

ACTION MINUTES #11

**TIBURON DESIGN REVIEW BOARD
THURSDAY, JUNE 21, 2007
1505 TIBURON BOULEVARD**

- 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 Harper
- B. PUBLIC COMMENTS (FOR ITEMS NOT ON THE AGENDA)**
- C. STAFF BRIEFING**
- D. CONSENT CALENDAR**
1. 173 Avenida Miraflores Roach Resolution Granting Appeal **ADOPTED**
- E. OLD BUSINESS BEFORE THE BOARD**
2. 1893 Centro West Street Harb New Dwelling/Variance/Floor Area Exception
CONTINUED TO 7/19/07
3. 2309 Spanish Trail Stafford Addition/Variations **CONTINUED TO 7/19/07**
- F. NEW BUSINESS BEFORE THE BOARD**
4. 313 Karen Way Duncan Additions **CONTINUED TO 7/19/07**
5. 442 Greenwood Beach Road Snellgrove Addition/Variance **APPROVED**
6. 2 Warren's Way Roberts Addition/Variations **APPROVED**
7. 2130 Mar East Street Schonefeld Addition/Variations **APPROVED**
8. 29 Meadowhill Drive Russell Decks/Pool/Variations **APPROVED**
9. 4365 Paradise Drive Ammar New Dwelling **APPROVED**
10. 42 Claire Way Clawson New Dwelling **CONTINUED TO 7/19/07**
- G. MINUTES OF THE 6/7/07 D.R.B. MEETING - APPROVED AS AMENDED**
- H. CONSIDER CANCELLATION OF THE 7/5/07 DESIGN REVIEW BOARD MEETING - MEETING CANCELLED**
- I. ADJOURNMENT – 9:20 P.M.**

**MINUTES #11
TIBURON DESIGN REVIEW BOARD
MEETING OF JUNE 21, 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: Planning Manager Dan Watrous and Associate Planner Tyler, Assistant Planner Phillips, Minute-Taker Harper

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING

Planning Manager Watrous gave the following briefing:

- Items for 313 Karen Way, 1893 Centro West Street and 2309 Spanish Trail are continued to the July 19, 2007 meeting;
- The Annual Town Council/DRB Workshop would be held next Tuesday at 6:00 p.m.

D. CONSENT CALENDAR

1. 173 AVENIDA MIRAFLORES ROACH, RESOLUTION GRANTING APPEAL

There was no public comment.

ACTION: It was M/S (Corcoran/Teiser) to adopt the resolution granting the appeal. Vote: 5-0.

E. OLD BUSINESS BEFORE THE BOARD

**2. 1893 CENTRO WEST STREET HARB, NEW DWELLING/
VARIANCE/FLOOR AREA EXCEPTION
- CONTINUED TO 7/19/07**

**3. 2309 SPANISH TRAIL STAFFORD, ADDITION/VARIANCES –
CONTINUED TO 7/19/07**

F. NEW BUSINESS BEFORE THE BOARD

4. 313 KAREN WAY DUNCAN, ADDITIONS CONTINUED TO 7/19/07

5. 442 GREENWOOD BEACH ROAD SNELLGROVE, ADDITION/VARIANCE

Chair Doyle indicated the applicant was not present, and Boardmember Teiser verified there was no public comment on the matter and suggested the Board proceed with a vote on the item.

ACTION: It was M/S (Teiser/Glassner) that the application is categorically exempt from the provisions of CEQA, and that the project be approved with the recommended conditions of approval. Vote: 5-0.

G. APPROVAL OF MINUTES #10 OF THE 6/7/07 DESIGN REVIEW BOARD MEETING

Boardmember Teiser said he had provided revisions to Planning Manager Watrous and noted the amendments were located on page 4, 3rd paragraph, second line, insert the word, “one” after “...would be...”

ACTION: It was M/S (Corcoran/Glassner) to approve the Minutes #10 of the 6/7/07 Design Review Board, as amended. Vote: 5-0.

H. CONSIDER CANCELLATION OF THE 7/5/07 DESIGN REVIEW BOARD MEETING

ACTION: It was M/S (Teiser/Frymier) to cancel the Design Review Board meeting of July 5, 2007. Vote: 5-0.

Chair Doyle called for a 5-minute break at 7:08 p.m. due to applicants not being present, and reconvened the regular meeting at 7:15 p.m. For the remainder of the meeting, agenda items were then taken in the order in which applicants became present at the meeting.

