

**ACTION MINUTES #6**

**TIBURON DESIGN REVIEW BOARD  
THURSDAY, APRIL 5, 2007  
1505 TIBURON BOULEVARD**

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- A. ROLL CALL: Present:** Chair Doyle, Boardmembers Corcoran, Frymier, Glassner and Teiser  
**Absent:** None  
**Ex-Officio:** Planning Manager Watrous, Associate Planner Tyler,  
Assistant Planner Phillips and Minutes Clerk Hennessy
- B. PUBLIC COMMENTS (FOR ITEMS NOT ON THE AGENDA)**
- C. STAFF BRIEFING**
- D. OLD BUSINESS BEFORE THE BOARD**
1. 1893 Centro West Harb New Dwelling/Var./Fl. Area Except. **CONTINUED TO 4/19/07**
  2. 140 Porto Marino Huehne Additions/Variations **APPROVED**
- E. NEW BUSINESS BEFORE THE BOARD**
3. 105 Ave. Miraflores R.U.S.D. Tree Permit **APPROVED**
  4. 9 Burrell Court Hariri Additions/Variations **CONTINUED TO 5/3/07**
  5. 2270 Paradise Drive Martinez Addition/Variance/Floor Area Exception **APPROVED**
  6. 16 Southridge East Ehsan Additions/Variations **CONTINUED TO 5/3/07**
  7. 180 Solano Street Halawa New Dwelling/Var./Fl. Area Exception **CONTINUED TO 5/3/07**
- F. MINUTES OF THE 3/15/07 D.R.B. MEETING - APPROVED AS AMENDED**
- G. ADJOURNMENT - 11:15 PM**

**MINUTES #5  
TIBURON DESIGN REVIEW BOARD  
MEETING OF APRIL 5, 2007**

The meeting was opened at 7:00 P.M. by Chair Doyle.

**A. ROLL CALL**

- Present:** Chair Doyle, Boardmembers Corcoran, Frymier, Glassner and Teiser  
**Absent:** None  
**Ex-Officio:** Planning Manager Watrous, Assistant Planner Phillips, Associate Planner Tyler and Minutes Clerk Hennessy

## **B. PUBLIC COMMENTS**

There were none.

## **C. STAFF BRIEFING**

Planning Manager Watrous welcomed new Boardmembers Corcoran and Glassner who had already been sworn in by Town Staff.

He noted that the item for 1893 Centro West had been continued to the April 19, 2007 meeting. He advised the Board that the appeals on 2135 Vistazo West were scheduled for the April 18, 2007 Town Council meeting. Chair Frank Doyle will attend to represent the Board.

## **D. OLD BUSINESS BEFORE THE BOARD**

### **1. 1893 CENTRO WEST STREET HARB, NEW DWELLING/VARIANCE/ FLOOR AREA EXCEPTION CONTINUED TO 4/19/07**

### **2. 140 PORTO MARINO HUEHNE, ADDITIONS/VARIANCES**

The applicant is requesting approval to construct additions to an existing one-story single-family dwelling; a second story bedroom and bath room above the garage. Variances are requested for reduced front and side yard setbacks.

This application was first reviewed at the March 15, 2007 Board meeting, and neighbors at 56 & 66 Hacienda Drive raised concerns regarding potential view impacts that would be caused by the raised roofline of the proposed addition and the proposal's relation to the surrounding trees. The Board continued the project so that the Boardmembers could conduct site visits at 56 & 66 Hacienda Drive and other neighboring properties.

Steve Maskulka, SCM Design Group, stated that their arborist had met with neighbors and had suggestions as far as tree trimming.

Elke Huehne, owner, noted the arborist had not arrived and asked the Board to wait for him.

The Chair opened the public hearing.

Jean Bonander thanked the Board and Staff who came to her home. She stated that the addition would be a permanent obstruction and that in the past 13 years no other neighbors have built within their viewshed. She stated that trees on the site continue to be a problem. She said that they have tried to work with three previous owners about the trees, which were last trimmed in 1996. She read from a letter which stated that topping the trees would result in their deaths. She requested that the Board deny this application without prejudice because the tree issue is unresolved and asked the Board to let them continue to work with the property owner.

