

Planner Lynch and Minutes Clerk Flanagan

B. PUBLIC COMMENTS

No one spoke during this time.

C. STAFF BRIEFING

Associate Planner Lynch reported that the Town Council heard the appeal regarding the application for 5047 Paradise Drive, and directed Staff to prepare a resolution partially granting the appeal. The Council did not require any additional landscaping, but limited the access to the deck from the bedroom.

D. CONSENT CALENDAR

1. 118 HACIENDA DRIVE SPATZ, RESOLUTION OF DENIAL

On June 3, 2004, the Design Review Board considered a request to modify the design for an exiting garage and driveway for the property located at 118 Hacienda Drive. After considering the application and considering public testimony regarding this request, the Board directed Staff to prepare a resolution denying the application.

Boardmember Teiser recommended amending the resolution as follows: Paragraph C, 8th line to state, "...properly related to the other improvements..." Line 9 to state, "...along Noche Vista Lane," and to note that the project would increase congestion on Noche Vista Lane.

M/S, O'Donnell/Figour (passed 5-0) to adopt the resolution as amended.

E. OLD BUSINESS BEFORE THE BOARD

2. 141 LYFORD DRIVE HAM, ADDITIONS/VARIANCE

This application was reviewed by the Design Review Board on May 6, 2004 and on June 3, 2004. At the May 6, 2004 meeting, the Board expressed concern about the project with respect to the variances and exception requested. The Board's primary concern was the request for reduced side yard setback adjacent to the St. Hilary's Open Space. The Board stated the findings for this variance could not be made. The Board continued the public hearing on this item to June 3, 2004 so the project could be modified. Applicant's revised project design for the June 3, 2004 meeting included the garage addition redistributed to both sides of the existing garage. The size of the resulting garage would be reduced by 26 square feet from the original proposal. This change would eliminate the need for a variance for reduced side yard setback. Other changes included one of the proposed upstairs rooms shifted to the west interior to the site. In addition, a new fence along the front yard and a patio, trellis, and hot tub were incorporated into the plan.

Michael Moyer, architect, stated that he was available to answer questions.

There was no public comment.

Boardmember Teiser stated applicant had incorporated the recommendations made by the Board at the last meeting into the project design.

Chair Beales noted that the Staff report indicates that the finding for practical difficulty or unnecessary hardship still needs to be made in order to approve the variances.

Boardmember O'Donnell stated that the variances have been stealthily put into the project, and that the design hides the multiple variances.

Boardmember Teiser stated that the applicants do not have good access to on-street parking in the vicinity. He also noted that the driveway is steep, with a fairly narrow, small area for a turnaround.

Boardmember Figour added that parking is limited in the area because people park there all the time when hiking on the nearby open space, and acknowledged the site limitations.

Boardmember Bird stated that it is not a hardship to have a two-car garage.

Boardmember Teiser stated that the three-car garage reduces the need to use the turnaround area for parking, which would impose a practical difficulty on the applicant.

M/S, Teiser/Figour (passed 3-2, Beales and Bird dissented) 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

3. 2 CLAIRE WAY JOHNSTONE, ADDITIONS

The applicant is requesting design review for the construction of additions to an existing single-family dwelling on this property. One addition would include a new family room, guest room and bathroom. The other addition would include a new bedroom and bathroom. Four new skylights are proposed to be installed.

Laura Conte, architect, and adjacent neighbor, discussed the project. She noted that the owner also wanted to legalize a previous garage conversion; she stated that there are precedents in this neighborhood for a garage conversion and that there is plentiful street parking. She described the potential privacy issues with the windows facing the neighbor to the south, but noted that the neighbor's yard is lower, and a six-foot fence mitigates the privacy issue. She noted that the roof eaves would be modified to be three feet from the side property line.

There was no public comment.

