

ACTION MINUTES #12

**TIBURON DESIGN REVIEW BOARD
THURSDAY, JULY 20, 2006
1505 TIBURON BOULEVARD**

- A. ROLL CALL: Present** - Chair Bird, Boardmembers Doyle, Beales, Frymier, and Teiser
Absent - None
Ex-Officio - Planning Manager Watrous and Associate Planner Tyler
- B. PUBLIC COMMENTS (FOR ITEMS NOT ON THE AGENDA)**
- C. STAFF BRIEFING**
- D. ELECTION OF CHAIR AND VICE-CHAIR - BIRD RE-ELECTED CHAIR,
DOYLE RE-ELECTED VICE CHAIR**
- E. NEW BUSINESS BEFORE THE ROAD**
- | | | | | |
|----|----------------------|---------|----------------------------|-----------------------|
| 1. | 951 Owlswood Lane | Meagher | Roof/Appeal | APPEAL GRANTED |
| 2. | 5070 Paradise Drive | Smith | Fence | APPROVED |
| 3. | 1911 Mar West Street | Balog | New Dwelling/Var./Fl. Area | Excpt. |
- CONTINUED TO 8/17/06**
- | | | | | |
|----|------------------|-------------|--------------|----------------------------|
| 4. | 7 Seafirth Place | Simple Math | New Dwelling | CONTINUED TO 9/7/06 |
|----|------------------|-------------|--------------|----------------------------|
- F. APPROVAL OF MINUTES OF THE 7/6/06 D.R.B. MEETING – APPROVED AS AMENDED**
- G. ADJOURNMENT – 9:25 P.M.**

**MINUTES #12
TIBURON DESIGN REVIEW BOARD
MEETING OF JULY 20, 2006**

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

A. ROLL CALL

Present: Chair Bird, Boardmembers Doyle, Beales, Frymier and Teiser
Absent: None
Ex-Officio: Planning Manager Watrous and Associate Planner Tyler

B. PUBLIC COMMENTS

There were none.

C. STAFF BRIEFING

Staff had no items to discuss.

D. ELECTION OF CHAIR AND VICE CHAIR

M/S, Teiser/Doyle (passed 5-0), to re-elect Liz Bird Chair.

M/S, Beales/Bird (passed 5-0), to re-elect Frank Doyle as Vice Chair.

E. NEW BUSINESS BEFORE THE BOARD

1. 951 OWLSWOOD ROAD MEAGHER, APPEAL OF ROOF PERMIT

A roofing permit was issued to re-roof an existing single-family dwelling located at 951 Owlswood Lane, with the notation that “no change in color or materials from [the] existing” roof was permitted. An inspection of the new roof revealed that the original off-white colored foam roof had been replaced with a bright white colored membrane roof. The contractor was notified that the change in color and material required Site Plan and Architectural Review approval. The applicant has submitted an application for a Staff-level Site Plan and Architectural Review for as-built approval of a new roof for an existing single-family dwelling on property located at 95 Owlswood Lane. On June 5, 2006, this application was denied. The applicant has now appealed this decision to the Design Review Board.

Ann-Marie Meagher, owner, stated that her house previously had a tar and gravel roof and in 1996 a white colored foam roof was installed. She said that last year her roofer had applied for a permit to replace the white foam roof with a white membrane roof. She stated that a building at 2 Lyford Drive has an identical roof. She said that the white roof was chosen with care, as the membrane roof has a long warranty and saves energy. She stated that many of her neighbors have approved of the roof. She added that she had recently met with the owner of 7 Owlswood Road who said that he had not noticed her roof and had no objection to it. She stated that the roof material could not be painted and would cost \$14,000 to replace.

Mark Rosen, roofing contractor and appellant, addressed issues of potential reflectivity of the roof material. He said that this roof is analogous to a white car left in the sun for a year, as the reflectivity of the roof has already been reduced since it was installed. He said that there are limitations on the availability of materials that could be used for a flat roof. In response to questions from the Board, he stated that the membrane comes in a white or grey color and another color in between.

Caroline Cotter stated that the new roof bothers her less than the old roof, as it was less reflective.

Mr. Rosen stated that the membrane is similar to a polyurethane coating that must be placed on foam roofs as well.

Dorothy Larson stated that she had never even noticed the roof in her many visits to this home.

Boardmember Beales stated that the new roof was a replacement in kind with essentially the same colors and materials that the neighbors support.

Boardmember Teiser stated that foam roofs deteriorate over time and that this was a perfectly fine replacement which would weather like a foam roof.

