

**ACTION MINUTES #9**

**TIBURON DESIGN REVIEW BOARD  
THURSDAY, MAY 17, 2007  
1505 TIBURON BOULEVARD**

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- A. ROLL CALL: Present:** Chair Doyle, Boardmembers Corcoran, Frymier, Glassner and Teiser  
**Absent:** None  
**Ex-Officio:** Associate Planner Tyler and Assistant Planner Phillips
- 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/Variance/Floor Area Exception  
**CONTINUED TO 6/7/07**
2. 30 Mark Terrace Sams Additions/Variance/Floor Area Exception **APPROVED**
- E. NEW BUSINESS BEFORE THE BOARD**
5. 20 Sonora Court Baier Addition/Variance **APPROVED**
6. 42 Claire Way Clawson New Dwelling **CONTINUED TO 6/21/07**
- F. MINUTES OF THE 5/3/07 D.R.B. MEETING - APPROVED AS AMENDED**
- G. ADJOURNMENT – 8:30 PM**

**APPROVED MINUTES #9  
TIBURON DESIGN REVIEW BOARD  
MEETING OF MAY 17, 2007**

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

**A. ROLL CALL**

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

**B. PUBLIC COMMENTS - None**

**C. STAFF BRIEFING**

Associate Planner Tyler reminded the Board that the Town Council/Design Review Workshop would be held on Tuesday, May 22, at 6:00 p.m., in the Council Chambers.

**D. OLD BUSINESS BEFORE THE BOARD**

- 1. 1893 CENTRO WEST HARB, NEW DWELLING/VARIANCE/FLOOR AREA EXCEPTION (CONTINUED TO 6/7/07)**
- 2. 30 MARK TERRACE SAMS, ADDITIONS/VARIANCE/FLOOR AREA EXCEPTION**

The applicant submitted revised drawings which indicated the changes requested by the Design Review Board and the concerned neighbor. The previous proposal would have exceeded the maximum floor area by 350 square feet, for a total floor area of 4,874 square feet (4,524 square foot maximum). The revised proposal indicated that the proposed addition to the home would not exceed the floor area, for a total of 4,495 square feet. The 379 square foot reduction in floor area from the previous proposal to the current proposal is due to several factors:

- The stairway floor area was counted more than once in the first proposal, and should actually only be counted once.
- The ceiling in the wine cellar has been dropped down to 6 foot 11 inches, which is not considered habitable space, and therefore not included in the total floor area.
- Various areas throughout the home which have a ceiling height of less than 7 feet, due to the roof configuration, do not count as useable floor area.

The Board voiced concerns with the mass of the home, due to the proposed deck extension in front of the addition. The proposal now indicates that the large portion of the deck has been removed from the main level of the home, and replaced with an at-grade patio. This would result in a broken up façade which adds depth to the structure and would not infringe on the driveway for the neighbors at 33 Mark Terrace. The addition would now result in a 13 foot, 5 inch front yard setback, instead of a 1 foot, 8 inch setback. The addition would also now be 16 feet from the concerned neighbor's driveway. It should also be noted that the master bedroom deck on the upper level is proposed to remain, but would be scaled back minimally.

Jeff Butler, architect, gave a brief account of the history of the project. He noted that the story poles were erected, and that they had met with the neighbors regarding their concerns. He explained how the last application requested a floor area exception as well as a front yard setback variance, demonstrated how there was no longer a need for the floor area exception. He also stated that they eliminated the new deck and replaced it with a patio with low retaining walls and additional landscaping.

He displayed the preliminary landscape plan to the Board and said that most of the property was screened with additional landscaping. He drove around to several cul-de-sac neighborhoods in Tiburon, and concluded that the upslope properties were quite common. He distributed photographs which showed this. He stated that the landscape plan would soften and enhance the home.

He indicated that they struggled with the program for the project, and said that the second floor was an extension of the bedroom level, with a new master bedroom, bath and a study. He struggled with maintaining the views from the bedrooms, while still providing access to the second floor of the addition. Having the master bedroom in front, and the hallway behind it, allowed the room to achieve a reasonable size without pushing it further to the north. He said that as soon as the building back is pushed back, the bedroom becomes difficult to get to, as it would not line up with the existing home.

Another design consideration they were working with was the gambrel roof which was somewhat difficult, but he felt the proposal was very much in size and scale with the surrounding homes in the neighborhood.

He researched how other houses in the cul-de-sacs dealt with front yard setbacks and presented a series of drawings to the Board which showed the front setback and where at least 3-4 other properties have had to deal with setback issues in order to develop properties reasonably. He felt the project was now more refined, they had received support from the neighbors, and they were amenable to refining the landscape plan with staff if needed, and urged the Board to approve the project.

