and stated that a portable sign would add more clutter to Ark Row, and make it difficult for pedestrians to navigate.

Boardmember Beales noted that other portable signs that have been approved in the past predated the Downtown Design Guidelines.

M/S, Beales/Figour (passed 3-0) to determine that the project is categorically exempt from the provisions of CEQA and approve the application subject to the conditions of approval as set forth in the Staff report, with the portable sign not approved.

E. OLD BUSINESS BEFORE THE BOARD

**4. 23 OLD LANDING ROAD ESPERSON, NEW DWELLING:
WITHDRAWN**

**5. 118 HACIENDA DRIVE SPATZ, ADDITIONS/VARIANCES:
CONTINUED TO 10/16/03**

6. 31 JUNO ROAD MORGAN, NEW DWELLING/VARIANCES

The applicant is requesting Design Review approval for the construction of additions to an existing single-family dwelling on property located at 31 Juno Road. The additions proposed under the subject application, combined with those previously approved for this site, would result in the demolition of more than 50 percent of the existing house; therefore, this application is being reviewed for the construction of a new dwelling. Variances are also requested for reduced side yard setbacks.

This application was first reviewed at the September 18, 2003 Design Review Board meeting. At that meeting, concerns were raised by a neighboring property owner regarding the proposed building height increase associated with this project. The Board shared this concern, and noted discrepancies between the building heights indicated on the submitted plans and indicated by the story poles erected for this project. The Board continued the application to the October 2, 2003 meeting, and directed the applicant to address these concerns. The applicant has now submitted revised plans for this project that have lowered the maximum height of the house to 15 feet, 8 inches and the pitch of the roof to a 4:12 pitch.

Dan Morgan, owner, stated his plans now match the story poles. He described the changes to the plans, and indicated that the revised plans had been discussed with the neighbor, who is not here tonight.

Boardmember Figour acknowledged that the adjustment had been made to make the plans and the story poles match.

M/S, Figour/Beales (passed 3-0) to determine that the project is categorically exempt from the provisions of CEQA and approve the application subject to the conditions of approval as set forth in the Staff report

F. NEW BUSINESS BEFORE THE BOARD

7. 283 KAREN WAY SZYMONIAK, ADDITIONS/VARIANCE

The applicant has submitted a request to construct additions to an existing single-family dwelling on a property located at 283 Karen Way. The property is located within the Bel Aire neighborhood and has a rectangular shape that is ubiquitous among properties in the vicinity. The project would consist of an addition at the rear of the residence for a kitchen and living room expansion, and an addition to the front of the house for the garage and front entryway expansion. A variance is requested for excess lot coverage.

Erika Shern, architect, discussed the project and added that the reason for the lot coverage variance was to maintain the single story design.

Boardmember Beales stated he that has no problem with the application.

Boardmember Figour stated that he can make the findings for the variance based on the usual situation in Bel Aire of keeping remodels to one story.

Vice-Chair Teiser concurred, and added that he appreciates Bel Aire projects that maintain a one-story design. He added that also could make the findings for the variance.

M/S, Figour/Beales (passed 3-0) to determine that the project is categorically exempt from the provisions of CEQA and approve the application subject to the conditions of approval as set forth in the Staff report.

8. 11 ROSEVILLE COURT SINGERMAN, ADDITIONS/VARIANCE

The applicant has submitted a request to construct additions to an existing single-family dwelling on a property located at 11 Roseville Court. The applicant is requesting approval for alterations including new windows on the south and east elevation, and the reconfiguration of the wood deck at the rear of the residence. The applicant is also requesting approval for a new entryway, stairway and canopy. A variance is requested for reduced front yard setback.

William Singerman, owner, discussed the project.

Boardmember Beales stated that the existing dwelling is already within the setback, and the proposed additions would not exacerbate the situation.

Vice-Chair Teiser stated that the additions are attractive and this project would alleviate some safety issues. He stated that he could make the findings for the variance.

M/S, Beales/ Figour (passed 3-0) to determine that the project is categorically exempt from the provisions of CEQA and approve the application subject to the conditions of approval as set forth in the Staff report.

9. 4 OLD LANDING ROAD NOBARI, NEW DWELLING

The applicant is requesting Site Plan and Architectural Review approval for the construction of a new two-story, craftsman-style single-family dwelling on a recently-created vacant lot.