In response to Boardmember Glassner, Mrs. Bonander stated the issue is that this garage addition will block a portion of the water view which is already significantly blocked by the trees; they would be willing to support

the addition if arrangements could be made to trim the trees. She stated she was not aware of heritage trees definition for the Town of Tiburon.

In response to Boardmember Teiser, Mrs. Bonander stated there are differing opinions whether the topping of the trees would harm the trees. She said that her main objection to topping the trees is that it is an ongoing process and she would prefer the trees be removed.

In response to Boardmember Frymier, Steve Maskulka stated moving the addition back further on the structure could create extensive pier work which would make it too expensive. He stated that this location for an addition would have the least impact on views.

Peter Brooks, arborist, stated that elm trees are particularly well suited to pruning. He said that in order to improve the view the tree would have to be cut back up to 20 feet and that it would take 8 to 10 years for them to regrow that height. He said that he did not recommend topping the tree but instead suggested restructuring the tree by cutting off the right spar, which would greatly improve the neighbors' views. He suggested if his plan did not work there could be a mechanism to cut the tree down.

The Chair closed the public hearing.

Boardmember Glassner stated that the issue is not with the addition but historically with the trees. He said that major structural trimming appeared to be the solution would be and could be made as a condition of approval.

Boardmember Frymier thought the applicant had done a very good job trying to work with the neighbors. She said that the arborist's recommendation to restructure the tree seemed like a sound and ethical way to maintain the tree. She noted that the Board could not mandate further tree maintenance. Planning Manager Watrous added that the neighbors' recourse would be through the view ordinance which allows neighbors to work out issues if trees grow into their view.

Boardmember Corcoran agreed that the main issue was the tree, but noted that the addition would take away a small part of the neighbors' view, and that trimming the tree would give some of that view back. He stated that the View Ordinance is a fair process to address issues if the tree grows back into views. He stated that the elm is a beautiful tree and makes the house more attractive.

Boardmember Teiser stated that the arborist's recommendation to restructure the elm tree by removing the north spar was a good idea. He suggested that the Monterey pine could also be thinned and pruned.

Chair Doyle stated that the amount of view gained if the trees are trimmed as recommended would more than make up for view blockage from the addition.

**M/S, Teiser/ Frymier (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, with an additional condition that the arborist's recommendation be followed which will restructure the elm tree, including the removal of the right spar, to reduce bulk of the tree by approximately 50%, and pruning the Monterey pine per the arborist's report to improve views of the Bay for the neighbors.**

## **E. NEW BUSINESS BEFORE THE BOARD**

### **3. 105 AVENIDA MIRAFLORES REED UNION SCHOOL DISTRICT, TREE PERMIT**

The application is for a tree permit for the removal of ten (10) Eucalyptus trees on the southern portion of the Del Mar Middle School property. The subject trees are situated along Avenida Miraflores between the sidewalk and a low fence bordering the athletic field for Del Mar Middle School.

Chris Carter, Superintendent of Reed Union School District, stated that the 2005 Bond Measure passed by the residents of Tiburon included renovating the school's playing fields. She stated that the Del Mar School field is in very bad condition and they wanted to make it safer and more usable for the children. She said that the ten trees create a very large shade area causing the field to be soggy and wet with poor drainage, and the debris from the trees falls on the field, creating a safety issue. She stated that they plan to remove the trees and replace them with 14 new Indian Hawthorn trees which will reach a height at maturity of 15 to 25 feet and a spread of 15 feet. She noted that the School District has worked with the neighbors about this request and there have been no objections.

Peter Arnold, landscape architect, stated the existing trees are about 40 feet tall and he estimated that it will take 20 years for the Indian Hawthorne trees to grow to 20 feet.

The Chair opened the public hearing. There being no comments, the public hearing was closed.

Each Boardmember supported the project and commended the School District for working with the neighbors.

