

ACTION MINUTES #3

**TIBURON DESIGN REVIEW BOARD
THURSDAY, FEBRUARY 19, 2004
1505 TIBURON BOULEVARD**

- A. ROLL CALL:** **Present** - Chair Teiser, Boardmembers Beales and O'Donnell
Absent - Boardmember Figour
Ex-Officio - Planning Manager Watrous and Associate Planner Lynch
- B. PUBLIC COMMENTS (FOR ITEMS NOT ON THE AGENDA)**
- C. STAFF BRIEFING**
- D. NEW BUSINESS BEFORE THE BOARD**
- | | | | |
|-----------------|---------------------|---------------|------------------------------|
| 1. | 321 Karen Way | Morais/Kaiser | Additions/Variances |
| APPROVED | | | |
| 2. | 9 Corte Palos Verde | Ruegg | Guest House/Variances |
| APPROVED | | | |
| 3. | 14 Acela Drive | Shamsian | New Dwelling APPROVED |
| 4. | 133 Leland Way | Hermann | Major Additions |
| APPROVED | | | |
- E. MINUTES OF THE 2/5/04 D.R.B. MEETING – APPROVED AS AMENDED**
- F. ADJOURNMENT – 9:30 P.M.**

**MEETING #3
TIBURON DESIGN REVIEW BOARD
MEETING OF FEBRUARY 19, 2004**

A. ROLL CALL

- Present:** Chair Teiser, Boardmembers Beales and O'Donnell
- Absent:** Boardmember Figour
- Ex-Officio:** Planning Manager Watrous and Associate Planner Lynch

B. PUBLIC COMMENTS:

Anthony Tobias, architect for the project at 116 Sugarloaf Drive, spoke regarding the project under construction at 111 Sugarloaf Drive. He stated that he had reviewed the approved plans for this project, and that the construction being done is inconsistent with the approved plans. Chair Teiser responded that Staff would look into this.

C. STAFF BRIEFING

Associate Planner Lynch stated that appeal of 4 Cazadero Lane is scheduled for the February 26, 2004 Town Council meeting. He stated that on February 26 the Town Council will interview at least one candidate for the Board vacancy

D. NEW BUSINESS BEFORE THE BOARD

1. 321 KAREN WAY MORAIS/KAISER, ADDITIONS/VARIANCES

The applicant is requesting Design Review approval to construct additions to an existing one-story single-family dwelling located at 321 Karen Way. Two additions to the front of the house would result in two new bedrooms and bathrooms, along with a one-car garage. Two sets of eight (8) solar panels would be installed on the existing portions of the roof, along with two new skylights. The proposed additions would add 301 square feet of floor area to the existing house, resulting in a total floor area of 2,318 square feet, which is less than the floor area ratio for a lot of this size. Variances are requested for reduced front and side yard setbacks and excess lot coverage.

Lara Conte, Malott architects, discussed the project. She stated that a similar project had been approved in 1998. She said that the rear portion of the project had been completed, and now they wished to build the front portions. She noted that the garage location had been moved from one side of the house to the other, and explained the reasons for the variance requests.

Andrew Rusting, 263 Cecilia Way, thanked the applicant for preparing a thoughtful design and said that he supported the variance requests.

Cynthia Perry, 79 Claire Way, stated that this was an excellent design that does not affect her neighbors. She also supported the variance requests.

Boardmember O'Donnell stated that this was an excellent design that works well with the site and fits in with the neighborhood.

Boardmember Beales stated that the project was essentially the same design as had been approved before.

M/S, O'Donnell/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.

2. 9 CORTE PALOS VERDE RUEGG, GUEST HOUSE/VARIANCES

The applicant has submitted a request to construct a guesthouse in the rear yard of the property at 9 Corte Palos Verde. The property is located at the end of the Corte Palos Verde cul-de-sac, and slopes down from the street. The guesthouse would be located at the southwest corner of the property. The guesthouse would be 570 square feet in size and would consist of a great room, bedroom and bathroom. Two variances would be required for the construction of the guesthouse. The project would exceed the lot coverage for the property, and the structure would be taller than what is typically allowed for a detached accessory structure located in the rear yard setback area. The applicant is also requesting the removal of a 26" diameter Pine tree in the area of the proposed guesthouse.

Fran Halperin, architect for the project, explained the reasons for this application. She stated that a separate guest house was the best design for functional and personal reasons. She stated that the height variance was necessary due to the topography at the location of the guest house. She said that this location would reduce any impacts on neighbors, and that the neighboring property owners support the design.

