

C. STAFF BRIEFING

Planning Manager Watrous noted that the approval for 79 Round Hill Road was appealed and will be heard at the November 3 Town Council meeting. He added that the approval of the Reed School Tree Permit was not appealed, and that Item 7, 7 Hillcrest Road, was continued to the November 4, 2004 meeting.

D. OLD BUSINESS BEFORE THE BOARD

1. 2120 CENTRO EAST STREET WITTENBERG, NEW DWELLING/VARIANCE

Boardmember Figour recused himself from this item.

On September 16, 2004, the Design Review Board reviewed an application for the construction of a new single-family dwelling on the property located at 2120 Centro East Street. The property is currently improved with a two-family dwelling that would be substantially demolished. The project that the Board reviewed on September 16, 2004 consisted of a three-level structure stepping down with the natural slope of the property. A portion of the proposed house would have encroached with two feet into the side yard setback on the east side. Therefore, a variance for reduced side yard setback was requested (six feet in lieu of the minimum eight feet). At the September 16 Board meeting, the Board reviewed the project and considered public testimony. There were several concerns voiced by neighboring property owners and the Board regarding the potentially-significant view impacts that could be caused by the proposed house. The Board felt that the attempt to gain a bedroom view at the expense of the primary view from other houses was in violation of the Hillside Guidelines and therefore it was suggested that the project be reworked. At least one Boardmember thought that the documented floor area was inaccurate and the project could not be approved. The project was continued to the October 21, 2004 meeting to allow the applicant to address these issues.

Henry Chaikin, architect, discussed the project and the changes to its design, including a reduction in the height of the structure. He stated that the plan had been changed back to a duplex design, similar to the existing house. He stated that after submitting the plans to the Town, he received feedback that the attic was excessive in size and the building height was still too high. He submitted further revised plans that lower the house by two more feet and reduce the plate height in the attic to 4'4".

Chair Beales asked if there is adequate parking for a duplex. Planning Manager Watrous stated that three spaces are required for the duplex, and that the parking would appear to be adequate. He recommended that the Board require that the third parking space be clearly delineated in any building plans.

Lucy Carrico stated that the building height was better, but she felt that the attic was a waste of space and could encroach into an uphill view. She said that another neighbor, Mary Rogers, would be more severely impacted by this.

Boardmember O'Donnell stated that he opposed the project at the last hearing and is happy to see the changes. He said that he would not have approved the revised attic design, but the latest revisions are better. He said that the attic could be brought down a foot or two for the view and to make the house less bulky.

Boardmember Teiser stated that he appreciated the changes made by the applicant. He said that the roofline had clearly been lowered, and the roof trusses would prevent the attic from being used as occupied space. He felt that trying to lower the roofline further would destroy the basic design of the house. He said that the potential view blockage for the uphill neighbor has been gotten better. He said that the project was acceptable as is.

Chair Beales stated that if the uphill neighbors had no other views, this would be a problem, but their other views of San Francisco and Raccoon Straits are not affected by this project. He said that he could support the project.

Boardmember O'Donnell stated that it would be the right thing to do to further reduce the height by a foot to mitigate the neighbors' concerns.

M/S, Teiser/Beales (passed 2-1-2, O'Donnell 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, based on the revised plans submitted at the meeting, and the additional condition of approval that plans be revised to indicate three off-street parking spaces.

Boardmember Figour returned to the meeting.

E. NEW BUSINESS BEFORE THE BOARD

2. 13 ROSEVILLE COURT RIOGHNACH, ADDITIONS/VARIANCE

The applicant is requesting Design Review approval to construct an addition and make exterior alterations to an existing single-family dwelling located at 13 Roseville Court. The property is a flag-shaped lot with the driveway located off Roseville Court. The site slopes down from the driveway to the right (south side) of the property toward what is considered the front property line. The existing residence is a two-level structure with a carport, and is located toward the top of the lot due to the steepness of the slope. The lower level of the residence is unconditioned space that does not meet the standards for a basement but has been included as part of the floor area for the residence (1,049 square feet). The main level consists of a carport, office, dining room, kitchen, entryway, library, master bedroom with bath, and a deck of the south elevation. The upper level consists of three bedrooms and two bathrooms. The existing structure encroaches sixteen feet into the required rear yard, and therefore a variance is requested for reduced rear yard setback.

Dominic Farrelly, owner, discussed his project. He stated that the house will be shingled and the bronze aluminum windows will be changed to white.

There was no public comment.

Boardmember O'Donnell stated that he completely supports the project, and felt that it would be a handsome change.

