

**ACTION MINUTES #20**

**TIBURON DESIGN REVIEW BOARD  
THURSDAY, NOVEMBER 18, 2004  
1505 TIBURON BOULEVARD**

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**A. ROLL CALL:** Present - Chair Beales, Boardmembers Figour, O'Donnell and Teiser

Absent - Boardmember Bird

Ex-Officio - Planning Manager Watrous, Assistant Planner Krasnove and Minutes Clerk Flanagan

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

**C. STAFF BRIEFING**

**D. OLD BUSINESS BEFORE THE BOARD**

1. 6 Audrey Court King Additions/Var./Floor Area Exception  
**CONTINUED TO 12/2/04**

**E. NEW BUSINESS BEFORE THE BOARD**

2. 43 Meadowhill Drive Loiacono Additions/Variations/Floor Area Exception

**APPROVED**

3. 116 Sugarloaf Drive Miller Decks/Variance **CONTINUED TO 12/2/04**

**F. DISCUSSION OF RECENT SOLAR PANEL LEGISLATION**

**G. MINUTES OF THE 10/21/04 D.R.B. MEETING – APPROVED AS AMENDED**

**H. MINUTES OF THE 11/4/04 D.R.B. MEETING - APPROVED AS AMENDED**

**I. ADJOURNMENT – 7:55 P.M.**

**MINUTES #20**

**TIBURON DESIGN REVIEW BOARD  
MEETING OF NOVEMBER 18, 2004**

The meeting was opened at 7:00 p.m. by Chair Beales.

**A. ROLL CALL**

Present: Chair Beales, Boardmembers Figour, O'Donnell and Teiser

Absent: Boardmember Bird

Ex-Officio: Planning Manager Watrous, Assistant Planner Krasnove and  
Minutes Clerk Flanagan

**B. PUBLIC COMMENTS**

No one spoke during this time.

**C. STAFF BRIEFING**

Planning Manager Watrous reported Council had not yet made a final decision on the appeal of the 79 Round Hill Road project, but is considering a resolution for removing some trees, to which the applicant objected. He said that the resolution is being modified and will be returned to Council in January.

In response to questions, Assistant Planner Krasnove stated that the applicant for the sign permit at 1690 Tiburon Boulevard has not discussed with staff the changes made at the last meeting.

**D. OLD BUSINESS BEFORE THE BOARD**

1. **6 AUDREY COURT KING, ADDITIONS/VARIANCES/FLOOR AREA EXCEPTION: CONTINUED TO 12/2/04**
2. **43 MEADOWHILL DRIVE LOIACONO, ADDITIONS/VARIANCES/FLOOR AREA EXCEPTION**

The applicant is requesting design review approval for the construction of additions to an existing single-family on property located at 43 Meadowhill Drive. A new office would be added to the upper floor of the house. A deck around an existing swimming pool at the rear of the site would be expanded and a new spa would be installed. An outdoor barbecue area with fireplace would also be installed near the pool and a new exterior stairway would lead from the upper floor of the house to the pool area. A new wood and wire fence would be constructed in the front yard, with a gate leading to a modified front entry walk, and a new trellis constructed above the walkway. Variances are requested for reduced rear yard setback and excess lot coverage, along with a floor area exception.

Michael Heckmann, architect, discussed the project. He answered questions from the Board about the fencing design and the potential for screening the area beneath the deck. He said that the structural elements beneath the deck would not be highly visible by neighbors because of the vegetation and distance from the uphill neighbor.

Chair Beales stated that the front fence would be six feet high and, while in the trees, would be unsightly, looking like a cattle chute. Mr. Heckmann responded that the fence

was intended to be as visually transparent as possible and would get lost in the landscaping.

There was no public comment.

Boardmember O'Donnell stated that he visited the site and understood the circumstances for the variances. He noted that the rear deck was an existing condition.

Boardmember Figour stated that the project would have no visual impacts on the neighbors, and he felt that the entry and fencing would fade into the landscaping.

Boardmember Teiser stated that he visited that site and the office/den would be a small infill project.

**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.**

### **3. 116 SUGARLOAF DRIVE MILLER, DECKS/VARIANCE**

The applicant is requesting design review approval to make exterior alterations to an existing single-family located at 116 Sugarloaf Drive. The subject property is located on the east side of Sugarloaf Drive, which slopes steeply toward the direction of Paradise Drive. A large landscaped deck would be constructed to the rear of the home. A variance is requested for excess lot coverage.

Howard Fields, builder and designer, stated that the property is unique, and there is no flat area on the lot. He said that there are three projects on the street where areas have been leveled with retaining walls and dirt, which he felt set a precedent for this project. He said that the deck would be impossible to see except from one neighbor's property. He stated that the deck would be an engineered permeable structure that would cantilever over the slope to provide lawn area. He felt that the glass handrail was an architectural detail, rather than a structure, and should not be subject to the 30-foot height limit. He said that he could pull back the edge of the deck to bring it within the 30-foot height limit. He said that landscaping could be installed to screen the structure for the neighbor.

