

ACTION MINUTES #13

**TIBURON DESIGN REVIEW BOARD
THURSDAY, AUGUST 2, 2007
1505 TIBURON BOULEVARD**

- A. ROLL CALL: Present:** Boardmembers Frymier, Glassner and Teiser
Absent: Chair Doyle and Boardmember Corcoran
Ex-Officio: Planning Manager Watrous and Associate Planner Tyler
- B. PUBLIC COMMENTS (FOR ITEMS NOT ON THE AGENDA)**
- C. STAFF BRIEFING**
- D. CONSENT CALENDAR**
1. 430 Ridge Road Hannahs/Garay Appeal Resolution **ADOPTED**
- E. OLD BUSINESS BEFORE THE BOARD**
2. 9 Burrell Court Hariri Additions/Variance/Floor Area
Exception **CONTINUED TO 9/6/07**
- F. NEW BUSINESS BEFORE THE BOARD**
3. 42 Claire Way Clawson New Dwelling **CONTINUED TO
8/16/07**
4. 4935 Paradise Drive Hanson Additions/Variations **APPROVED**
5. 1910 Straits View Drive Kavitsky Guest House/Spa **CONTINUED TO
8/16/07**
6. 280 Round Hill Road Anolik Minor Alterations/Variance
APPROVED
- G. MINUTES OF THE 7/19/07 D.R.B. MEETING - APPROVED AS WRITTEN**
- H. ADJOURNMENT – 9:05 P.M.**

**MINUTES #13
TIBURON DESIGN REVIEW BOARD
MEETING OF AUGUST 2, 2007**

The meeting was opened at 7:00 p.m. by Vice-Chair Frymier.

A. ROLL CALL

Present: Vice-Chair Frymier, Boardmembers Glassner and Teiser

Absent: Chair Doyle and Boardmember Corcoran

Ex-Officio: Planning Manager Dan Watrous and Associate Planner Tyler

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING

Planning Manager Watrous stated that the applications for 42 Claire Way and 1910 Straits View Drive were continued to the August 16, 2007 meeting.

D. CONSENT CALENDAR

1. 430 RIDGE ROAD HANNAHS/GARAY, APPEAL RESOLUTION

Planning Manager Watrous acknowledged receipt of correspondence and said Boardmembers could adopt the Resolution if it accurately reflected the direction given to Staff. Boardmembers Glassner and Teiser indicated that the resolution accurately reflected the direction given to Staff.

<p>ACTION: It was M/S (Teiser/Glassner) to adopt the Resolution Granting the Appeal of a Planning Division Decision to Approve a Site Plan and Architectural Review Application for Modifications to a Single-Family Dwelling Currently Under Construction. Vote: 3-0</p>
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E. OLD BUSINESS BEFORE THE BOARD

2. 9 BURRELL COURT HARIRI, ADDITIONS/VARIANCE/FLOOR AREA EXCEPTION

On April 5, 2007, the Design Review Board reviewed an application for the expansion and additions to an existing single-family dwelling, with variances for reduced front yard setback and excess lot coverage, on property located at 9 Burrell Court. Concerns raised included that the subject property already had a view to the south, and the addition of a second story would not only enhance the view, but result in a looming structure over Reed Ranch Road, block views for neighbors around Burrell Court, and create a home that would look out of character with the neighborhood. The Board continued the project, with the recommendation that there were other solutions to gain additional floor area without adding a partial second story, and perhaps a larger excess lot coverage variance to do so.

The applicant has now submitted revised plans for the project. The proposed project would include expanding the living areas of the home at the rear of the dwelling, and conversion of the existing garage into an additional bedroom, bathroom and laundry room. A new two-car garage is proposed in front of the existing garage. Variances are again required for reduced front yard setback and excess lot coverage.

Michael Heckmann, architect, presented the Board with photographs, an aerial view of the property and surrounding neighborhood. He said they have held discussions with the owners at 4 & 8 Burrell Court and he described the issues for these owners and the owners of 5 & 7 Burrell Court. In response to these concerns, he stated that vegetation has been added between the two homes, changes were made to the northwest upper level windows and the upper level outdoor terrace was removed. He described other changes made, including minor window changes, removal of the upper level balcony, and installation of privacy landscaping. He noted indicated surprise at the issue of adding a second story, considering the height of the neighbor's own two-story home. He said that the house has almost no view down into the 54 Reed Ranch Road property because of the distance and vegetation. He noted that they met with owners of 56 Reed Ranch Road in early July and again days later at which time the plans had been modified based on his suggestions to improve landscaping and fencing.

Mr. Heckmann presented the project in context with the surrounding neighborhood and said there are a number of upslope houses which were similar to the proposal. He said that excavating space below the house would be extremely expensive excavation for a lower level and would result in rooms that would be very dark with limited options for light and ventilation. He stated that he looked at other alternatives than what was presented to the Board at the last meeting, but it seemed that the overall layout was very good and architecturally the design was well-received. Therefore, modifications have been made while preserving the initial concept. Mr. Heckmann said they have worked hard to make the process inclusive of the neighbors and, in the spirit of compromise, have modified their proposal accordingly. He believed their solution was the right approach and had addressed the issues raised by neighbors.

Pete Pedersen, landscape architect, said on Reed Ranch Road they pulled the trees back up on Reed Ranch Road, and changed the species from a Magnolia to a tree that grows no higher than 35 feet. He said that they have proposed privacy screening between the two properties, using a Oleander tree which rarely got to 20 feet, and a dwarf Red Maple proposed for the front along the street.