Boardmember Frymier stated that she does not support the appeal. She stated that the change from a foam roof to a membrane roof should have been mentioned as part of the roofing permit application. She said that it was not so much a matter of the color change of the roof but more how it is on a hillside and stands out. She said that she could support the roof with some sort of rocks or pebbles on top of it.

Boardmember Doyle said that he really could not notice the roof from the neighbors' perspective. He also noted that the flat roof made the color less noticeable.

Chair Bird stated that she visited the site and noted that the neighbors had not noticed the change in roofing. She added that this roof replaced a white roof, and although she would not want to see a hillside full of white roofs, this was an exception.

M/S, Beales/Teiser (passed 4-1, Frymier dissenting) to determine that the project is categorically exempt from the provisions of CEQA and grant the appeal to approve the application subject to the conditions of approval as set forth in the Staff report.

2. 5070 PARADISE DRIVE SMITH, FENCE

The applicant has requested Design Review approval for the as-built construction of a fence along the northern portion of the property located at 5070 Paradise Drive. The subject property is developed with a single-family dwelling. The subject fence consists of wrought iron metal posts and open railing. The black colored fence is intended to have a maximum height of six feet (6'). Staff received objections from the adjacent property owner at 5080 Paradise Drive and noted potential issues regarding an easement in the location of the fence. As a result, the Staff-level application has been referred to the Design Review Board for review.

Christopher Smith, owner, stated that he is asking to complete a six foot tall fence on his property.

Boardmember Doyle asked Mr. Smith to comment on the letter received from the neighbor at 5080 Paradise Drive. Mr. Smith responded that 95 percent of the property is already fenced, but a four foot wide path remains along the water's edge for deer to pass.

Boardmember Frymier stated that she supports the application. She stated she visited the site and although the fence would decrease the area for deer, there would still be room for the deer to pass by. She noted that the existing fence poles are taller than six feet and would have to be reduced in height.

Boardmember Doyle stated that most of the property is already fenced and the proposed fence would be appropriate.

Boardmember Teiser stated that deer will figure out how to get around the fence, and added that the fence would be attractive.

Chair Bird stated that it makes sense to complete the circuit of the fence on the property to protect the vegetation from deer.

M/S, Teiser/Doyle (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.

**3. 1911 MAR WEST STREET BALOG, NEW DWELLING/VARIANCES/
FLOOR AREA EXCEPTION**

Boardmember Teiser recused himself from this item.

The applicant has requested Design Review approval for the construction of a new four-story single-family dwelling on property located at 1911 Mar West Street. The subject property is currently vacant. The basement level would include a two-car garage and hallway. The first floor would include three bedrooms, two bathrooms, laundry room and storage area. The second floor would include a living room, kitchen, dining room, powder room and wine cellar. The fourth floor would include a master bedroom suite and study. An elevator would connect all four floors of the house. Variances are requested for reduced front and rear yard setbacks, excess lot coverage and excess building height, along with a floor area exception.

Jim Malott, architect, stated that the site is not that difficult, except that five neighbors have views across the lot. He presented an exhibit demonstrating the view corridors of the neighbors across the site. He showed photos taken from the home at 110 Las Lomas Lane and a photosimulation showing a rendering of the proposed home on the surrounding hillside. He noted that the Hillside Guidelines encourage rooms to be buried. He said that the proposed house would not affect views from the home above at 1915 Mar West Street. He noted that the proposed elevator would go 29 feet into the ground, which results in a penalty against the design by a calculated height of 44 feet. He

distributed information on the neighbors' homes and the variances which he determined would be needed today to build those houses.

Boardmember Beales noted that a deck off the upper level sauna would look into the Morris and Miller's house. Mr. Malott replied that they are planning to modify that deck into a roof area.

Michael Balog, owner, stated that he intends to build this home for his parents. He said that his approach was not to build what he wants, but to look at what can be done on the site to address the previously raised objections of the neighbors. He said that the variance requests are needed to benefit the neighbors. He stated that the broad issue is the amount of floor area requested, and added that most of the area comes from digging into the hillside, which would result in less than 2,700 square feet of visible house. He said that he had tried to meet all of the neighbors' requests with this design.

Peter Berg stated that he previously owned the subject lot. He felt that the house was being pushed up under his nose and he was concerned about fire safety with another house so close to his home. He noted that the Old Tiburon neighborhood is tightly developed. He said that attempts to preserve a secondary view from the Lawrences' home are complicating what is to be built on this property. He said that his experience as an architect has shown him that if a house does not fit within its setbacks it is too big.

Dellie Woodring stated that residents of the Point Tiburon Bayside condominiums have views of the bay and of the hillside where this home would be located. She said that she was unclear about where the driveway access would be and was worried about noise coming from using the proposed exterior decks.