7. 2130 MAR EAST STREET SCHONEFELD, ADDITION/VARIANCES

Vice Chair Frymier recused herself from this item.

The applicant is requesting Design Review approval for the construction of additions and alterations to an existing single-family dwelling located at 2130 Mar East Street. The addition would include expanding two sections of the front roofline upward and widening of the upper portion of the chimney. The proposal also calls for the addition of a spa in the rear yard with steps accessing the spa in a new location. Various windows and doors would be reconfigured throughout the home. Three new skylights would be added to the western roof plane. The existing wall within the front parking area would be replaced with a wood screen. The building footprint would not be expanded as part of this proposal. A variance has been requested for reduced front yard setback.

David Holscher, architect, said the remaining matter in question was the roofline that goes into the front yard setback. He noted they designed it in a way to provide for some presence to the entrance of the house.

Boardmember Teiser said there was a question from the neighbor about the location of the side property line, and Mr. Holscher said they had worked out the matter with the neighbor.

There were no public comments.

Boardmembers Glassner stated that the only issues raised by the neighbor appear to have been resolved.

Boardmember Teiser noted that in response to a letter of objection that had been received regarding possible view impacts, he had visited the neighbors' home and found that the project would result in minor view blockage from a side window and would not affect the main views for the neighbor.

Boardmember Corcoran said he walked up and down the street and saw not much impact to any of the neighboring homes. He noted that the Board typically encouraged skylights on the downslope of a house, but felt that the number of skylights requested was minor.

ACTION: It was M/S (Corcoran/Glassner) to determine that the project is exempt from the provisions of CEQA, and that the project be approved with the recommended conditions of approval. Vote: 4-0-1 (Frymier recused).

Vice Chair Frymier returned to the meeting.

8. 29 MEADOWHILL DRIVE RUSSELL, DECKS/POOL/VARIANCES

The applicant has submitted a request to construct landscape improvements which include decking and a new swimming pool within the side yard setback. Variances have been requested for reduced side yard setback and excess lot coverage.

Steve Russell, owner, introduced applicant Steve Young, landscape architect from Magrane Associates. He said the request is for a side yard setback, and that they made one minor change in response to neighborhood concern which was reflected in the revised plans.

Steve Young, landscape architect, said they were proposing a new deck in the side setback and replacing the existing pool, which is currently located within the side setback as well. He stated that the side is very steep in the back which limits their ability to relocate the pool to this area. He said the deck was originally going to be 4'2" from the side property line, and in response to neighbor concerns, they moved it back and up to be 6'10" to the property line.

Boardmember Teiser said there was concern that the proposal would move the shallow end of the pool and the spa to within 6 feet of the side property line. Mr. Young said the reason the shallow end of the pool would be closer to the property line was because there is a step down from the main patio to the pool location on the other end and they wanted to avoid children jumping over the spa wall and into the pool from the patio into the shallow end.

Boardmember Glassner asked what had been considered as far as fencing or other noise barriers. Mr. Young said there would be a solid fence by the space area as well as a fence by the pool area. They will be planting some mature planting to provide a buffer zone, the materials of which had not yet been decided upon. He noted the conceptual landscape plan showed only planting locations, but felt that while plant materials would provide a great buffer for privacy, it would not address noise.

Boardmember Corcoran asked about the retaining wall supporting the pool and whether moving the pool back from the side property line would be possible to reduce the height. Mr. Young said the Town discourages walls over 6 feet and if they move the pool they would end up with taller walls or double retaining walls all the way around the pool.

Vice Chair Frymier asked about moving the hot tub to the other side of the pool, and Mr. Young again cited the presence of dangerous conditions, as there was the potential for children to jump in the pool and hit the spa wall due to the step down in elevation.

Boardmember Corcoran questioned the side deck. Mr. Young said neighbors had raised concerns about privacy from the side deck and they agreed to move it back 2 feet and up 3 feet which was reflected in the current plan. He also noted that the deck was located off the master bedroom and would not be used for entertainment.

There were no public comments.

Boardmember Teiser said he attempted to go inside the neighbor's home but was unable to. Boardmember Corcoran said he visited the house and said the closest area to the proposal was a deck off an office space. He felt there was a good amount of vegetation and that the deck would not be heavily trafficked. He acknowledged the legitimate safety concerns regarding the pool and spa location limited the possibility of changes to the design.

Boardmember Glassner felt a great deal of consideration had been given to the neighbor's privacy and noted that the pool would not be used for parties every day.