M/S, Figour/O'Donnell (passed 4-0-1), 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. 448 GREENWOOD BEACH ROAD FORD, FENCE/VARIANCE

The applicant is requesting Design Review approval for the construction of fencing and landscaping improvements on property located at 448 Greenwood Beach Road. A new single-family dwelling was recently approved on the site. A wood fence is proposed to be constructed along both side property lines. A stucco wall would extend along the front of the site. A swimming pool and spa are proposed to be located in the rear yard. The application also includes a detailed landscaping plan for the property. Portions of the

proposed fence along the western side property line would exceed a height of six feet, with a maximum height of ten feet. As the maximum height for a fence within the required setback is six feet, a variance is requested for excess fence height.

Pete Pedersen, landscape architect, discussed the project. He said that adjustments had been made to the plan and stated that the neighbor had reviewed new story poles and approved the new fence heights. He said the intent was to maintain the new plantings to the height of the fence, so it will be a green wall replacing the existing shrubs between the two properties.

Boardmember Figour stated that the Staff report mentioned that several of the proposed tree species would grow to heights of more than 30 feet. Mr. Pedersen responded that he has not seen the Mayten tree grow taller than 30 feet, but that he would be willing to adjust the plant list.

Boardmember Figour stated that the fence height near the road seemed awkward. Mr. Pedersen responded that he could step the fence back to the front of the garage at a four-foot height. He said that the owner is still trying to decide between wood and stucco for the house exterior and the wall could be either stone or stucco.

Nicky Wolfe stated that the unifying elements on the road are vegetation and wood, and not stucco. She distributed photographs of entries on the road, most of which are open. She said that the only way to integrate such a large house into the neighborhood is with the materials viewed from the street. She said that the neighbors are urging the owner to use wood shingles on the house, and she hoped that the wall materials would not be approved to match a stucco exterior of the house. She said that the character of the neighborhood should be maintained, and that it would be nice to present the many people who use the street with an entryway to the town that has a small-town feeling.

Harry Heath disagreed with the neighbors' objections to stucco materials and streetscape plantings.

Nancy Peterson stated that her house would be most affected by the proposed fence and she and her husband support the variance. She said that the neighbors feel that decision should be between the two property owners. She said that the fence fits and would maintain their privacy. She said that a stucco wall in front would be inconsistent with the character of the neighborhood.

George Hall stated that none of the houses in the area has stucco in the front. He said that the neighbors prefer a wood fence as opposed to stucco.

Pam Snellgrove stated the neighborhood supports wood materials on the fence. She said that the design and scale of the entryway was not appropriate, with the top almost ten feet high. She said that there is nothing like it on the street and it would be out of scale and context with the neighborhood.

Bruce Abbott stated that he supports the project, which would be a positive contribution to the street. He said that he did not care if stucco is used for the front wall, and he felt an obligation to stand with the owner to do with her property as she wishes. He understood why the owner wants a high wall, as this lot is often used as an alternative parking lot to Blackie's Pasture.

In response to questions, Planning Manager Watrous stated an entry gate feature is shown on the approved site plan, but the elevation drawings do not show the detail. Mr. Pedersen noted that the entry was rendered on the plan shown at the previous hearing.

Boardmember Figour stated it is important that the size of trees be limited. He said that the side property fence has been worked out to the satisfaction of the neighbors. He said that the fence should not protrude so

much into the right-of-way and should be lowered near the street. He noted that the Board approved the house to have either stucco or wood siding, giving the owner her prerogative. He said the material of the front wall would not affect the neighborhood that much. He felt that the entry gate was too formal and over the top for Greenwood Beach Road and should be shorter and less formal.

Boardmember Teiser stated he appreciates that the most affected neighbors support the project. He said that the owner has the right to use stucco for the wall, but a different material might appease some of the neighbors. He agreed that lowering the fence height near the garage would be helpful. He said that the solid entry does not seem to fit with the neighborhood.

Boardmember O'Donnell stated that the variance is appropriate and is approved by the two affected parties. He said that he ardently agreed with the neighbors that the fence should be shingle or stone. When the project was approved, he said that it was the feeling of the Board that shingles should be used for the house, although the owner was allowed to decide. He said that although the neighborhood is eclectic, a stucco wall would be inappropriate. He agreed that the fence should be stepped down by the street.

Chair Beales stated that he had no problem with the variance. He acknowledged that the Board had preferred shingle siding for the house, but left the choice up to the owner. He said that lowering the fence by the road was a good idea. He saw no linkage between the materials on the wall and the house, but that he would prefer a stone wall. He also felt that an open entry and gate would be more appropriate.