Boardmember Bird stated that she visited the site and saw no problem with the windows facing the side. She asked that because all garages on the street have been converted. She said that she had spoken to the neighbor who would be impacted, who has no windows on that side of her house. She said that she was concerned about the lack of garage space, noting that there is not a lot of parking on the street. She felt that this would set a precedent for other garage conversions with only one driveway parking space.

Boardmember O'Donnell noted that the driveway would be widened to accommodate two parking spaces. He felt that this was a lovely design, and an attempt to expand the house without adding a second story. He said that this is a very unusual corner lot. He said that privacy is not an issue, as the homes in this neighborhood were designed cheek by jowl with minimal privacy.

Boardmember Teiser stated that this was a very attractive design. He said that he would have preferred to have the garage reconverted to a garage and the new room added elsewhere, but that this was not a deal breaker.

Boardmember Figour stated that the design was attractive. He stated that the houses in the neighborhood are small and if garages are not used for parking they are used as storage. He said cars need to be parked onsite, and that the widened driveway works.

Chair Beales added that the extra parking space on the apron addresses the garage conversion issue.

M/S, Figour/Bird (passed 5-0), 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, and approving the garage conversion.

4. ONE BERKE COURT ROGERS, ADDITIONS/VARIANCE/FLOOR AREA EXCEPTION

The applicant has submitted a request to construct additions to a single-family dwelling on the property located at One Berke Court. The subject parcel is located at the corner of Acela Drive and Berke Court. The site slopes down from Acela Drive toward the back of the property. The existing home has a “u” shape and opens up toward the rear of the property, in the southerly direction. The building is a two-story structure with the majority of the living space on the upper level, with two bedrooms on the lower level. There is currently a large deck area and swimming pool within the “u” of the existing building. A variance is requested for excess lot coverage, along with a floor area exception.

Ron Wager, architect, discussed the project and stated that the applicants are asking for a variance because of the way the existing house is laid out.

Chair Beales asked about how the lot coverage calculations were prepared for the covered deck. Mr. Wager explained that the room below the decks accounts for the increased coverage calculation.

There was no public comment.

Boardmember Teiser stated that the project was very appropriate and well designed.

Boardmember Figour stated that he liked the current building design, but understood the reason for the changes. He said that this was a considerably undersized lot for the RO-2 zone, which makes it difficult to meet the 15% lot coverage requirement. He said that the increased floor area would not be evident.

Boardmember O'Donnell stated that this was a typical in-fill project, and appropriate for the site. He felt that the requested variance and floor area exception were not excessive.

Boardmember Bird stated she supported the project and liked the design. She felt that the house lent itself to this type of extension.

Chair Beales stated that part of the reason for the variance was due to the change from a deck to a room. He said that the addition would not be apparent from off the property.

M/S, Bird/Figour (passed 5-0), 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.

5. 955 OWLSWOOD LANE MANGUS, NEW DWELLING/VARIANCE

The applicant has submitted a request to construct a new single-family dwelling located at 955 Owlswood Lane. The property has frontage on Tiburon Boulevard but is accessed at the rear of the property via Owlswood lane. The property slopes up from Tiburon Boulevard and the topography of the lot creates a bowl around the existing residence, which makes the property appear relatively secluded. The property is currently improved with a single-family dwelling that would be substantially demolished. The proposed home would be a two-level structure with a rectilinear floor plan. The building would be two stories high on either end, and one story high in the middle. The first level of the building would be comprised of a two-car garage, living room, kitchen, bedroom, laundry room, study and two bathrooms. The upper level would consist of two large bedroom suites, one on the east side of the residence and one on the west side of the residence. The existing deck on the south side of the residence would be repaired and replaced with like kind. A variance is requested for reduced side yard setback.

Leo den Ouden, architect, discussed the project.

Boardmember O'Donnell asked Staff to address the issue of the potential for a secondary dwelling unit on the site. Associate Planner Lynch stated that the application is for a single-family home without a secondary dwelling unit, but that a secondary dwelling unit can be permitted in this zone. Planning Manager Watrous added that there is a substantial list of requirements must be met for a secondary dwelling unit to be approved; if the requirements are not met, such a unit would not be approved.