Chair Doyle said the steepness and size of the lot creates difficulties in the pool design.

ACTION: It was M/S (Corcoran/Teiser) that the Board determines that the project is exempt from the provisions of CEQA, and that the project be approved with the recommended conditions of approval. Vote: 5-0.

9. 4365 PARADISE DRIVE AMMAR, NEW DWELLING

The applicant is requesting Design Review approval for the construction of a new single-family dwelling on property located at 4365 Paradise Drive. The main level of the proposed house would include a great room, sitting room, kitchen, dining room, and one office/bedroom and bathroom. The upper level would include a master bedroom suite, along with two more bedrooms and bathrooms. A two-car garage would be situated on the main level of the house. A hot tub is proposed to be situated to the rear of the house. The floor area of the proposed house would be 3,166 square feet, which is less than the maximum floor area permitted for a lot of this size. The proposed house would cover 3,361 square feet (28.0%) of the site, which is less than the 30.0% maximum lot coverage permitted in the R-1 zone.

Ron Wager, architect, explained that the proposal is intended to remove the existing house and building a nicer, new house on the existing pad, using the existing driveway. He said that they would remove two large pine trees and trim some of the other trees, but keeping most of the remaining vegetation. The house site

would be shifted slightly, minimally disturbing the area to create a more natural grade. He said the new home was two-story and would replace an existing one-story home. He stated that the highest ridgeline would not exceed the elevation of the rear of the property, with no view issues for the uphill neighbor.

Boardmember Corcoran asked about the deck off the back on the second story. Mr. Wager described the deck as an area where one would be able to walk from the upper level and out above the garage. He said there is a bedroom above the garage and with steps leading down from the deck as an additional means of access.

Public Comments:

Susan Gray said she lives directly above the subject property and she agreed that the new home would be a significant improvement from what was currently there. She noted that a fallen pine tree on the rear of the site needs to be removed. She was concerned that the staff report states that the new house "...is unlikely to substantially impact the overall views" and "...unlikely [to] substantially intrude into the views of the neighboring homes." She did not believe her views would be blocked, but said she had difficulties reading blueprints, and wondered if people in the new house would be able to see her or could be seen from her deck. Ms. Gray said she was simply not sure of the impact the home would have on her and voiced concerns about the length of construction time. She confirmed with that the story poles did not affect her water view and voiced the importance of the trees being topped.

Mr. Wagner noted the owner intended to have the home built and completed as soon as possible.

The Chair closed the public hearing.

Vice Chair Frymier acknowledged that the site requires a lot of work, and was happy that the proposed house would not be overbuilt. She said that she was unable to enter Ms. Gray's house and would like to see the story poles to judge the neighbors concerns.

Boardmember Corcoran said that he visited Ms. Gray's house. He characterized the existing house on the subject property as a complete tear down which looks awful from above. He stated that there were no view issues from Ms. Gray's home, which is significantly higher. He said that the proposed house cannot be seen at all from the main level of the neighboring home, and from the second story master bedroom balcony there would be no impact on the water view. He felt that the proposed house would have no real privacy impact, as the entertaining areas would be located on the far side of the house facing the bay. He agreed that the fallen tree on the site should be removed.

Boardmember Teiser stated that from Ms. Gray's description she would only see the house, which is not that unusual in this community. He said that the Town does not usually protect privacy from balconies unless the homes are too close together, and that there would be no blockage of Ms. Gray's water views.

Boardmember Glassner thought the design of the house was modest and very considerate of its surroundings. He said that he was also unable to access Ms. Gray's house, but felt that anything would be an improvement over what was currently on the subject site. He said that the architect was quite accommodating regarding trees and that the landscaping would be more beautiful.

Chair Doyle thought that the house would be a great improvement and that the materials were well chosen and public areas properly sited. He echoed the other Boardmembers' comments on the pine tree removal and privacy issues, and felt that the house would not interfere with surrounding neighbors' views. He also said the stairway and deck in the rear would not be used often for entertainment purposes.

ACTION: It was M/S (Teiser/Corcoran) that the project is exempt from the provisions of CEQA, and that the project be approved with the recommended conditions of approval, with the additional condition of approval that the fallen pine tree at the rear of the site be removed. Vote: 4-0-1 (Frymier voted no).

Chair Doyle called for a five-minute break at 8:05 p.m. and reconvened the regular meeting at 8:09 p.m.