Boardmember Beales stated that he had no problems with the project. He said that the lot coverage variance is straightforward, and the height variance was appropriate given the location and the lack of impact on the neighbors.

Boardmember O'Donnell stated that he supports the project. He felt that the height variance was a non-issue, and noted that the neighbors support the application. He thought that the lot was a little overbuilt, but still acceptable.

Chair Teiser stated that his only concern had been the lot coverage requested, but acknowledged that this is a difficult lot. He said that the applicant had done a good job of fitting the building on the site, and he had no objections to the design.

M/S, Beales/O'Donnell (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.

3. 14 ACELA DRIVE SHAMSIAN, NEW DWELLING

The applicant has submitted a request to construct a new single-family dwelling located at 14 Acela Drive. During initial review of the application it was found that 50% of the floor area of the existing structure would be demolished. Therefore the project is being reviewed as new construction. The proposed residence would be a three-level structure with a 600 square foot garage, storage areas, and a covered veranda on the lower level. The middle level would be comprised of living areas, kitchen, solarium, laundry room, two bedrooms and three bathrooms. The upper level would consist of the master suite, two additional bedrooms and two additional bathrooms. The total floor area of the new residence would be 4,116 square feet. Other existing site features include mature

vegetation throughout that would be maintained. There is a wood deck at the rear of the existing structure, and there is existing deer fencing that would also be retained.

Ali Majlessi, architect, discussed the project.

Boardmember Beales stated that the plans did not indicate that any trees would be removed. Mr. Majlessi responded that no trees would be removed, although some hedges along the driveway might be removed and replaced with other planting.

Boardmember O'Donnell asked if the applicant was aware of the neighbors' objections regarding the trees. Mr. Majlessi stated that he had recommended to the owners that they wait until this meeting to discuss that issue. He said that the owners were willing to work with their neighbors regarding the trees.

Mark Casillas, 8 Bartel Court, congratulated the owners on a beautiful house design. However, he stated that he cannot see the story poles through the trees, and therefore cannot comment on what the house would look like from his home. He said that the pine trees on the site obstruct his views of the Belvedere Lagoon, but acknowledged that issues related to the View Ordinance were not in the purview of the Design Review Board. He noted that the submitted application states that the project would comply with all CC&R's; he stated that the trees violated the CC&R's for this neighborhood. He suggested that the project be continued until the next meeting to allow the trees to be trimmed. He stated that he was concerned that future exterior lighting might not be downlights, as the current lighting on the site interferes with his nighttime views. He felt that planting oak trees would be a great idea, as these trees would not likely block his views.

Alfred Trimbach, 33 Meadowhill Drive, stated that the applicants had cooperated by lowering the roof of the new house. He said that the trees impinge on the views of three homes on Meadowhill Drive. He wanted to be sure that the trees are trimmed to restore their view.

Boardmember Beales stated that the trees are not a part of this application, and that the Design Review Board does not deal with the View Ordinance. Chair Teiser added that the Town does not enforce CC&R's.

Pat Woburn, 6 Bartel Court, stated that new construction has to comply with the General Plan. She stated that the applicant is required to submit plans to the homeowners association for review and approval. She said that the applicant has stated that he is in compliance with the CC&R's, but she felt that he is not in compliance. She stated that a letter had been submitted to the Town that had been identified as a letter from Brian Lantier; she asked that that letter be removed from the public record. Chair Teiser responded that once a letter had been submitted to the Town, that it would remain part of the public record.

Mel Durao, 4 Bartel Court, said that from the story poles that he could see, it appeared that the project would increase the mass and bulk from that of the existing house and would impact his views. He said that he has been trying to get the trees trimmed for six months.

Pat Woburn asked the Board to consider the colors of the roof and walls to avoid a glaring materials or color. She stated that she needs to be able to see the story poles.

Mr. Majlessi stated that the tree issue is not part of this application. He reiterated that the applicants were willing to engage in a mechanism to work with the neighbors about the trees.

Fariba Shamsian, owner, distributed photos of the site viewed from other nearby properties. She said that the neighbors are concerned about the tall pine trees that obstruct their lagoon views. She said that the oak trees on a neighbor's property actually obstruct the view of the story poles. She said that trimming the pine trees would not help the neighbors see the story poles.

Chair Teiser asked the owner what she planned to do about the pine trees. Mrs. Shamsian stated that they are getting bids on the trees, and that they are willing to work with the neighbors on this.