Boardmember O'Donnell asked the applicant what his intention was for this project. Mr. Den Ouden responded that the dwelling was never intended to include a secondary dwelling unit.

Chair Beales asked why a wet bar was proposed for the bedroom. Mr. Den Ouden responded that the owner had requested it.

Boardmember Teiser noted that an issue was raised by a neighbor regarding the limited access to the bedroom. Mr. Den Ouden responded that that room has both external access and access through the garage. Boardmember Teiser stated that the issue is that access to the house could be blocked and this room could become a second unit.

Dr. Ann Marie Maher stated that her property is just up the hill from this site. She stated that the applicants have trees on the west side of their property that provide screening. She was concerned that the home is on the market and that the new owners might not keep the trees. She said that if the trees were removed, she would have to look at a tall building with windows that look directly at her home. She was also concerned about the possibility of a second unit because of the wet bar and the outside entrance.

Chair Beales noted that a secondary dwelling unit would not be permitted in this instance because the room would be located within the side yard setback.

Boardmember Teiser stated the Design Review Board cannot control what happens to the trees in the future; the neighbors must work together to maintain the screening vegetation. He recognized the drainage concerns raised in the late mail letter, but noted that these issues can only be addressed by the Town Engineer.

Boardmember Figour stated that this is a modest design, and not overbuilt. He said that the roof undulations would allow some views through. He felt that the side yard encroachment was not a major problem because there is a utility easement there and that side is obscured by vegetation.

Boardmember O'Donnell stated that the design is disjointed and awkward, and he felt that more could have been done with the property. He thought that the open center section was awkward, and almost seemed to be intentionally designed to create two homes in one space. He said that he was troubled by the need for a wet bar in a guest bedroom. He said that if the applicants wanted a second dwelling unit, they should be up front and design it properly. He said that the side yard setback is not an issue because of the hillside and utility easement on that side.

Boardmember Bird stated that she also had some concerns about the design. She felt that the project looked awkward and lent itself to being something else later on, particularly with the wet bar and the exterior entrance to the guest bedroom. She said that the project looks massive, with a fifteen foot tall retaining wall that would be visible from Tiburon Boulevard. She said that she could not support the application as currently designed.

Chair Beales stated that he has concerns about the potential for an unpermitted second dwelling unit over the garage, as it would be easy to make this an illegal unit. He said that he visited the property at 949 Tiburon Boulevard and found that there would be no view impact because of the extensive foliage between that house and the subject residence. He said that the homes uphill from the site are so far above that they cannot see the homes below, and that any privacy issues would be from people looking down at the subject residence. He said that he was unhappy about the risk of an illegal second unit. He acknowledged that the Board could impose a condition of approval to remove the wet bar, but the owner could put it back.

Boardmember Teiser stated that it appears that this is an attempt to sneak in a future second unit, illegal or legal.

Chair Beales asked how the project could be conditioned to prevent that. Associate Planner Lynch responded that the draft conditions of approval specify that the wet bar be removed and that no kitchen facilities be installed. Planning Manager Watrous suggested that the Board could ask that the project be modified with a more integrated design, including direct access through the house.

Boardmember Figour noted that there is access into the house through the garage and good access through the house to the bedroom, and suggested that removing the door to the outside could solve the problem.

Chair Beales noted that a condition of approval regarding the retaining wall states that support walls are not to exceed seven feet. Associate Planner Lynch explained that modifications are being made to the wall design that would comply with this requirement.

Boardmember Teiser stated that he liked Planning Manager Watrous' suggestion. He said that this item should be continued, with direction given to the architect to address those concerns.

M/S, Teiser/Bird (passed 5-0) to continue this item to August 5, 2004.