6. 2 WARREN'S WAY ROBERTS, ADDITION/VARIANCES

The applicant has submitted a request for construction of additions to an existing single-family dwelling on the property located at 2 Warren's Way. The proposal aims to excavate into the existing crawlspace at the lower level, adding a bedroom and bathroom, recreation room, laundry room and storage room. The existing bedroom and bathroom would also increase in size. A new deck would be added off the recreation room. The main level of the home would gain a family room with the conversion of the existing garage, as well as an expanded entry porch and small addition off the existing master bedroom. A new interior stairway would service both floors and a new two-car garage would replace the converted garage in the existing driveway.

The proposed structure would create a gross floor area of 3,231 square feet which is below the maximum permitted floor area for a parcel of this size (3,236 sq. ft.). The proposed structure would create a lot coverage of 2,637 square feet (21.3%) which exceeds the maximum permitted lot coverage in the RO-2 zoning district (15%). The applicant is requesting a variance for excess lot coverage. In addition, the proposal indicates that portions of the existing dwelling at the lower level would encroach into the front yard setback (facing Reed Ranch Road) by eight feet (8'), for a front yard setback of twenty-two feet (22'). As the minimum front yard setback in the RO-2 zoning district is thirty feet (30'), the applicant is also requesting a variance for reduced front yard setback.

John Belz, architect, noted they had earlier planned for a two-story addition until the owner learned of a restricted view easement which would preclude any second story addition. He described the project, noting that the owner wanted to utilize the garage area in the house as an additional family room and locate a new garage in front attached to the house. He noted that the front yard facing Reed Ranch Road was downsloped, and therefore was not usable and could only be landscaped. Mr. Belz said they were now proposing to add area underneath the house which required excavation.

Boardmember Corcoran questioned the location of the garage and the neighbors' concerns about where the new family room would be, noting that there would be four glass doors facing up to the hillside, and suggesting that if the garage was located where the pool was it would fit into the setbacks. Mr. Belz said this would provide the owner and her son with no yard space. Boardmember Corcoran also suggested consideration be given to creating an entrance by Reed Ranch Road and a garage underneath the house.

Boardmember Glassner stated that the plans appeared to almost create a separate unit with the third bedroom

and bathroom and asked Mr. Belz if it was the owner's intent to incorporate a separate entrance into the new addition. Mr. Belz said there is an existing small bedroom and bathroom which was built before Ms. Roberts owned the house and it was a classic au pair situation. He said that they intend to install a new stair in the house down to the family room and bedroom and agreed it could be ideal for an au pair entering separately from the outside; however, he said it was not a separate unit and would not have a kitchen.

Boardmember Corcoran asked if the skylight over the living room along the ridgeline could be moved to the downslope side. Mr. Belz confirmed that the skylights could be so moved.

Boardmember Teiser questioned the location of the main entrance, stating neighbors had voiced concern about light from the porch and house. Mr. Belz indicated the main entrance was at the back side of the house with the driveway on the west side in the rear. He said there were no windows on the back side that could be viewed from 4 Warren's Way.

Boardmember Corcoran noted lights from the windows could be seen from 6 Burrell Court, and confirmed that if trees were planted in the far northeast corner they would need to be limited to a growth of 8-10 feet. Mr. Belz confirmed the species and location of the trees would need to be specific.

Vice Chair Frymier asked about the chimney and story poles. Mr. Belz said the chimney would be 2'4" above the ridge and only 2'4" inches square. He said the owner installed the chimney story poles that day and confirmed it was after Vice Chair Frymier had visited the property. Mr. Belz said the story pole tape was actually 1 foot higher than it should have been, so the ridge was actually shown as being higher than proposed.

Boardmember Teiser confirmed the fireplace was a wood burning fireplace and he asked the owner would consider a gas burning fireplace.

Nicole Roberts, owner, said pictures were taken this afternoon after she erected the chimney story pole. She said she would consider converting the wood burning fireplace to gas burning, which would also make the chimney pipe smaller. However, if it did not affect peoples' views, she would prefer the conventional fireplace. She stated that she would most likely hire another au pair and it would be preferable to have a separate access door so as not to disturb the entire household at nighttime.

Boardmember Corcoran asked about landscaping and suggested plants and trees be added on the Reed Ranch Road side of the house. Ms. Roberts indicated they did not prepare a landscape plan but proposed a three foot retaining wall terracing up the hill with trees and shrubs.

Chair Doyle noted that trees would require trimming and may affect views.