Boardmember Beales state that he visited the site, walked onto the back yard and also visited Ms. Woburn's property. He acknowledged that the story poles were not visible, but that the poles are not taller than the roof of the existing house. He noted that the second floor of the proposed house would be pulled back. He said that if the neighbors could see the story poles, they would find that the house would not obstruct their views. He said that the tree trimming issue is not for the Design Review Board. He stated that he was concerned with the color of the proposed roof tiles. He thought that the roofing color was too light and should be darker. He said that the revised roofing could be reviewed by Staff.

Boardmember O'Donnell stated that he had also visited the site and Ms. Woburn's house. He stated that tree trimming is not an issue for the Board to decide, and he recommended that the applicant work this out with the neighbors. He felt that the back of the proposed house would not have too much bulk, and that the stepped design was consistent with the Hillside Design Guidelines. He said that he was also concerned with the roof color, which he felt was inconsistent with the design of a Mediterranean house. He said that the roof color should be darkened significantly. He noted that the most potentially affected neighbors support the project, and that he could support the application, subject to the change in roof color.

Chair Teiser stated that the tree trimming issue is not in the purview of the Board and has to be worked out with the neighbors. He stated that he walked around the site, and noted that the story poles are below the oak tree line. He did not think that view blockage

would be an issue, and that lowering the roofline will help. He also thought that the roof color should be much darker, and that Staff could review the color.

M/S, Beales/O'Donnell (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 added condition of approval that the roof color was to be significantly darker, with the color to be reviewed by Staff.

4. 133 LELAND WAY HERMANN, ADDITIONS

The applicant is requesting Design Review approval for the construction of additions to an existing one-story single-family dwelling on property located at 133 Leland Way. A two-story addition would be added to the southwest corner of the residence, with a master bedroom suite on the lower floor and an attic area above. A new one-story family room would be added to the northwest corner of the house. The existing one-car garage would be extended toward the front of the property. Three bay windows would be added to the bedrooms at the front of the house. One new skylight would be installed above an existing portion of the residence. The proposed additions would add 959 square feet of floor area to the existing house, resulting in a total floor area for the house of 1,957 square feet, which is less than the floor area ratio for a lot of this size. The lot coverage on the site would increase to 2,150 square feet (28.7%), which is less than the 30.0% maximum lot coverage permitted in the R-1-BA zone.

Chadd Hermann, owner, stated that it is good to see the level of community involvement for this application. He said that they are aware of the issues related to two-story development in Bel Aire. He said that their intent was to maximize their space while respecting their neighbors. He said that they wanted to keep the sycamore tree to the rear. He stated that they did not want to do a large two-story addition, which is why the addition only goes up 4'5" above the existing roofline. He said that they wanted usable upper floor area that would not be out of character with the neighborhood. He explained that the window on the front is intended to improve the aesthetics of the addition, and no views to the rear yards across the street would be possible from that window. He said that the southern addition to the house would not be as long as the adjacent neighbor's house, and that no second story windows would face that side. He stated that the sycamore tree would screen the view of the rear upper floor window. Based on feedback from the neighbors, he stated that they were willing to raise the sill height on the upper rear window to 5'6".

John Winder, architect, stated that the proposed northern wing would screen the view toward the rear yard to the north from the second floor windows. He showed drawings that illustrated the scale of a potential full two-story house in comparison to the project as proposed. He said that the attic area would not qualify as habitable space under the building code, and that this was meant to be a storage area. He described the view angles from the second story, showing how these views would be obscured. He noted that the

views to the rear are of homes 100 feet away. He said that it would be unlikely to have people up in the attic too long due to the low ceiling heights.

Mr. Hermann added that it would be difficult to stand at the dormer windows. He stated that they had put a lot of effort into minimizing the height and bulk of the additions and not affecting the neighbors, as they were trying to have as much space that would be respectful of the neighbors. He said that they had walked through the neighborhood and had received a favorable response to the project. He submitted a petition with the signatures of 60 neighbors in support of the project design. He also submitted photos taken from the proposed second story area toward the neighboring properties. He stated that he would be concerned about a two-story house that affected his home. He quoted from the minutes of the Town Council meeting on the appeal for 124 Leland Way that it would be possible to design a second story addition in Bel Aire that does not affect others.

Heather Hermann, owner, read several quotes from nearby residents in support of the design.

Boardmember Beales asked why there were so many windows for an attic and storage area, and why the dormers were needed at all. Mr. Hermann responded that the dormers were intended to improve the aesthetics when looking from the patio, and to add to the character of the home.

Lenore Noguez, 346 Karen Way, stated that she is in favor of the project. She felt that the design was respectful of the neighborhood, and was perplexed as to why the Bel Aire neighborhood is subject to such onerous restrictions regarding second stories.