Boardmember Corcoran requested a description of the proposed front yard trees and the tree to the right of the Thorntons' driveway. Mr. Butler stated there were existing Pine trees located nearby, and that the landscape architect proposed a Japanese Maple to provide color and shape at the front of the home. The Thorntons were concerned that the tree would not be beneficial, but they were willing to continue to refine the landscape.

Boardmember Glassner questioned the height of the retaining wall and need for grading, Mr. Butler stated that the retaining wall would start fairly low and get slightly higher, but they were not planning on any major grading.

Andrew Sams, owner, said they love living on Mark Terrace and are looking forward to raising their family there. They were disappointed at the last meeting when they learned of objections and he felt that the changes made now addressed their concerns. They met with the Thorntons and carefully looked at all of their concerns, and further enhanced the landscape plans to ensure their privacy. They have approval from all of the neighbors except for the Thorntons, and hoped that the revised plan was justified in obtaining a setback variance, due to the lot being steeply sloped and asked the Board for approval.

#### Public Comments:

Eileen Nielson urged the Board to allow the Sams to build the project. She said that the house has been such a disaster for a long time, that they finally have a nice neighbor who is willing to improve the property and she felt that the proposal would improve the neighborhood.

Michael Heckmann, local architect representing the Thorntons, said they met with the Sams and spoke to their architect. He felt there were three items still requiring attention, two of which have ready solutions and the last one being more difficult. There are some places where the landscaping is helping mitigate some of the massing imposed to the cul-de-sac, and the other is privacy between this property and the uphill property. He suggested replacing the deciduous trees with evergreen trees or shrubs at the front of the home, which would be simple to accomplish, and said that the front trees were not for privacy, but more for addressing the massing of the home.

The second issue related to the separation of the neighbor and the amount of windows and glazing on the north elevation facing 33 Mark Terrace, which also connected to the number and types of trees for privacy issues. He suggested less glazing and incorporation of skylights to achieve more lighting, particularly in the master bathroom.

Mr. Heckmann said the last concern was the scale of the building. He noted that the building is already 45 feet long and he felt that adding another 22 feet would be imposing from what is located on the other side of the street, which are mostly one story structures. He felt a possible solution to the request for a 17 foot exception would be to set it back about 8-10 feet into the hillside, which would offset the mass on the cul-de-sac, while still have a viable connection for circulation and a tie in to the existing structure. He felt it would be a more pleasing structure to everyone in the cul-de-sac and would also work well for the applicant.

Barry Thornton said the situation was very uncomfortable for them, and apologized for any unnecessary turmoil and regret for not meeting with the Sams before the last meeting. However, he felt their concerns were still applicable and that they want to come to a compromise concerning the issues and want to remain good friends. He felt that if the addition could be moved back 10 feet, it would solve many of the issues, and they would still keep the same square footage, and urged everyone to work together.

Karen Land said there was a front porch that faces east which looks at the side of their house where she sits and reads, and said the area was very important to her for privacy and quiet.

Jeff Nelson said they are much closer to the subject property than any of the other homes, and that they have been there since 1976. He said that the house in question has always been very small and he felt the addition would be of good use in order for the Sams to stay in the neighborhood and to be able to raise a family. He said every house in the cul-de-sac has been remodeled since 1976, and this is the only one that has not yet been done. He said the addition would be a nice change for those driving into the cul-de-sac.

June Strunk said her house was about 75 feet from the Sams', and felt there was reasonable privacy. She said the Sams were taking a really ugly house that has begged for remodeling, and have been updating it with a gorgeous addition. She felt the project should be approved as is and felt the Sams have spent a lot of work on the design.

Loretta Lloyd said her pool aligns with the Sams' house, and felt the addition was beautiful, would only minimally affect views, and invited everyone to come and look at the situation. She agreed the Sams needed more space and asked the Board to approve the addition.

Carlos Baradello said the Sams were a welcome addition to the neighborhood, and felt the changes would make significant improvements, and had no objection to the proposal.

Boardmember Corcoran asked the applicant to address the request to move the addition back further. Mr. Butler showed the slope along the site, and how the building steps up the hillside. He stated that there would be a significant cost increase in terms of excavation to move the addition back. He felt that the connection of the existing house to the addition works nicely as is, and pushing the addition back would eliminate the opportunity for a private room in front.

Chair Doyle requested information about the materials and their location on the addition to better understand the variation of materials, shadows and color breaks. Mr. Butler described the proposed material and their locations.