**M/S, Frymier/Teiser (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.**

### **4. 9 BURRELL COURT HARIRI, ADDITIONS/VARIANCES**

The application is for the expansion and additions to an existing single-family dwelling. In addition to the expansion of the home and conversion of the garage, a partial second story is proposed at the center of the home, which would include a master bedroom and bathroom, terrace and an extra bedroom. Expanded decking at the rear of the home and an additional terrace off the family room are also proposed. The proposed structure would create a lot coverage of 3,332 square feet (22.6%) which exceeds the 15.0% maximum lot coverage in the RO-2 zoning district. The proposed expansion of the home would result in an approximately 21 foot front yard setback which would be less than the 30 foot minimum front yard setback in the RO-2 zone. The applicant is requesting variances for excess lot coverage and reduced front yard setback.

Scott Hochstrasser stated that he agreed with the staff report. He showed pictures of views between neighboring properties and noted that there is distance and vegetation between the homes. He stated that the applicant also proposes to add landscaping on his property.

Ali Majlessi, architect, described the project design. He noted that a neighbor objected to a loss of privacy and in response they had reduced the number of windows.

In response to Boardmember Corcoran, Mr. Hochstrasser stated that excavating below the house for an addition was never a major consideration.

Pete Pedersen, landscape architect, described the growth characteristics of the palm trees proposed to be planted in front of the house and the magnolia trees that would be planted along Reed Ranch Road. He stated that the applicant's intent is to maintain the trees to be good neighbors, and are still working with neighbors regarding what would be planted between 9 and 7 Burrell Court.

The Chair opened the public hearing.

Ray Truman stated that he was concerned with a loss of privacy. He stated that the story poles are different from when they were earlier invited to look at the site and he has therefore rescinded his previous acceptance of the proposal. He asked the Board consider changes to lessen the impact on his privacy, possibly including plants or trees to make the project less intrusive.

Christopher Wand stated that he had no objection to the floor area, but objected to the second story. He showed an aerial photo of Burrell Court taken in 1960 and explained that this house was the original model home, with sweeping views of the Bay and the City. He reviewed the history of neighbors not being allowed to build second stories on this street and urged the applicant to build downhill or expand the house towards Burrell Court and move the garage.

Scott Hochstrasser stated they would like the opportunity to continue to work with the neighbors; thought building living space underneath was a much different project than the proposal; noted #7 has a second story; suggested that perhaps they could lower the roof line.

The Chair closed the public hearing.

In response to a question from Boardmember Teiser, Planning Manager Watrous stated building the second story would not necessarily create a precedent for the applicant to have a view over their neighbor's future possible second story additions. He noted that the currently proposed upstairs area does not include primary living areas, and therefore views from these rooms would not be so strongly protected by the Hillside Guidelines.

Boardmember Corcoran stated he had a lot of trouble with this project. He noted that neighbors have strong concerns about landscaping and privacy. He characterized a second story addition on this street as "a slippery slope," adding that it would not be fair to allow this project to add upstairs when others have been unable to do likewise. He felt that adding a second story was as difficult as adding space underneath the house. He said that the trees to be planted along Reed Ranch Road would address the privacy issues. He said that the project needs more work and more discussion with the neighbors. He noted that adding floor area without a second story would also address the privacy issues. He also noted that the second story would not significantly improve the views for the house.

Boardmember Glassner stated that it is not only an issue of size and bulk, but noted that the palm trees can grow into problems. He said that he was concerned that although the neighbors suggested excavating for the floor area the applicant is reluctant to do so.

Boardmember Teiser stated that he could not support the project at all. He felt that the privacy issue could be solved, but thought that the project looms over Reed Ranch Road. He said that the second story would be

completely out of character with the rest of the neighborhood. He stated that the applicant was seeking more views at the expense of the neighbors and he would rather see the applicant ask for more lot coverage to reduce the bulk of the addition.

Boardmember Frymier agreed with Boardmember Teiser's comments about supporting more lot coverage as opposed to height. She characterized the project as massive, stating that the palm trees and story poles make a gargantuan statement. She said that the addition would be out of character with the more visually peaceful nature of Burrell Court.