M/S, O'Donnell/Figour (passed 4-0-1) 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, subject to the revised plans submitted at the meeting, with additional conditions of approval that the fence along the western side property line be stepped down to a height of four feet (4') by the point the fence reaches the front property line; that the wall along the front property line utilize wood or stone materials; that the pedestrian entry gate design be modified to create an open gate appearance; and that the tree species to be planted in conjunction with the new house be limited to species with maximum heights of no more than 35 feet, as determined by the *Sunset Western Garden Book*.

4. 12 VENADO DRIVE ADANI, SKYLIGHTS

The applicant is requesting Site Plan and Architectural Review approval for previously-constructed exterior alterations to an existing single-family dwelling located at 12 Venado Drive. A Staff Level Design Review application was approved for the exterior alterations to the subject property; however, the skylights and clerestory windows were inadvertently left out of the project in the courtesy notice for that application. The skylights and windows were therefore not considered part of the earlier approval, so the applicant was asked to submit a new Design Review application for the skylights and clerestory windows. Because the applicant has already installed the skylights and clerestory windows, this project is subject to as-built review. The subject project qualified for Staff-level Design Review, but due to the number of neighbor concerns, it has been forwarded to the Design Review Board for review.

Greg Dyer, representing the owners, stated that the project was built according to plans approved by the Planning and Building Divisions. He said that the plans submitted for design review at the time of application included the skylights. He also noted that a handwritten description of the project was submitted with the application that listed aspects of the project and mentioned the skylights. He said that no skylights were added or changed after the design review approval. He said that there were four skylights and now there are seven.

Boardmember Figour noted that the design of the skylights and the clerestory window shown on the building permit drawings are different than constructed. Eldar Aminadav, designer, responded that the clerestory windows and skylights were changed at the request of the owner.

Boardmember Figour noted, in the north elevation, no skylights are shown, and the size of the curbs around the skylights has been increased. Chair Beales added that the drawings call for flat skylights. Boardmember Figour stated that the Town has the ability to review these improvements, as they do not match what is shown on the approved plans.

Boardmember Teiser stated he viewed the lights last night from neighbors' houses and there seemed to be no light in the room with the clerestory window. Randi Brinkman, real estate agent for the owners, stated that she had turned on the lights at the request of the Town, and understood the lights were only required to be on in the rooms with skylights.

Tom Gram stated that the pine trees cannot be depended upon to block views of the skylights, as both trees are diseased; one has been removed and another will be removed. He did not believe that the skylights were approved by the Town. He said that these are seven new skylights, as the owner has moved the skylights around on the roof and canted them up to point uphill. He said that the Town often requires that skylights have tinted glass, no lights in the wells, baffles installed to deflect light and the wells painted a dark nonreflective color. He said that if these conditions are imposed, that should address the light pollution problems for the neighbors.

Jim Lavelle stated that he has never heard of the Town approving an application for seven skylights on one house. He said that this house has been rebuilt from the ground up, and that the owner has changed the windows and skylights. He said that the Board must decide if it is more effective to require the owner to remove the clerestory windows and minimize the skylights and deal with the applicant's attorney, or deal with those who live above the property who would be affected by the light uphill. He said that he does not want to see his property value eroded because of a mistake or oversight by Staff.

Libby Weisheit stated that there have always been skylights on the roof and a clerestory window. She said that she was not affected by the lights from the skylights. She felt that trees may help to mitigate the skylights. She said that shades and darkened light wells work for her and would work for this house.

Lauri Weisheit stated that the windows that were previously there had been the source of light pollution that affected them. He said that the lights are now more visible because of how the interior was previously decorated.

Janice Anderson Gram stated that it would be fair if the neighbors had known that the owner proposed the skylights. She said that she had an arborist look at the pine tree, which is gradually dying

Steve Kaufman, owner, stated that originally he had submitted plans and notes that mentioned replacing existing skylights and adding additional skylights. He said that he was willing to work with the neighbors to pursue a resolution that makes everyone happy. He said that he did not realize there was an issue until he heard from his neighbors.

Boardmember Figour stated that although there is some haziness about the approvals for this project, the skylights and clerestory window are different than shown on the approved plans, and thus can be reviewed by the Board. He said that the skylights should be tinted and baffles added, and the clerestory windows also

should be tinted.

Boardmember O'Donnell stated that this is an unfortunate circumstance and errors were made, but ultimately a compromise must be found. He said that the Town could ask that 24-inch box trees be planted for mitigation of light, the skylight by the closet be removed and the clerestory windows be filled in. He said that more light comes from the clerestory windows than the skylights, and filling them in would help to mitigate the neighbors' concerns.