6. 2 OLD LANDING ROAD WEISS, NEW DWELLING

The applicant is requesting Site Plan and Architectural Review approval for the construction of a new, predominantly one-story single-family dwelling on a recently-created vacant lot. The topography of the lot rises at a gentle slope averaging approximately ten percent from Old Landing Road to Paradise Drive. The proposed residence would total 3,180 square feet, with an attached three-car garage of 640 square feet, for a grant total of 3,820 square feet of floor area. The floor level of the garage/mechanical room is partially below grade and is set seven feet below the floor level of the residence. The residence would be a four-bedroom/four-bathroom house with a guest room/study, living room, dining room and kitchen. Bedroom #3 is set atop a portion of the garage, creating a small two-story element to the design. The maximum height of the residence would be 23 feet from finished grade, although from most vantages, the residence appears to be less than eighteen feet in height. Lot coverage would be approximately eleven percent of the site, which is substantially less than the maximum lot coverage of fifteen percent permitted in the RO-2 zone.

Community Development Director Anderson reviewed the Staff report and noted a late mail item had been received from the Atkinsons. He also recommended that the standard skylight condition of approval be added.

Ron Wager, architect, discussed the project.

Boardmember Teiser asked the justification for the floor area over 3,500 square feet. Mr. Wager replied that the subdivision allows up to 4,000 square feet of floor area. He said that the design has been minimized, and noted that five off-street parking spaces are required. Community Development Director Anderson confirmed that there is a requirement for five parking spaces and all vehicles must be able to turn around on the site so they do not have to back out onto the street.

Chair Beales stated that the proposed solid fencing is a concern. Mr. Wager responded that the fence is intended to block headlights from Paradise Drive, and that much of the fence would be well below the road. He said that the fence would allow children to play outside. He added that plantings would be placed near the fence, but the owner does not want the property to feel like a walled compound. He acknowledged that it will take a year for the landscaping to be established.

Boardmember Teiser stated that the 3,500 square foot floor area could be achieved by alternatives other than shrinking the garage; the owner could reduce the size of other areas in the house. Mr. Wager responded that it would not be to his benefit to reduce the floor area. He said that there was nothing huge in the design, and he felt that this was an understated home tucked into the site. He said that he would rather maintain the floor area of the house if had to be reduced to 3,500 square feet, and take the area out of the garage.

Diane McEwen stated that the fence is an aesthetic and safety concern, and should be moved so it is not seen. She said that wildlife moves through the property and would not be able to do so if the property was fenced. She felt that this would be a large house, and that there must be room to cut back. She asked the Design Review Board to follow the spirit of the floor area restrictions for this property.

Terry Kessler stated he appreciates the Town standing behind promises made to Old Landing Road residents when the area was annexed into Tiburon regarding house sizes and the character of the neighborhood. He felt that it seems wrong that the battle of size must be fought on every application submitted. He said that an increase in floor area would set a precedent and noted that there are a number of houses slated for development in the vicinity. He stated that the fence would be highly visible, and would be inconsistent with the Paradise Drive Visioning Plan.

Pat Atkinson requested that the 3,500 square foot size restriction be enforced. She thought that the fence would create line of sight problems, resulting in safety concerns for drivers at the Paradise Drive/Trestle Glen intersection. She was concerned about construction vehicles clogging the streets, as public safety vehicles have not been able to get through during previous construction projects.

Erminino Petrini stated that 3,500 square feet is large enough for a new house at this site.

Francine Halberg stated that her concerns were the fence and floor area. She agreed that moving the fence down the hill and allowing the vegetation to be seen would be a good idea. She stated that most existing houses on Old Landing Road are smaller than 3,500 square feet.

Bob Atkinson stated that any acacia trees planted on the site could cause hay fever problems.

Richard Torretto stated that judging by the stakes placed in the location of the fence, it appears that the fence will be very close to the road and very visible. He asked where the fence would be moved, so the neighbors can voice their opinions.

Karen Lovdahl stated that the proposed house does respect the site, and felt that it is not necessary to allow more than 3,500 square feet. She said that there will be many more houses developed in the area and said that the neighbors do not want larger homes. She said that the fence would create safety issues because it is difficult to see with a six-foot fence. She said that the location of the fence would leave very little room for plantings. She suggested lowering the fence below the sightline from the road.