Chair Doyle stated that he thought it was a beautiful house, but when every neighbor on the block states that this would take away views then an applicant needs to be willing to try different approaches. He said that he was not inclined to approve a project when the applicant is not interested in working with the neighbors. He said that an applicant has to be open to suggestions, possibly involving increased lot coverage. He noted that the architect has talent and can find other ways to add more floor area.

**M/S, Teiser/ Frymier (passed 5-0) to continue the item to the May 3, 2007 meeting.**

**5. 2270 PARADISE DRIVE MARTINEZ, ADDITION/VARIANCE/FLOOR AREA EXCEPTION**

The applicant has submitted a request to extend the garage of a previously approved new single-family dwelling located at 2270 Paradise Drive. The proposed expansion would extend to within 12 feet of the front property line, in lieu of the 15-foot front yard setback required in the R-2 zone. Therefore, a variance is requested for a reduced front yard setback. The gross floor area of the residence would increase by 102 square feet to a total of 3,225 square feet, which would exceed the floor area limit of 2,833 square feet by 392 square feet; therefore a floor area exception is required.

Bruce Ross, on behalf of the architect, asked the Board to approve this minor adjustment of previously approved plans.

The Chair opened the public hearing. There being no comments, the public hearing was closed.

Boardmembers Teiser stated that this is a minor adjustment, and that he had talked to the impacted neighbors who do not object to the request.

Boardmember Corcoran noted that the expanded garage would still be further back from the street than the existing garage on the site.

Boardmember Glassner stated that this was a thoughtful addition.

Chair Doyle said that this was a great addition to a beautiful house.

**M/S, Frymier/Corcoran (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.**

**6. 16 SOUTHRIDGE EAST EHSAN, ADDITIONS/VARIANCES**

Boardmember Corcoran recused himself from this item.

The applicant is requesting Design Review approval for the construction of additions to an existing single-family dwelling which would include a lower level guest suite, expansion to the main level bedroom and entryway, a new upper level master suite, and improvements to the terrace on the lower and main level. The lot coverage on the site would increase by 315 square feet (2%) to a total of 3,261 square feet (22.0%), which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. The proposed addition would extend to within 7 feet 4 inches of the side property line, in lieu of the 15 foot side yard setback required in the RO-2 zone. The proposed deck extension and circular staircase would extend to within 16 feet of the rear property line in lieu of the 25-foot rear yard setback required in the RO-2 zone. Therefore, variances are requested for reduced side and rear yard setbacks.

David and Patty Ehsan, applicants, stated the home is too small for their young family. They said that they have spent a lot of time with their architect and neighbors. They noted that Mr. Thompson next door wanted to make sure his view from the master suite was preserved, and added that his primary living areas are above the applicant's house. Mr. Ehsan described their efforts regarding trees on the site.

Michael Heckmann, architect, stated that the objective was to accommodate the needs of the family. Regarding privacy issues, he showed the Board pictures of the neighbor's property with a dense level of vegetation and mature trees as well as large shrubs. He showed the Board drawings showing the relationship between the applicant's property and the home below on 9 Reed Ranch Road. After meeting with Mr. Thompson, and getting direction from him, Mr. Heckmann stated that he was confident they had preserved views from his master suite, but that views from two other bedrooms might be slightly affected by the proposed addition. Mr. Heckman stated they have compromised and moved the upper structure back 4 feet to give Mr. Thompson some view from the small downstairs bedroom. In addition, Mr. Heckman stated that they would remove the window in the study facing the Thompson house.

The Chair opened the public hearing.

John Silcox, neighbor, stated the applicant had a very small house which is way downslope from other houses. He stated that the applicant had made adjustments to address Mr. Thompson's concerns, and he strongly supported the application.

Alex Mortazavi noted the slope of the driveway and stated that even if the house had three stories it would not be visible from the street.