Chair Beales noted that the Town does not usually require that skylight wells be painted. He said that the drawings are murky and show that the skylights were supposed to be flat, but they are now sloped. He said that the skylights should be tinted, and possibly change their slope. He said that he did not have a problem with the number of skylights, and that those over the bathrooms and closet would not be on too often. He said that the slope of the skylights could be reoriented to the south or west.

Boardmember Figour noted that the front room with the clerestory windows had not been illuminated, but he did not see that much light coming out of the skylights. He said that slanting the skylights to the north is the best orientation because it brings in cool rather than hot light. He appreciated that the owner and the neighbors were being reasonable. He felt that closing off the clerestory windows would be a bit punitive, as these windows bring a lot of light into the living room.

Boardmember Teiser agreed that he did not see that much light from the skylights.

M/S, Teiser/Figour (passed 4-0-1) 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 conditions of approval that the existing skylights to be tinted, with baffling as approved by Staff, and the clerestory window in the living room be tinted or covered with a light-reducing film.

5. 430 RIDGE ROAD GARAY, WALLS/CARPORT/VARIANCES

Boardmember Figour recused himself from this item.

The applicant is requesting Design Review approval for the construction of retaining walls and a fence and the modification of previously-approved plans to construct a carport on property located at 430 Ridge Road. The property is developed with a two-story residence. The current application would not change the approved floor area for the site. The requested modification to the carport would increase the lot coverage of this property by 40 square feet to a total of 4,741 square feet. Variances are required for excess retaining wall height and reduced side yard setback.

Mark Garay, owner, discussed the project and noted the element over the carport is an existing trellis, not a roof structure. He said that the proposed fences would be the same height as the neighbors' fences.

Boardmember O'Donnell stated that the fact that this project has taken such a long time is hindering the relationship with the neighbors. Mr. Garay stated that the neighbors have opposed each step of his project.

John Posin stated that he does not see the property and is not affected by the project, but when he built, he did everything to be cooperative with his neighbors. He said that his concern was the length of the project, and the request for more variances, which shows people what they can get in this town.

In response to questions, Planning Manager Watrous explained the building permit must be obtained within three years of Design Review Board approval, and that the Design Review approval only expires if no work is done during the three years.

Fred Hannahs stated that he is concerned about how much longer the project will take. He doubted that the Design Review Board would help him, and thought that perhaps he should be talking to the Town Council. He was concerned with the Town's ordinances regarding building permits and suggested tightening them up.

Chair Beales noted the Design Review Board reviews project but does not determine the duration of projects.

Casey Hannahs asked that the trellis on top of the carport remain. She said that if a new approval gives the owner three years to complete modifications, it will be 2008 before the project is finished, and she is tired of it now. She said that she can see the roof from her living room window, and she will be able to see the carport roof. She asked that the Board support her view corridor, granted to her in both previous applications.

Paula Little stated that she has a seven foot tall fence adjacent to the applicant's property. She said that the project is taking a long time, and that no one has been on the site for three months. She said that the applicants have been granted a large number of variances and asked how many variances will be granted before the owner stops. She was concerned that as-built conditions will be approved, because this has happened in the past.

Mr. Hannahs asked if the wall design would require cutting two feet further toward his property. Chair Beales responded that the back of the wall would be against the cliff, and therefore there would be no need to excavate behind the wall.

Mr. Garay described how the retaining walls would be engineered, and noted that the wall by the carport is an approved element of the project. He said that he only wants to move the walls and carport two feet to the north, which would move them further away from the view angle. He said that the request would not affect the neighbors.

Boardmember O'Donnell stated he visited the site twice. He said that he has an overall concern about this project, and found it unconscionable that this situation has been allowed to go on for such a long period. He said that it is sad that people could not come to an agreement even with a mutually-desired fence. He understood the reasons for the variances, but felt that no real hardship had been shown. He said that this was a sliding scale project that continues to grow and each variance asks for more, yet the project does not proceed. He thought that perhaps the Board should deny application and urge the owner to get on with the project, but he felt that the special variance request was ultimately a benefit to the Hannahs because it would tuck the carport into the hillside.

Boardmember Teiser stated that he had no problems with the setback request for the carport. However, he felt that the retaining wall was an architectural feature that perhaps is unnecessary. He said that the wood fence would not affect the house.

Chair Beales stated that he has been involved with this project since its inception. He said that the wall carport would have no impact on the neighbors. He said that the Hannahs' fence along the driveway was built with the unattractive side out, and that the proposed fence would not impact them. He stated that the Board is usually concerned with multiple requests that add floor area, and this application does not. He said that he could support the project as is.

Boardmember O'Donnell stated that the submitted plans are horrible. He said he could sense the frustration of the neighbors with the project taking so long.