Chair Beales noted the conditions stated the Town Engineer will review the fence for public safety concerns.

Dan Weiss, owner, stated he is not asking for a variance or breaking any legal covenant, and that there are no regulations that state 3,500 square feet is the largest home allowed on this lot. He felt that this was a good design and is considerate of the site, the neighbors and the Paradise Drive area. He noted that he could have designed a two-story house, but that he could not have built into the hill. He said the most of the garage has been buried, and thought that this was a good parking solution. He provided an alternative fence plan, with a wire fence closer to the building that would not be seen from Paradise Drive and only marginally visible from Old Landing Road. He said that this fence would protect children and dogs. He reiterated his request for the additional floor area for the house.

Boardmember Figour stated that he understood how sensitive this neighborhood was and acknowledged that this is a special place. He felt that the house would be compatible with the atmosphere of the area, and thought that one-story design and the materials are appropriate. He said that the new fence design works for the neighbors. He thought that the house should be reduced to 3,500 square feet, noting that with five bedrooms, there was room to redesign the house.

Boardmember Teiser stated that there are other ways to design a very nice 3,500 square foot house. He said that he appreciated the new fence design, but that the architect needs to go back and make the house smaller.

Boardmember Bird concurred that the new fence design addressed the raised concerns. She said that a 3,500 square foot house can be done. She said that there is a huge consensus among the neighbors that 3,500 square feet was a fair size for a house on this lot.

Boardmember O'Donnell stated that this was a beautiful design that would be a dramatic enhancement to the neighborhood. He said that there is a definite need for a fence. He felt that the Board had been handed a

political football with the restrictions on this lot. He felt that the intent for a new home is to keep in a good neighborly spirit, and that the house size should be reduced to 3,500 square feet.

Chair Beales stated that there are ways to reduce floor area, such as removing the third garage space. He appreciated the new fence design, which was a better solution for the property.

Mr. Weiss asked if the project could be approved with a condition of approval requiring that the floor area be reduced to 3,500 square feet, with Staff reviewing the changes. Community Development Director Anderson stated that Staff would ensure that the major parameters of the house design would not change and that only the floor area is reduced.

M/S, Figour/Bird (passed 5-0) 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 as amended to add a condition inserting the standard skylight requirements; to reduce the floor area to 3,500 square feet maximum, with Staff to review the revised plans for consistency with the current design concept; and that the fence design be modified as presented at this meeting.

7. 6 AUDREY COURT KING, ADDITIONS/VARIANCES/FLOOR AREA EXCEPTION

The applicant is requesting design review approval to construct a two-story addition to an existing single-family dwelling located at 6 Audrey Court. The ground floor of the addition would include a two-car garage, a media room and a half-bathroom. The upper floor would consist of a new master bedroom suite. A deck would extend to the front of the master bedroom, with a storage area adjacent to the garage underneath. A new entry porch would also be added to the existing residence. Variances are requested for reduced front and side yard setbacks and excess lot coverage. A floor area exception is also requested.

Michael King, owner, discussed his project and requested a continuance to address some of the concerns raised about the application.

Planning Manager Watrous recommended taking public comment and feedback from the Board, with the purpose of fleshing out particular issues that would be instructive to the applicant.

The public comment period was opened.

Bill Feeney, attorney representing Mr. and Mrs. Higashida, stated that the setback requirements are important, as the project would be only close to the side property line and would increase the visible mass. He said that the Higashidas were not absolutely opposed to the project, but rather where it would be sited. He said that the project seemed to be overbuilt for the location, and said that there are other areas on the property where construction could take place. He said that the Staff report seemed to discount the value of a slot view, which he felt was just as important to those who own it as a panoramic view. Although he acknowledged that a pool area was not considered to be a primary living area, he felt that views from a pool area in Tiburon should be given significant consideration because, with the weather and views, a pool area would beckon residents and guests to enjoy magnificent views. He said that the project would interfere with the horizon line view and completely obstruct the Higashidas' water views from the pool area. He said that the proposed addition would be an eyesore for the neighborhood above.