Andrew Thompson stated that he appreciated how the applicant has tried to accommodate the neighbors. He stated both of their houses were built in early 1960's, and every bedroom had a view of downtown. He noted his father was the architect of his home and he wanted to retain the views for his own children. He thanked the applicant for eliminating the study window and for moving the addition back 4 feet, but thought the addition should be moved back another 8 feet. He said that he had no objection to the size of the house, but objected to view blockage from his two daughters' bedrooms. He believed that he and the applicant could work something out as a compromise.

Robert Marotta objected to trees that have been removed on the site and discussed the history of a drainage

ditch and extensive flooding in the past. He was concerned that structures could be built closer to the drainage ditch. He also stated that the proposed deck would look down at his spa and suggested constructing an overheight fence along the property line. Planning Manager Watrous explained that the addition would be set back from the rear of the deck and would not be close to the drainage ditch, and that the small deck additions would not be closer to the rear property line than the existing deck.

Edmund Marroquin stated that the applicants had cleared foliage and now he can see the back of their house. He said that he can barely see the story poles and thanked the architect for a well thought out plan. He stated that he did not think the project would impact drainage.

Mr. Heckmann stated that all the vegetation that has been taken out has improved the drainage situation on the site. He described the objections to the existing deck as ludicrous and suggested the privacy issue be corrected by the Marottas rather than relying on their neighbors to do it. Regarding Mr. Thompson's objection, he said that they felt that they have met him halfway and his Mr. Thompson's remaining issue is the view from a small bedroom.

The Board discussed the feasibility of various changes to the project design, including moving the upper story back over the garage and revising the garage design to provide proper headroom.

The Chair closed the public hearing.

Boardmember Teiser noted with due consideration to Mr. Thompson that the bedrooms are not a primary view consideration. He recognized the history of the house and original design and wondered if perhaps the client could consider other options if the application were continued. He appreciated the effort made to make changes by the applicant. He was not concerned with privacy and view issues from the homes on Reed Ranch Road and noted that the Building Division would address drainage issues.

Boardmember Frymier stated she wanted to approve the project but thought it should be continued. She said that views need to be protected when possible, even if the views are not from primary living spaces. She recognized that the architect had made considerable changes, but wanted to see if something could be worked out better with the neighbors.

Boardmember Glassner stated that the applicants and neighbors are working toward a favorable solution. He felt that secondary views are important to children and felt that the landscaping would help with the privacy issues.

Chair Doyle agreed that the neighbors were working toward a viable solution. He suggested that the study could be moved over the garage to improve views. He said that he liked the project, but would also like to see other options explored.

**M/S, Teiser/Glassner (passed 4-0, Corcoran recused) to continue the item to the May 3, 2007 meeting.**

**7. 180 SOLANO STREET HALAWA, NEW DWELLING/VARIANCE/ FLOOR AREA EXCEPTION**

Boardmember Corcoran returned to the meeting

The applicant is requesting Design Review approval for the construction of a new single-family dwelling. The floor area of the proposed house would be 3,085 square feet, which is 298 square feet greater than the maximum floor area permitted for a lot of this size. Therefore, a floor area exception is requested. The proposed house would cover 2,965 square feet (37.7%) of the site, which is greater than the 35.0% maximum lot coverage permitted in the R-2 zone. Therefore, a variance is requested for excess lot coverage.

Architect Patrick Lepelch reviewed the plans for the proposed new house. He stated that there are 5 or 6 units on Centro East Street that look over the property. He noted that the current house height is 24 feet and the proposed height would be 28 feet. In response to Boardmember Corcoran, he stated the reason for requesting the variance is to keep the house as low as possible. He stated that the additional floor area is to utilize the volume of usable space which would not create additional mass.

In response to Boardmember Teiser, Mr. Lepelch stated that the mature trees on the east side would be retained, although the owner would be willing to trim the trees if they are blocking views.

Mr. Halawa, owner, stated that the pine tree was partially on Town property and with permission he would prefer to remove it. Planning Manager Watrous stated that the tree could be approved for removal as part of this application; he added that it is the responsibility of the property owner to maintain trees in the Town right-of-way.

The Chair opened the public hearing.