Vice-Chair Teiser stated he was contacted by a Planning Commissioner who had been part of the decision-making process for the subdivision that created this lot. The Planning Commission conditioned the approval of the lot split to permit a house of up to 4,000 square feet, as long as the size of the house did not impose problems on the neighborhood or neighboring property.

Community Development Director Anderson confirmed that this reflects his recollection of the Planning Commission decision.

Mohamed Sadrieh, architect, discussed the project. He noted that neighboring residents have not suggested a solution to their objections to the floor area of the house. He characterized the discussions with neighbors as thoughtful.

Boardmember Figour asked about the story poles on the site that are not shown on the plans. Staff responded that these are story poles left over from the subdivision of the site, and are located in the center of the lot and by the creek.

Boardmember Beales asked if the house has been designed for a particular family. Mr. Sadrieh stated that this is a speculative home; but that the property owner has a specific program for the design of the house.

Pat Atkinson, 31 Old Landing Road, stated that her concerns are the light color of the shingle siding, the potential privacy impacts, and the bulk of the building. She said that the house should respect the existing neighborhood, where residents have lived for many generations. She was concerned that the additional houses on Old Landing Road would create a potential traffic problem. She noted that construction trucks have already damaged landscaping on the narrow road.

Randy Greenberg, 45 Norman Way, stated that this house will set a precedent and a tone for Old Landing Road and other subdivisions in the area. She said that the residents of this neighborhood oppose the size of the house, and do not feel that the house fits in with the neighborhood. She stated that the average house size on Old Landing Road is less

than 2,200 square feet, and on Paradise Drive the average size is under 2,000 square feet. She noted that the proposed house is over twice the size of the adjacent home. She described the design of the house as a boxlike, bulky form set down on the site, not a gracious house. She noted that the west side of the house would sit right on the edge of a natural drainage system. She asked how the property would be landscaped, and stated that there must be a greater setback from the drainageway, which could be accomplished with a smaller house. She said that there should be a landscape plan for the full length of the yard, especially along the Paradise Drive property line, with native landscaping; she noted that this would better fit in with this portion of Paradise Drive, and would be consistent with the goals of the Paradise Drive Visioning Plan. She did not think that even a 3,500 square foot house would be appropriate for this site.

Francine Halberg, 24 Old Landing Road, stated that the house should be denied on the basis of its size, its height and its inconsistency with the neighborhood character. She concurred with Ms. Greenberg, and noted that most of Old Landing Road is a neighborhood of single-story homes. She felt that the size of the proposed house would not be consistent with that of the surrounding neighborhood. She said that when Old Landing Road was annexed to Tiburon, the residents thought it would be easier to preserve their neighborhood of small homes and woody streets.

Diane McEwen, 12 Old Landing Road, stated that the neighbors are a united group, as represented by the fact that 20 families signed the petition opposing this project. She said that compatibility of character with the Old Landing Road neighborhood is the issue. She said that neighbors had hoped for a house with a maximum size of 3,000 square feet, and that the Planning Commission-approved size of 3,500 square feet was acceptable, but that allowing an additional 500 square feet based upon need is impossible to justify based on need. She felt that people who want to build on the property will think the maximum floor area is what they can automatically have. She noted that during the discussion with the Planning Commission, the additional floor area was only to be allowed if a house was compatible with the surrounding neighborhood. She said that the proposed house is large and would appear even larger because trees will be removed from the site. If this is approved, she felt that there would be one big house on this property, while the remainder of the neighborhood consists of tiny houses. She said that the plan for trees on all sides of the house is very crucial. She felt that privacy issues with regard to her house were not adequately considered by this design. She stated that the goals and policies of the Tiburon General Plan are intended to preserve existing neighborhood character and identity.

Whitney Keilman, 26 Old Landing Road, a third-generation resident, stated that she is distraught about the proposed house and concurred with the previous speakers.

Paul Hantzsche, 4320 Paradise Drive, stated the Board must find that there is a need for the additional floor area. He said that the Old Landing Road neighbors are concerned about the precedent that would be established with this house. He said that if the height of the house does not bother Diane McEwen, north of the site, then he is comfortable

with it. He noted that he favored the lot split, but that he concurred with his neighbors' concerns regarding the proposed house.