Randy Higashida stated that the proposed construction would reduce his property value because of the loss of views from his house. He presented photos representing the potential view impacts. He stated that views from his family room would be impacted. He said that a deck and windows from the proposed addition would look into his pool and rooms, resulting in his loss of privacy. He felt that the requested variances were excessive.

Jeannie Higashida reiterated that their concerns are loss of views and privacy that would result from this project.

Igor Sill stated that he adamantly opposed an addition in the proposed location. He said that he bought his home for the view, but said that the applicant's trees have grown to disrupt the view. He said that the large building mass when viewed from the street would be inappropriate to the neighborhood. He said that he would not object to an addition to the rear of the house. He stated that he also represented Tom Fall, who also would be impacted by the project.

Boardmember O'Donnell stated that he met with the applicant and felt that he was not properly utilizing his building envelope. He said that the site plan does not show the existing deck off the kitchen, and that the building envelope shrinks down when the deck is included. He recommended that the applicant hire an architect. He said that the addition would potentially block some views and could be modified. He said that

some small impingement of the Higashidas' view might be allowed by the Board, but the project should be started over. He stated that sometimes photos can be slanted and need to be looked at with a sense of balance. He said that the Higashidas' argument about decreasing property values is a non-starter, as property values in Tiburon rarely decrease.

Boardmember Bird stated that the applicant may want to move the improvements to the back of the property, which would be less of a problem to the neighbors. She said that she would have a tough time approving the variances for such a massive addition so close to the street. She said that the Board must carefully consider views, and that a small amount of view blockage might occur for non-primary living areas.

Boardmember Teiser stated pool areas are not considered to be primary living areas, and noted that the Hillside Guidelines were written by Tiburon residents who understand views and weather conditions here. He felt that this was an overbuilt situation, and noted that the Board is reluctant to grant variances for lot coverage and floor area exceptions together. He said that the applicant needs to hire an architect to properly address the issues. He said that issues regarding vegetation removal are immaterial, as the neighbors have the right to remove the vegetation if they want.

Boardmember Figour noted that this was a substantially undersized lot for the RO-2 zone, and that a 20,000 square foot lot could have 3,000 square feet of lot coverage, which is more than requested by this application. He felt that the floor area exception was not quite as important, depending on the mass and bulk of the design. He stated that the setbacks are important, and that setback variances can be approved in moderation if there are no impacts on neighbors. He said that he did not want to specify an alternate location for the additions. He stated that he walked around the Higashida property, and said that their views did not seem to be quite as blocked as demonstrated in their presentation.

Chair Beales stated that this looks like an overbuilding situation. He said that the applicant was trying to build a master bedroom suite with a view at the expense of the neighbors' family room view. He felt that this was too much building for this lot. He noted that the calculations on the story poles and building height are not accurate.

M/S, Beales/Figour (passed 5-0) to continue this item to the September 16, 2004 meeting.

8. 18 PLACE MOULIN ALM, DECK/RETAINING WALL: WITHDRAWN

G. APPROVAL OF MINUTES #10 OF THE 06/03/04 DESIGN REVIEW BOARD MEETING

Changes include:

Page 3, 6th paragraph, second sentence to state, "He stated that reducing the length of the driveway is better."

Page 4, 3rd paragraph, 2nd line, delete "stated." Third line, insert "not" before "want."

Page 5, 3rd paragraph, 3rd line, insert "landscaping" after "nicer."

Page 6, 3rd paragraph, 10th line to state, "would remove two parking spaces on Noche Vista Lane."

M/S, Teiser/Bird (passed 5-0) to approve the minutes as amended.

H. ADJOURNMENT

The meeting was adjourned at 9:50 p.m.