Diane Lynch expressed her concerns about parking, stating that the new driveway would eliminate two on-street parking places. She suggested that the garage be moved to Centro East side of the house. She asked the Board to look at the frequency of granting variances in Tiburon.

Will Huntzinger, owner of the residence just below property, stated that he is thrilled the existing deck is being removed because it hangs over his yard. However, he was concerned that he can see story poles out of his bathroom skylight and wondered what area of the house those poles depicted. He asked the Board to minimize the height of the proposed house, stating that his concerns were about light, bulk and privacy. He also asked the Board to look at the parking issue, as he did not want more people encroaching on his driveway.

Linda Tripp expressed concerns about the bulk and height of the roof, stating that the story poles show that the house would cut off half of her Bay view. She noted that the trees have not been trimmed in the past year so they have grown up to take a lot of her view. She noted that they cannot see the house and determine its impact on their views until the trees are trimmed.

Helen Lindqvist, Lyford Cove Old Tiburon Homeowners Association, suggested that house be set down further on the site. She felt that the roof ridgeline would impinge on the owners of several uphill homes. She stated that the curve of Centro East leading away from Solano Street upper lots is dangerous.

Mr. Lepelch stated because of the topography of the site, it would not be possible to relocate the garage because the driveway would be too steep. He also noted that the garage at that elevation would likely impact

views. He stated that the trees would have to be trimmed 15 or 20 feet to see the story poles, which would affect the health of the trees. He stated that the owner would be happy to work with the neighbors regarding a trimming scheme, but did not think it was reasonable to cut the trees back to their height 30 years ago.

In response to Chair Doyle, Mr. Lepelch stated that he thought the roofline could be lowered about 1 foot, possibly by lowering the floor level and/or the plate height and making the roof pitch shallower. He acknowledged that the existing driveway and the curbs on either side are painted red, and that there would not be enough space between the proposed driveway and the adjacent driveway for an on-street parking space.

The Chair closed the public hearing.

Boardmember Frymier stated that she liked house, but thought that the application should be continued so the architect could lower the roofline, possibly 12 to 18 inches. She said that lowering the roof slope would not hurt the design and would reduce the mass of the house, although she did not feel that the house was massive. She encouraged the applicant to trim the trees, as the trees make it difficult to visualize the house.

Boardmember Glassner agreed that it was a beautiful house, but that lowering the roofline or digging the house into the site, along with trimming the trees, would help.

Boardmember Corcoran was unsure what could be done about the parking situation, but agreed that the garage was in the right location. He did not think that the roof was a serious issue, noting that the house directly across the street is a similar height. He felt that the house would improve the situation for the downhill neighbor. He thought the roof peak could be moved a bit and the old pine tree should be cut down. He suggested that more landscaping be installed between properties. He was unsure that findings could be made for the combination of the lot coverage variance and floor area exception. He stated that he visited a few homes on Centro East and felt that their view loss would not be that substantial.

Boardmember Teiser stated that the volume of the house was not that bad. He said that the roofline design was not particularly attractive, and he would like a lower slope to the roof, which could improve the appearance of the house.

Chair Doyle stated that he liked the house. He said that lowering the roof would make a difference, even though it would not take much of a change. He noted that the extra lot coverage comes only from a few small areas. He stated that he would personally rather see trees than roofs. He was also unsure whether anything could be done about the parking situation, and felt that it would be difficult to place the garage on Centro East.

**M/S, Frymier/Corcoran (passed 5-0) to continue the item to the May 3, 2007 meeting.**

**F. APPROVAL OF MINUTES #5 OF THE 3/15/07 DESIGN REVIEW BOARD MEETING**

Boardmember Teiser asked that page 4, last paragraph, third sentence be amended to add:

“to provide ventilation, *and roof ventilators could be used instead.*” Also last sentence to read “...concern about *impact of the design and character*....”

**M/S, Teiser/Frymier (passed 3-0-2, Corcoran and Glassner abstained) to approve the Minutes of the**

**March 15, 2007 meeting as amended.**

**G. ADJOURNMENT**

The meeting was adjourned at 11:15 P.M.