Public Comments:

Barbara Roberts said she lives above the site and that the applicant had addressed their concerns regarding the roofline skylight. She said that she was less concerned with the east facing door, but felt that further excavating would reduce the sharpness of the wall in their view. She said that she was worried about light coming from the home but confirmed with the applicant the overhang would shield much of the light, but she

still had voiced concerns with outdoor lighting on the porch and deck.

Ben Argov said he wanted to ensure the chimney would comply with their view easement and requested a survey be done to verify this. He said that their major concern was the driveway coming in from the rear of the house. Since his bedrooms all face the driveway, he voiced concerns about noise from gates opening and people talking. He felt it was fair to ask that the retaining wall be changed as it was being moved closer to their property.

Planning Manager Watrous said the driveway and gate were currently in use and staff feels there would be no substantial increase in noise as a result of the moving the retaining wall three feet.

Mr. Argov wished there was a way to move the gate further away and questioned why the garage needed to be so wide.

Planning Manager Watrous stated that residential noise between homes was normal and unless the owner installed basketball hoops or something that created noise, the Town has not required that projects be changed to address minimal noise generators. He stated that he was unaware of any concerns about noise from people walking to and from their garage to their house in a residential area. Mr. Argov replied that most backyards did not front someone's driveway.

Chair Doyle stated that most current gate closure systems were quiet and noted that cars would drive further if the garage were relocated.

Eric Tepper said their view extends to the southeast corner of the property and felt the plans regarding the chimney's height were in error. Planning Manager Watrous indicated there was an error in the drawings and said the height of the ridgeline was actually 142.8 feet. Mr. Tepper said this would then alleviate their concerns. He also requested the skylight be moved to face the bay.

Boardmember Corcoran confirmed the Board had no authority to regulate and enforce private easements, but could condition the applicant to require a survey. Planning Manager Watrous assured the Board that if a gas fireplace were installed, the chimney would not encroach into the view easement.

Mr. Belz agreed that the owner was receptive to a gas burning fireplace, said there is a 36 inch overhang around the house which would address any lighting concerns. He said they had previously pushed the garage 3 feet from the property line and Mr. Argov did not want it that close so they moved it.

The Chair closed the public hearing.

Chair Doyle stated that the neighbors wanted the garage moved back in the previous project design. He felt that the noise issues were minimal, and that moving the garage 10 feet to the left or right would not make much difference. He stated that a hydraulic gate and people walking to a front door would not create noise issues. He said that the current plan provided for the most privacy for the uphill neighbors. He stated that the retaining wall would not be viewable and most of the activity from the house has been pushed away from the home at 4 Warren's Way. He said that some of the light issues could be alleviated by planting shrubs above the family room. He was unsure about requiring changes to the chimney, as it did not appear to extend high

enough to encroach into any views.

Boardmember Teiser stated that the addition was modest and that alternatives to the garage had been considered. He felt that the project was a good use of the land and was sensitive to neighbors. He recommended that the fireplace be changed to a non-particulate generating model and the living room skylight be moved to the downslope.

Vice Chair Frymier said she would prefer a gas burning fireplace, as she felt the neighbors had valid points and that compromise was important. She echoed Chair Doyle's issue regarding light and noise and strongly encouraged planting in the area above the pool to assist in alleviating any light.

Boardmember Corcoran thanked the applicant for making dramatic changes. He agreed with requirements for a gas fireplace and moving the skylight. He suggested that additional landscaping be installed below the house to screen the additions from Reed Ranch Road, along with strategically placed landscaping above the pool.

Boardmember Glassner said he would appreciate addressing the chimney issues without necessarily requiring it be gas burning, noting that issues with burning fossil fuels. He said that the use of downlights for exterior lighting would help avoid light pollution. He said that moving the walkway from the garage a foot or two would not make a difference, noting that this was a residence and not a shopping center.

ACTION: It was M/S (Teiser/Frymier) that the Board determines that the project is exempt from the provisions of CEQA, and that the project be approved with the recommended conditions of approval, with additional conditions that 1) the skylight be moved to the downslope; 2) that landscape screening above the pool be provided to screen a light pollution and provide privacy; 3) that screening or additional planting be installed above Reed Ranch Road to reduce the mass of the house; and 4) that a non-particulate generating fireplace be installed. Vote: 5-0.

10. 42 CLAIRE WAY CLAWSON, NEW DWELLING -CONTINUED TO 7/19/07

I. ADJOURNMENT

The meeting was adjourned at 9:20 p.m.