Vice Chair Frymier questioned if the addition's depth could be brought back at all, and Mr. Butler said the variance received for the deck a couple of years ago expanded it about two feet. They would simply need to replace it, and they needed the two feet to make it usable. He said every house in the neighborhood has great views and down slopes, with two-story homes and unfortunately, their design looks a little more imposing than anyone else's because they are on an upslope.

Chair Doyle questioned if the lower element was designed due to materials or a cost element, and Mr. Butler said they designed it to try and break up the mass.

The Chair closed the public hearing.

Vice Chair Frymier complimented the neighbors for coming and voicing their support for the proposal, and complimented the architect and the extra efforts of pictures and drawings. She said she still was struggling with the idea of moving the project back, but after looking at the pictures, the change would be significant and she supported the project in its current state. She appreciated the reduction in the floor area, and felt they would get full usage of the design. She said she would approve the project with the condition that the landscape plan be reviewed and approved by staff. She felt the Myoporum trees were big and they were not necessary.

Boardmember Teiser said only one neighbor felt the house was massive and all others supported it. He supported the Japanese Maple in the front and the tree species change, felt the neighbor's front porch privacy was not an issue, and voiced support for approval of the project with conditions that the landscape plan be reviewed and approved by staff.

Boardmember Corcoran complimented the applicant and architect for doing an incredibly thorough job to work and address many issues. He stated that he still personally felt like the house appears massive but deferred to the neighbors' judgment and support. If the applicant were required to re-design the project, he felt that it would create a domino effect in addition to the additional expense of excavation and loss of light. He thought there should be more dialogue about the landscape plan, and said in looking at some of the pictures, it was amazing how trees can break up the massing of a house, and agreed with allowing staff to further review and approve the landscape plan.

Boardmember Glassner thought that mixing up the tree species or the addition of any trees would be an improvement to the property. He felt that replacing the windows with skylights would not appropriately address privacy issues, and thanked the Sams and Thorntons for working together to come to a compromise. He also agreed that staff could review and approve the landscaping plan and confirmed with Associate Planner Tyler that additions typically did not require a landscape plan.

Chair Doyle felt the fact that the Sams submitted a landscape plan at all was above and beyond what was required. He agreed with working with staff on trying to come up with a landscaping solution would be fine.

He said Myoporum grow like bushes and felt a variety of trees might better be utilized. He agreed that if the house were moved back, there would be massive grading required. He felt it would be less imposing with the trees and the choice of materials to break up the facade, and supported the addition with the changes that have been made.

Associate Planner Tyler said the Board can require a condition of approval that discusses the landscape plan; however, staff can approve it through the building plan check process or they can go through the normal Site Plan and Architectural Review which is a 3-4 week process, which might give the neighbors a little more time to work together and decide what types of trees and where they are to be located.

Boardmember Corcoran felt the applicant had demonstrated that he was willing to work with the neighbors and suggested the plan be approved by Staff through the building plan check process.

**ACTION: It was M/S (Corcoran/Frymier) that the Board determined that the project is categorically exempt from the provisions of CEQA, and that the project be approved with the recommended conditions, with the additional condition of approval requiring the landscape plan be approved by staff through the building plan check process. Vote: 5-0.**

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

#### **3. 20 SONORA COURT BAIER, ADDITION/VARIANCE**

The applicant is requesting Design Review approval for the construction of additions to an existing single-family dwelling located at 20 Sonora Court. The addition would include expansion of the entry foyer and trellis onto the existing front entryway, expansion of the kitchen onto the existing rear patio and expansion of the existing front deck. The proposal also calls for the removal of two skylights, addition of two skylights, reconfiguration of various windows and glass doors throughout the home and the addition of a heating, ventilating and air conditioning (H.V.A.C.) mechanical unit within the rear yard setback. The existing exterior wood siding would be replaced with wood shingle siding. The lot coverage on the site would increase by 265 square feet (3.5%) to a total of 2,655 square feet (34.6%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. Therefore, a variance is requested for excess lot coverage. The floor area on the site would increase by 198 square feet to a total of 2,549 square feet, which is less than the maximum allowed floor area of 2,766 square feet.

Hank Bruce, architect, described the project as a small remodeling project and one of infill in terms of massing the structure and consequently. He said that the project would slightly exceed the lot coverage, but they are not impacting the site in any way. He noted they would change the roof shingles, create a nicer entrance to the home, and the back addition would create an open living space area.

Boardmember Teiser questioned whether there was a better location for the air conditioning unit. Mr. Bruce felt the location was ideal, well within the property boundaries, and that the decibel levels would be less than 65, as required.