M/S, Teiser/Beales (passed 3-0-2), 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 conditions of approval that the covering on the carport be a trellis, and that the fence along the driveway could be six feet in height.

Boardmember Figour returned to the meeting.

6. 2120 MAR EAST STREET HANSEN, ADDITIONS/VARIANCES/FLOOR AREA EXCEPTION

A two-family dwelling is currently under construction on property located at 2120 Mar East Street. Inspections of the project have revealed that several additions have been constructed that were not shown on the plans approved for Site Plan and Architectural Review for this project. A lower level area has been constructed beneath a detached garage along with an extension of the lower level of the main structure. The applicant is requesting Design Review approval for these as-built additions. The applicant is also requesting approval of a driveway gate and modification to the boat lift for a dock; neither of these improvements has yet been constructed. Variances for reduced front yard setback and excess building height and a floor area exception are requested.

Fani Hansen, applicant, explained the reasons for her request. She said that the bathroom in the area below the detached garage would be used by gardeners, and that the driveway gate is in response to trespassing incidents during the construction of the project.

Boardmember O'Donnell asked if the space under the garage would be metered separately. Ms. Hansen responded that there would be a meter for the irrigation system, detached garage and dock area, the common space.

Chair Beales noted that the town usually requires driveway gates to be fifteen feet from the street because, if the gate is closed, a car can get off the road while someone opens the gate. Planning Manager Watrous added that there is poor visibility up Mar East Street.

Helen Lindqvist, representing the Lyford Cove Old Tiburon Homeowners Association, stated that the site is overbuilt, but the additions are tucked out of sight. She said that traffic speeds along this street, and the driveway gate would be dangerous, as the street is narrow in this area.

Boardmember Teiser stated that the addition of a bathroom under the garage is a minor convenience, and he felt that it made sense to use the space. He said that the expansion of the space under the garage is a solution to the engineering problem, and is not intended to be used as occupied space. He said that he had no problem with the boat lift, but would deny the driveway gate.

Boardmember O'Donnell stated that as-built conditions are a way of circumventing the process. He said that he would not allow plumbing underneath the garage, and felt that this was an attempt to create an extra rental space, which is not the intent of a two-family residence. He said that the plumbing should be removed from the garage. He had no problem with the boat lift, but said that the driveway gate should be denied.

Boardmember Figour noted that the driveway gate on a narrow road would create a safety problem. He said that the removing the davits and using the boat lift is a better solution for the dock. He said that he did not feel as strongly about the bathroom beneath the garage, and felt that the neighbors would notice a third unit on the site. He said that this area could be used as a utility area or a mudroom.

Chair Beales stated he had no problem with the room under the garage as it stands, as this is hidden space. He also had no problem with the boat lift. He was concerned about the plumbing beneath the garage, as this is not a necessity. He noted that the entire upper and lower wall of the garage is glass, and that it would take very little to close the garage door and move into the structure. He stated that the plumbing should be removed and the driveway gate should be sited 15 feet from the road or not built.

M/S, O'Donnell/Teiser (passed 4-0-1) 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.

**7. 7 HILLCREST ROAD STROTZ, NEW DWELLING: CONTINUED
TO 11/4/04**

**F. APPROVAL OF MINUTES #17 OF THE 10/704 DESIGN REVIEW
BOARD MEETING**

Changes include:

Page 2, 6th paragraph, 2nd line, after "recommendation" add "and the floor area exception was reasonable."

Page 4, 4th paragraph, 2nd line to state, "...He said that the way the lot lines were changed had been changed..."

Page 4, 3rd paragraph, 1st line, change "shows" to "showing." 2nd line, before "brush" add "cut."

Page 5, 1st line, change "ossible" to "possible."

Page 5, 4th paragraph, 4th line, delete "not" before "been enough."

Page 5, 6th paragraph, change "Boardmember Figour" to "Chair Beales."

Page 6, 1st paragraph, 4th line, change "The Doyles" to "for the Doyles."

Page 7, 5th paragraph, add, at the end of the paragraph, "irrespective of damage to the roots."

Page 8, 8th paragraph, 4th line, change to read, "...pay school taxes and thereby would have to be paying for any remedial action."

Page 10, 6th paragraph, 1st line, change "provide" to "create."

Page 11, 2nd paragraph, 5th line, change "Shoe" to "She."

Page 11, last paragraph, 3rd line, after "additional," add "condition that the." 4th line, delete "to" after the word "deck."

M/S, O'Donnell/Figour (passed 4-0-1) to approve the minutes as amended.

G. ADJOURNMENT

The meeting was adjourned at 10:20 p.m.