Gail Miller acknowledged that the proposed house design was a large improvement from that of the prior application. However, she said that the most bulky part of the proposed house would jut into her views of Angel Island. She distributed photos taken from her kitchen and living room of the story poles. She said that the upper floor was very large and was not terraced, but said if the house was moved downhill it would obscure more of her views. She said that although this is a difficult lot, the owner and architect are creative people who should be able to come up with a solution.

Ned Lawrence stated that he has dealt with a number of proposals on this lot and recounted the history of previous applications. He applauded the applicant and stated that he supports the new house design.

Bill Lukens stated that Mr. Malott is an outstanding architect who is capable of designing a house that fits in with the Town's guidelines. Mr. Lukens felt that the Town's floor area ratio has evaporated from a rule to a guideline and felt that more effort could be made to downsize the upper level of the house. He noted that Old Tiburon does not have the same sized houses as Gilmartin Drive. He said that the increased size of a house will lead to more active use of the residence. He noted that the amount of excavation needed to construct this house will take a long time.

Helen Lindqvist, representing the Lyford Cove Old Tiburon Homeowners Association, stated that the proposed house design does not follow the guidelines which encourage homes to not build on the highest point of a lot. She stated that other homes in Old Tiburon have buried their rooms and still complied with the floor area ratio. She said that this house design could result in problems with sewer maintenance and drainage. She felt that the house design was too massive for the neighborhood.

Mr. Malott stated that it will cost \$1.2 million to building retaining walls and other design elements in order to stay out of the neighbors' views. He stated that the usable square footage in the house is close to the FAR for the site. He noted that the house would use concrete and steel construction to address fire safety issues. He described how most of the roof would be planted with vegetation to improve the roof maintenance. He defended his photos from the neighboring home, stating that it is important to show the entire view of a house. In response to questions from the Board, he stated that the house would have 8 foot ceiling heights except for 10 foot ceilings in the living room.

Mr. Balog referred to a model built to illustrate the proposed house design, and said that the model shows how the slope would obscure most of the home. He said that it would be hard to move the house even a little and reiterated that the variances were for the benefit of the neighbors. He said that the house at 1915 Mar West should be set back 25 feet from the property line.

Boardmember Beales stated that this is the third design he has seen for this property and that the two previous designs had had major problems. He stated that this is a difficult site. He said that the neighbors have enjoyed the privilege of unimpeded views across the lot for many years. He compared the requested 8 foot rear yard setback to the existing shorter setback of the Berg house from the same property line. He stated that the purpose of the floor area ratio is to control the mass of a house, which is most commonly thought of as the visible mass above grade. He said that the proposed house would have the visual mass of a smaller home. He said that the underground space would not contribute to the mass and therefore would not violate the intent of the floor area ratio. He said that the house would create a minor view impact for the Millers, but said that a broad view such as theirs can take a minor encroachment at the edge, such as would occur with the proposed house. He said that there is no way to avoid impacting the Millers house completely. He said that he could support the application, but would like to see the upper level deck next to the sauna removed.

Boardmember Doyle stated that this was a great improvement over the previous house design. He stated that the issue of views across lots is tricky. He said that the proposed house design preserves the majority of views, but he was most concerned that the house feels like it is too close to the Bergs' home. He said that the house seems massive when viewed from the front, but most of the structure would be underground. He said that initially this seemed like too massive a house with too much excavation, but he feels that this is a great solution, with most of the floor area hidden. He said that he was unsure of

what else could be done with the house, but would feel better if more could be done for the Bergs.

Boardmember Frymier stated that this is the first house design she has reviewed for this property and, from what she has read, this is an improvement over what had previously been submitted. She said that the house still seems massive in comparison to surrounding homes. She said that she also has an issue with the closeness to the Berg home. She found the view impacts to be hard to accept. She said that if something could be done to lessen the impact on the Millers' views and pulling the house away from the Bergs she might be able to support the project.

Chair Bird stated that this was the third version she has seen on this property, which is a small, difficult lot in a very developed area. She stated that the proposed house design was too ambitious for the site. She acknowledged that the architect has had to make strenuous efforts to come up with this design. She characterized the view from the Millers' home as a borrowed view, and stated that the applicant has gone to great lengths to bury the home, but the house is too big for the lot. She said that she would like to see the house pulled further from the Bergs' home and need fewer variances. She said that she could not support the house as currently designed.

M/S, Beales/Doyle (passed 4-0) to continue the hearing to the August 17, 2006 Design Review Board meeting.

Boardmember Teiser returned to the meeting.