Terry Kessler, 24 Old Landing Road, stated that he also concurred with the previous speakers, and noted that there is nearly unanimous opposition to this project. He said that this neighborhood is marked by modest single-story homes, and this house is neither. Bob Atkinson, 31 Old Landing Road, stated that a house this massive would start the complete change of the character of the neighborhood. He said that the project should be denied.

Mr. Sadrieh agreed that the way this subdivision language was written has created a Catch 22, because it has given the opportunity for the additional 500 square feet, but made it difficult to obtain. He said that there is a home in the neighborhood of similar square footage that argues against this as a precedent-setting size.

Boardmember Beales stated that this is a nice design, and fits in quite well in terms of stepping into the hillside. He said that the proposed excavation would minimize the mass and bulk of the structure. However, the 3,500-square-foot size established for this lot is the equivalent of a floor area ratio; he said that when requests are made for homes to exceed their allowable floor area, the applicant usually says that he has a growing family and has positive reasons to go over the maximum size, but that is not the case here. He said that he would not favor more than 3,500 square feet for this house.

Boardmember Figour stated the choice of architectural style and materials is correct for the site. He thought that the roofs were a little busy, but that is a product of stepping back the house. He noted that the pine trees at the front of the lot are dying, and that there will have to be replanting, as well as a better look at landscaping along Paradise Drive. He said that the upper portion of Old Landing Road is a distinctly different environment than the lower portion, even though he knows the population is homogeneous. He said that the previously reviewed house at 23 Old Landing Road was rejected because it had more impact on neighbors. He did not think that the proposed house would cause privacy problems for the neighboring homes. However, he noted that there is overwhelming neighborhood opposition to large houses. He agreed that the size of the house should not exceed 3,500 square feet.

Vice-Chair Teiser stated that he concurred. He found this to be a commendable house design that fits in with the character of the neighborhood, and that the setbacks are appropriate. He stated that the Planning Commission did not craft a clear resolution, but he did not think that there is any justification given by this application for building a 4,000 square foot house. He said that there is nothing that would persuade him to find for anything larger than 3,500 square feet. He said that the applicant should augment the landscaping close to Paradise Drive.

Vice-Chair Teiser asked the applicant if he would prefer a continuance or an action. Mr. Sadrieh responded that he would like a continuance to the first meeting in November.

M/S, Beales/Figour, (passed 3-0-1, Kunzweiler absent) to continue this item to the November 6, 2003 meeting, with direction to reduce the size of the house to 3,500 square feet (including garage) and to enhance the landscape plan for the Paradise Drive property line.

10. TIBURON BOULEVARD TOWN OF TIBURON, BUS SHELTER

The Town is pursuing the installation of a Golden Gate Transit bus shelter on the south side of Tiburon Boulevard opposite Ned's Way. There is an existing bus stop at this location, and the Town recently completed construction of a sidewalk connection to the bus stop from the crosswalk in the Tiburon Boulevard/Ned's Way intersection. Previously, persons were forced to walk along the unpaved shoulder of Tiburon Boulevard to access the bus stop from the crosswalk.

Community Development Director Anderson discussed the project.

M/S, Beales/Figour (passed 3-0) to approve this project, and to require the shelter to be painted an appropriate shade of green to blend in with background, and to allow no advertising on the shelter.

G. DISCUSSION ITEMS

11. PROCEDURES FOR CONFLICT OF INTEREST RECUSALS AND IMPARTIALITY ABSTENTIONS

Community Development Director Anderson reviewed the Staff report and responded to questions from the Board.

H. APPROVAL OF MINUTES #16 OF THE 09/18/03 DESIGN REVIEW BOARD MEETING

Changes include:

Page 4, 2nd paragraph, 1st line, add "not" before "concerned."

Page 8, 4th paragraph, third sentence, should be "planted the oaks as required."

Page 9, 1st paragraph, 2nd line to state, "...adding one more room could mean more people."

Page 2, last paragraph, 3rd line to state "...erosion to the adjacent property."

Page 3, 3rd paragraph, last line to state, "...it would lower the roof two feet."

Page 4, 1st paragraph, 2nd sentence, to state, "He noted there is a two-story neighbor and a one-story neighbor. The one-story house is closer to the property line than this request."

M/S, Beales/Figour (passed 3-0) to approve the minutes as amended.

G. ADJOURNMENT

The meeting was adjourned at 8:35 pm.