Boardmember O'Donnell asked if the three-foot handrail is high enough for safety. Mr. Fields responded that it would comply with building code requirements, and that a benefit of the material is that a person cannot climb on glass.

Boardmember O'Donnell stated that grass is hard to maintain and does not always live. He was concerned that an owner would take out the grass and there would be a deck that could be tiled. Mr. Fields responded that such changes would require permits, and that the deck has not been structurally designed to support more extensive loads.

Janet Pederson stated that her concern is the large size of the proposed deck, and noted that it can be seen from her lower floor. She said that the deck would be less imposing if it were smaller.

Herb Pederson stated that he is also concerned about the size of the deck, and asked if the underlying supports are enclosed. He said that most people buy these properties with the understanding that there is no level space, and take their children to parks if they need a place to play. He said that there are no other structures like this in the neighborhood.

Planning Manager Watrous stated that the applicant may choose to screen the area below the deck to keep animals/people from underneath the structure, but it is not a code requirement to screen or fence off such areas. Chair Beales added that enclosing the area beneath the deck could well make the structure less attractive.

Mr. Fields stated he could include a deer fence around the base of the deck, perhaps with vines to make the fence disappear. He said that trees block the view of the deck from the neighbor. He said that he would accommodate the Pedersons if they would like screening.

Chair Beales asked how the deck would be used. Mr. Fields stated that there is a barbecue on the other side of the house and the deck would be in the shade where people would not spend as much time. He stated that the prevailing winds would take any noise away from the structure.

Boardmember Teiser stated that this structure is really a deck and not just landscaping. He said that there is nothing unusual about building decks in Tiburon. He said that there should be safety fencing underneath the deck to prevent inadvertent access to the structure.

Boardmember O'Donnell stated that this structure would be a structural anomaly and could set a precedent to build such a large deck. He felt that the deck would fly in the face of the lot coverage requirements. He noted that while the deck would have no visual impacts, others may want to build something similar. He said the deck was contrary to the Hillside Guidelines, and would be the opposite of stepping down the hill. He said that the deck does not have to be so large. While he understood the owner's desire to have a level play area, he did not believe that it is a hardship to not have the deck, because it would be a massive structure that does not need to be there. He said that the owners bought the property knowing its topography, and the Board tries to discourage such topographical changes.

Boardmember Figour stated that this was a rather unnatural thing to do, but the deck would not be visible from below. However, he felt that the deck was too big, and suggested that the applicant might want to avoid the lot coverage variance. He said that reducing the size of the deck substantially would still leave an area for children to play without being excessive. He said the deck should be brought back eight to ten feet, and perhaps not be built so far to the sides.

Chair Beales stated that the deck would not have an impact except on one side where landscaping could be required to screen it. He noted that the applicant has not applied for a height variance. He said the deck should be required to not exceed the height limit and should be reduced in size. He said that this should not give the applicant license to square off the end of the deck. He said that such a large space is not necessary for just a play area. He stated that there is an expectation when you purchase a hillside lot that there is little or no flat space.

Boardmember Figour added that this is an undersized lot, so the lot coverage variance was not crucial. He noted that the neighbor probably had no expectation that this portion of the lot would be used.

Boardmember Teiser stated that this was an innovative approach, but he would like to see a continuance to redesign the project.

Chair Beales added that this would have less impact on neighbors than retaining walls. He felt that the deck should be smaller, comply with the height limits, and there should be screening between neighbors.

**M/S, O'Donnell/Figour (passed 4-0-1) to continue this item to the December 2, 2004 meeting.**

#### **F. DISCUSSION OF RECENT SOLAR PANEL LEGISLATION**

Planning Manager Watrous noted that recent State legislation prohibits Towns from requiring Design Review approval for aesthetic purposes for solar panels. He said that the only restrictions are now based on public health and safety issues, not the general welfare. He said that the Town may modify its recently approved fee waiver policy for solar panels to only waive fees for properly designed projects.

#### **G. APPROVAL OF MINUTES #18 OF THE 10/21/04 DESIGN REVIEW BOARD MEETING**

Changes include:

Page 8, 4<sup>th</sup> paragraph, 1<sup>st</sup> line, change "Larry" to "Lauri."

Page 11, 4<sup>th</sup> paragraph, last line to state, "...he felt that the special variance would ultimately benefit the Hannahs because it would be tucked into the hillside."

Page 11, 6<sup>th</sup> paragraph, 3<sup>rd</sup> line, change "our" to "out."

Page 12, last paragraph, last line, add "feel" after "not."

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

#### **H. APPROVAL OF MINUTES #19 OF THE 11/4/04 DESIGN REVIEW BOARD MEETING**

Changes include:

Page 5, 3<sup>rd</sup> paragraph, last line, change “hose” to “those.”

Page 6, 3<sup>rd</sup> paragraph, last line to state, “...more on the site to alleviate some of the view concerns from the Poonian property.”

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

**I. ADJOURNMENT**

The meeting was adjourned at 7:55 p.m.