4. 7 SEAFIRTH PLACE SIMPLE MATH, LLC, NEW DWELLING

The applicant has requested Design Review approval for the construction of a new single-family dwelling on the vacant property located at 7 Seafirth Place. The project as proposed would create a three-story structure. The lower floor would include a two-car garage, four bedrooms, two bathrooms, media room, utility room, and laundry room. The ground floor would include a living room, dining room, kitchen, small breakfast room, family room, library, half bathroom and the entry foyer. Access to the deck/patio would be located adjacent to the entrance, as well as through an exterior staircase and at several sliding glass doors surrounding the structure at the ground level. The upper floor would include a master bedroom and bathroom, and a guest room and bathroom. No decking or patios are proposed for the upper floor. An elevator would service the three floors, in addition to an interior stairway. The proposed structure would create a lot coverage of 2,384 square feet (10.8%) which is below the 15% maximum permitted lot coverage in the RO-2 zoning district. The house would have a floor area of 4,779 square feet, which is 20 square feet below the maximum floor area allowed for a lot of this size.

Carl Bridgers, architect, described the site constraints, including driveway and utility easements, and gave a history of the previously approved house on the site. He said that the intent of this design was to maximize the separation from the home at 5 Seafirth Place. He described how the driveway was designed to comply with the Fire District

requirements. In response to a question from the Board, he said that he can discuss moving an existing utility pole with PG&E. He described the details of the living space design and addressed issues raised in the Staff report. He said that they would be willing to make changes to the house design, including attempting to preserve the mature pine tree; minimizing windows facing the neighbors; lowering the retaining walls; and stepping the house more into the hillside. He said that they would be willing to accept a continuance to try to address these issues.

Rimma Jolly stated that he and his wife were aware of some of the history of the subject property when they bought the adjacent home. He said that it is difficult to understand the height of the proposed driveway, and that story poles would give them a better idea of where the driveway easement is located. He said that the story poles for house make the structure look different than how the design was previously described to them. He said that they have issues with the height of the house, driveway and retaining walls.

Chip Cohan stated that with both house applications trees and vegetation have been chopped to put up the story poles, creating privacy impacts by removing screening. He said that he would like to see the pine tree protected as it would screen much of the proposed house, but was concerned about how it would be protected during construction. He added that removing trees could lead to more erosion and landslides on the site.

Richard Schneider described drainage problems on his adjoining property and the affect the driveway construction could have on the stability of his lot. He agreed that story poles would make the driveway easier to understand.

Moe Nobari, owner of the subject property, stated that he understands the rules about cutting trees, adding that the workers who put up the story poles only cut small branches.

Mr. Bridgers described the existing and proposed drainage improvements on the site. He said that he hoped to situate the house to protect the pine tree, even though the tree has been topped and is in marginal condition. He described ideas to reduce the massing of the house.

Boardmember Beales stated that the topography of the site does not necessitate the extensive retaining walls proposed as part of this project. He stated that the floor elevation of the garage seemed excessive, and that lowering this would reduce the visual mass when viewed from 5 Seafirth Place. He wondered whether the shunt of the driveway required by the Fire District could be bridged by an upper floor of the house. He noted that pulling the house uphill may not be practical. He stated that the near corner of the upper level of the house would impinge on the view for the home at 4030 Paradise Drive.

Boardmember Teiser stated that he agreed with Boardmember Beales' assessment of the house design.

Boardmember Frymier stated that when she first looked at the story poles the house appeared to be quite massive and would loom over the home at 5 Seafirth Place. She said that the house would have enormous mass when viewed from below. She stated that the homes in the Seafirth neighborhood are very close together and the applicant needs to be more communicative with the neighbors.

Boardmember Doyle stated that the applicant needs to look at the mass and tree issue. He said that it is sometimes hard to visualize a driveway such as that proposed and that story poles for the driveway would help. He agreed that the house would seem very large when viewed from below.

Chair Bird stated that the applicant can go a long way toward reducing the mass of the proposed house and how the building is stacked on the lot. She said that the house design should more closely follow the Hillside Design Guidelines.

Boardmember Teiser stated that he would like to see a conceptual drainage plan with the next submittal.

M/S, Beales/Doyle (passed 5-0) to continue the hearing to the September 7, 2006 Design Review Board meeting.

F. APPROVAL OF MINUTES #11 OF THE 7/6/06 DESIGN REVIEW BOARD MEETING

Amendments include:

Page 1, 3rd paragraph, add “room” after “family.”

Page 3, 8th paragraph, add “on Hilary and Hawthorne Drives.”

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

G. ADJOURNMENT

The meeting was adjourned at 9:25 p.m.