Virginia Brunini, 267 Karen Way, stated that it would be onerous to have a two-story house put up like a Mediterranean house on Gilmartin Drive. She stated that although the addition is referred to as an attic, it looks like a second story. She noted that the sycamore tree could be removed, exposing the rear upstairs window. She said that she had no objections to second story additions in Bel Aire if designed to not affect the neighbors. She felt that the applicants have done a suitable job of making this fit into the neighborhood.

Vincent Valverde, 301 Karen Way, stated that he had chosen to build a one-story addition to avoid a contentious review process. He felt that the applicants had done a nice job on the design. He said that the neighborhood needs to show that it is progressing and that people can improve their properties.

Doug Filter-Calvo, 354 Karen Way, stated that his house has a small, stuck-on second story, but he would like to update it like the applicants are requesting. He felt that the Design Review Board will properly control future two-story projects.

John Brooks, 15 Claire Way, stated that he went through a major remodel project two years ago. He said that he had been intimidated by the process for adding a second story,

so he went with a one story addition. He felt that the applicant has done a great job of addressing the issues. He thought that the Board should try to find a middle ground for protecting the character of the neighborhood.

Tim Karman, 78 Claire Way, stated that he was completely comfortable with the project. He said that it was encouraging to see people investing in the neighborhood.

Jerry Thayer, 158 Blackfield Drive, said that this could set a dangerous precedent of allowing homes that could impact neighbors. He was encouraged to see the applicants' flexibility with the window design. He said that he had seen a lot of projects that sounded good but ended up looking different. He quoted Councilmember Berger's comments on the direction for second story additions in Bel Aire. He said that this was designed as an open neighborhood, and that residents should not be peering down into rear yards. He noted that the city of San Rafael had recently banned second story additions to Eichler homes. He still wanted to preserve the one-story character of the neighborhood. He said that Bel Aire was a planned development designed to maintain privacy into the yards of small lots. He noted that other additions that have occurred in the neighborhood have maintained one-story profiles. He said that this was a level neighborhood where two-story additions could block views. He felt that the setbacks of the proposed second story addition were arbitrary. He said that the applicants could make up the space from the second story area on the ground floor, and that removing the sycamore tree could alleviate this issue. He suggested that the Board be very careful with this application, and that the project should be redesigned with one-story additions.

Lynn Marcotte, 82 Claire Way, showed photos taken from the rear of her house. She said that privacy is a big issue for her, and that the rear window of the second story would look directly into the back of her house and rear yard. She suggested expanding the house with a one-story design. She also thought that skylights could replace the dormer windows on the second story.

Pru Starr, 160 Leland Way, stated that the culture in Bel Aire treasures privacy. She said that she had remodeled her house with respect for the neighbors. She said that people really love this neighborhood, and do not want second story additions. She said that people should design homes that everybody wants to live with.

Thomas Szymoniak, 283 Karen Way, stated that homes in Bel Aire have privacy only in the rear yards. He said that long-term residents and new families in this neighborhood want to upgrade their homes. He said that there is a need to balance economics and lifestyle issues. He noted that there are already a few two-story homes in Bel Aire. He thought that this was a very considerate design.

Sean Hennigan, 139 Leland Way, stated that sunlight in his rear yard would be affected by the second story addition. He said that he was uncomfortable with the number of windows proposed, and he was opposed to the project.

Samantha Shepherd, speaking for Priscilla Wanat at 86 Claire Way, stated that Ms. Wanat was concerned with people looking into her rear yard from the second story area. She felt that this addition was not in keeping with the character of the neighborhood, and would set a precedent for two-story homes in Bel Aire.

Andrew Rusting, 263 Cecilia Way, stated that the submitted plans included contradictory drawings showing the building and wall heights. He said that the second story area is either habitable space or it is not. He stated that the applicants misrepresented the window designs to the neighbors. He felt that the privacy issues have not been addressed, and that there was more space proposed upstairs than was presented. He suggested that design details be specified to make sure that this would be storage space and not habitable area.

Vasco Morais, 321 Karen Way, stated that he had opposed the design for 124 Leland Way as being out of character with the neighborhood. He felt that the proposed design appears to be reasonable and that the applicants have tried to address the neighbors' concerns. He said that projects should be reviewed on a case-by-case basis to distinguish between appropriate projects and those that are out of character.

Bruce Sievers, 79 Clare Way, stated that the second story area would be habitable space, and would change the character of the neighborhood. He said that over time, people will transform their living space, driven by economics. He stated that Bel Aire was designed with flat, open areas, and that the people who have moved here have done so because they like that character. He noted that other home expansions in the neighborhood have utilized one-story designs in order to maintain this character. He said that the zoning ordinance discourages second stories, and that it would be wrong to change this principle with a single "stealth" home design. He felt that changes in Town policy should be done with broader community participation, and should not occur as the result of a single Design Review application.