Boardmember Glassner confirmed with Mr. Bruce that the unit output was a maximum of 65 decibels from 5 feet away or 55 decibels at the property line and he agreed the condition in the staff report would be met.

Boardmember Glassner noted the unit was about 12 feet away from the property line and another 8 feet from the setback of the other house, and said it would conform to the requirements.

Boardmember Corcoran questioned if it could be located on the roof and Boardmember Glassner said this would lower the efficiency and would require structural work and felt the unit was situated in a reasonable location.

Associate Planner Tyler said given the Board's concern about the location of the unit, the Board could approve the project and add a condition that requires the unit to be relocated or removed from the proposal. Boardmember Teiser said he spoke with the neighbor, who would be impacted, but she did not voice concern about the location of the unit, and she was not present at the meeting to object.

Boardmember Corcoran questioned if the skylights would remain the same and Mr. Bruce said they were reducing the size of one, were removing one, installing a new one and some were remaining the same in the back corner. Boardmember Corcoran confirmed there were a total of 9 skylights, and felt they may cause a lot of light pollution to the uphill neighbors. He asked if all new skylights would be bronze but the old ones would still be clear. Mr. Bruce said the old skylights were not clear but obscure glass, and the overall net effect would be less for the uphill neighbors.

Public Comments: None

Boardmember Glassner thought the variable speed air conditioning units ran between 15-74 decibels with a normal level at 65 decibels and they would typically not be used at night. He felt the skylight issue would be satisfied and supported the project.

Vice Chair Frymier supported the project, noted that neither the applicant nor neighbors were present, and felt the Board should follow the Town's guidelines.

Boardmember Corcoran said he knows that light pollution is a big issue with the Town, and felt there was an opportunity to change out all of the skylights. He suggested to the architect that this be done. He said he spoke with the neighbor uphill and this was her number one issue, but acknowledged her absence.

Chair Doyle said replacing skylights was expensive and a big job, and thought that the net effect would be less light pollution than what was currently present and supported the project.

<b>ACTION: It was M/S (Glassner/Corcoran) that the Board determined that the project is categorically exempt from the provisions of CEQA, that the project be approved with the recommended conditions, and that the sound level of the A/C unit be no more than 65 decibels from 5 feet away. Vote: 5-0.</b>
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4. 42 CLAIRE WAY CLAWSON, NEW DWELLING (CONTINUED TO 6/21/07)

F. APPROVAL OF MINUTES #8 OF THE 5/3/07 DESIGN REVIEW BOARD MEETING

Boardmember Corcoran referred to the third paragraph on page 8 and requested the paragraph be amended, as

follows:

“Boardmember Teiser supported the design. Boardmember Corcoran ~~felt the number of skylights was minor~~ and agreed the light from the skylights would not affect people. Vice-Chair Frymier supported the request, given the size of the house and its surrounding area. Chair Doyle stated that the skylights essentially take the place of clerestory windows.”

He requested a paragraph on page 9 be amended as follows:

“Chair Doyle suggested the roofline and design be better integrated. Boardmember Glassner agreed and recommended more detail for the trim elements. Boardmember Corcoran said he liked the alternate design originally presented~~proposed~~ to the neighbors, but felt he would be less inclined to support a project that had a floor area issue as well as inconsistent exterior materials. Boardmember Teiser agreed, echoed Boardmember Corcoran’s comments and asked for integration of the roofline.”

He requested a paragraph on page 10 be amended as follows:

“Boardmember Corcoran confirmed that the proposed new deck would match the height of the existing deck, and that ~~actual height of the deck currently existed,~~ but the hot tub that would be added ~~and~~ would be located 5 feet from the property line and fence.”

He requested a paragraph on page 11 be amended as follows:

“Boardmember Corcoran agreed the spa should be moved back from the property line. He sympathized with the view loss, but noted that the Hillside Guidelines give less actively used areas of the dwelling less priority. He said that the Eklunds’ house was clearly designed with primary living areas on the top and less active areas below. He felt there would only be one impacted room and that the addition of trees may help the view impact. He said that every single home in the neighborhood looked massive to the one above it due to the neighborhood being sloped.”

Boardmember Teisner referred to page 9 and asked the following sentence be added to the paragraph:

“Boardmember Teiser said that it would be odd to have shingles for the addition and stucco for the existing house. He recommended better architectural integration of the new and old house, possibly tying the slope of the existing roof to that of the addition. He also wanted the entire house to be shingled and not postpone the shingling to the existing structure.”

<b>ACTION: It was M/S (Teiser/Frymier) that the Minutes of 5/3/07 Design Review Board meeting be approved, as amended. Vote: 5-0.</b>
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## G. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.