Cynthia Perry, 79 Claire Way, stated that she was the last elected president of the Bel Aire Homeowners Association. She stated that a survey had been conducted in Bel Aire 18 months ago asking if the residents favored second stories; at that time, 76 households opposed second stories, while 19 supported such projects. She felt that the Design Review Board could not approve this application and then deny other second story requests in the future. She said that small privacy impacts are still real impacts. She felt that it was unfair that the immediate neighbors have to fight such applications. She said that there should be a comprehensive solution to the second story questions, and asked the Town to do its own survey of the neighborhood.

John Morrison, 269 Karen Way, stated that he had had a remodel recently approved for his property, which was designed as a split level house on an uphill lot after working with his neighbors. He said that the second story issue was an important one that should be decided by the neighborhood with help from the Town. He thought that the applicants seemed thoughtful and concerned, and appeared to be trying to do a good job of

addressing the zoning issues. He said that many Bel Aire residents are in support of tasteful two-story additions, such as that of the proposed project.

Mr. Hermann asked to share the results of a neighborhood survey that he had conducted. Chair Teiser stated that the Design Review Board did not base its decisions on the results of ad hoc surveys.

Mr. Hermann said that the neighbors were more concerned with massive two-story additions. He addressed questions about possible inconsistencies in the plans, stating that the submitted plans are accurate. He explained their rationale for the proposed sill heights and the changes to the second story rear window. He said that they intend this second story area to be storage space, and that it will not be a bedroom. He acknowledged that someone in the future could attempt to convert this area to habitable space.

Boardmember Beales stated that if the proposed project included a full second story he could understand the neighbors' concerns, but as a storage area, he has no problems with this space. He said that he would limit the second story windows by eliminating the dormer windows, at least raising the sill heights on the front and rear windows, and substituting skylights. He noted that the owners would have to go through a Design Review process to change this area to habitable space.

Boardmember O'Donnell noted that no variances were requested or needed for the proposed second story area. He stated that the zoning ordinance "strongly discourages" second stories, but does not prohibit such projects. He felt that the main question was if this preserves the character of the neighborhood, as the primary concern of the neighbors was to preserve this character. He noted that the Board is inclined to not support big, blocky colonial homes or mini-mansions in Bel Aire. He said that each application is reviewed on a case-by-case basis, and that there are many properties in the neighborhood that are very old and need updating. He said that he was inclined to approve tasteful, respectful projects with two-story elements. He stated that he was a little torn with this project. He said that the second story area was presented as storage space, but this is likely to be used as a playroom and should be designed as such. He stated that a pioneer for second stories in Bel Aire should have the courage of their convictions and call such an area a second story. He said that he was troubled that this has been presented in a less than straightforward manner. He said that he tended to support the project, but was troubled by the windows that could encourage habitable space. He said that he would either change the windows as suggested by Boardmember Beales or just design this area as habitable space. He said that he was inclined to grant a continuance to redesign the project. He reiterated that the Board needs to look at each project individually to determine if a second story addition would be a tasteful, respectful to its neighbors, and wing sited toward the rear of the property.

Chair Teiser agreed that if the second story area was to be used as storage space, the windows should be removed and replaced with skylights; otherwise, the second story should be designed as habitable space. He stated that the basic design was consistent

with the neighborhood. He said that if the second story area was to be used as a playroom, it should be designed with proper access. He asked the applicants if they desired a continuance to redesign the project, or would be willing to make the changes needed to keep the second story area as storage space.

Mr. Winder described the building code requirements that would need to be addressed to make the second story area into habitable space, including raising the roof area to increase the ceiling heights. He said that admitting that children would likely play in the attic was simply an honest admission as to how the second story area would be used.

Boardmember Beales stated that the applicants were trying to have a project that was down the middle between storage area and habitable space. He suggested just calling this area storage space, eliminating the second story windows, and installing skylights and vents.

Mr. Hermann stated that they would be willing to eliminate the dormer windows, change the second story rear window to a slit window and put in skylights.

M/S, Beales/O'Donnell (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 added conditions of approval that the second story rear window and dormer windows be removed; and that skylights may be added to the second story addition, with the location and placement to be reviewed by Staff.

E. APPROVAL OF MINUTES

Page 3, 1st paragraph, 2nd line, the address to be corrected to 130 Geldert Drive.
Page 5, 1st paragraph, delete the second sentence.

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

F. ADJOURNMENT

The meeting was adjourned at 9:30 p.m.