Vice-Chair Frymier questioned if the neighbors (Beaumonts) were agreeable to the Oleander trees. Mr. Pedersen said he was not sure as they were out of the country and not present, but he understood they were concerned about height and preferred an Evergreen tree. He noted the Oleander would grow to 12-15 feet and he felt it was a great tree for the area.

Vice-Chair Frymier referred to front yard setbacks and asked why 9 feet was needed from the property line into the setback. Mr. Heckmann said the configuration begins with the stairway close to the front door and that the curvature of the cul-de-sac created an issue for all of the homes in the vicinity. He noted that the first level of the original house was even closer to the street and they had removed it from the project.

The Vice-Chair opened the public hearing.

Ray Truman said the proposal to change from a chain link fence to a black wire fence was satisfactory. He said that they still object to the view from the two decks down to them on Reed Ranch Road, as the proposed 15-20 foot tall tree was not entirely satisfactory to them. He also

noted that Dr. Bloch has sent a letter indicating his displeasure of changes made to the height of the structure facing Reed Ranch Road.

Christopher Wand stated that he was speaking on behalf of the 9 neighbors who signed a petition opposing the project. He stated that a lot of the second story area could not be seen from their front deck right now, but become more apparent in the winter as the trees change. He was pleased with the landscaping changes. He said at the last meeting the applicant was instructed to consider excavation and contact the neighbors, and he said he was never contacted. He felt the existing home had the best view on the street and asked the Board to consider substantial changes to the second floor. He added that the project did not address glare or lighting from the western side.

Mr. Heckmann acknowledged the fencing change and noted that they had modified the landscaping as suggested and were willing to install larger plant materials to get more immediate effects. He did not believe the excavation concept would improve the relationship to the Truman's home and he felt that landscaping would be eliminated to provide for a basement room. He noted that at the last meeting, the Board had voted unanimously to continue the project to another meeting and they have gone back and reviewed the original concepts. He described the views from Mr. Wand's deck as minimal at best. He felt they were on the right track with the project and have done a good job in providing the kind of home the owner wanted when she bought the property several years ago, when she was told a second story could be added to the property.

The Vice-Chair closed the public hearing.

Boardmember Glassner felt the architect made significant strides in the landscape plan, but felt the house design appeared to have been relatively unchanged. He noted the story poles did move but the height and bulk had not changed. He said the Board continued the project, asking for design changes and encouraging excavation into the hillside to lower the roofline and this had not been done. He said it appeared there were still significant issues with the Beaumont's and the Block's and to a lesser degree, the Truman's and felt more needed to be done with excavation, reducing bulk and minimizing view issues.

Boardmember Teiser stated that he could support the project. He said that his biggest previous concern was the impact on the Truman's and moving the house back from the street reduced the looming effect. He did not believe the Bloch's had a privacy issue, and felt the Beaumont's privacy issues had been addressed. He said that there was a significant improvement to the mass when viewed from the Wands' house and that the addition would not affect views of the Bay or Golden Gate Bridge, just views of homes on other hillsides.

Vice-Chair Frymier said she wanted to support the project, but could not. She stated that she had not seen much of a structural difference to the house. She noted that the addition had been shifted a bit toward Burrell Court, but she would have liked to see the second story become less horizontal and bring the roof down further. She agreed that excavation would result in dark bedrooms. She suggested either decreasing the size of the second story or increasing the size of

it and bringing it down. She stated that Mr. Wand's photographs were somewhat misrepresentative.

Boardmember Glassner instructed the applicant to work with the roofline, possibly spread out some of the second story living area, look again at excavation, and work on the roofline to address the Beaumont's and the Bloch's concerns.

Planning Manager Watrous recommended the item be continued to the September 6, 2007 meeting if this was amenable with the applicant. Mr. Heckmann said he felt the roof was barely visible even if lowered, that the roof edge could only be seen from the street and the bulk on the house was from there down. He said if the project dropped one foot and reduced in width by a couple of feet, it would not make much of a change, but he agreed to work on the additional changes and return to the Board.

ACTION: It was M/S (Glassner/Frymier) to continue the proposal to September 6, 2007 Design Review Board meeting. Vote: 3-0.
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F. NEW BUSINESS BEFORE THE BOARD

3. 42 CLAIRE WAY CLAWSON NEW DWELLING CONTINUED TO 8/16/07

4. 4935 PARADISE DRIVE HANSON, ADDITIONS/VARIANCES

The applicant is requesting Design Review approval for the construction of additions to an existing single-family dwelling on property located at 4935 Paradise Drive. A new living room, office and storage area would be added to the front of the house. A new bedroom would be added to the rear of the house, along with expansions of an existing bedroom and bathroom. A swimming pool and spa would be installed in the rear yard, and other exterior improvements include a new trellis, a barbecue and patio, and several small wooden fences and wood or concrete retaining walls. Four new skylights are also proposed to be installed. Variances are requested for excess lot coverage and reduced front yard setback.

Kylee Acidera, architect, said the request involved an extension of the house to include a master bedroom suite and an additional bedroom and bath, a living space, office, additional interior and exterior storage. She said the intent of the project was to increase the size of the home but maintain the current interior/exterior facades, materials, colors and roofing. She said all immediate neighbors had been contacted and no comments or objections have been made on the project.

Greg Unti, landscape designer, said they were adding a new entry area, a new main patio off of the living room/dining room, a side lawn and pool and spa on one end of the property. They agreed to change the Blue Mexican Palms and eliminate the uplights, as recommended by staff.

Kirk Hanson, owner, said they have done their best to work with the neighbors and have spent one year in the process in reducing the addition. He said that they have made major changes to

the original plans, said all neighbors were agreeable with the revised plans, and asked the Board for their support of the project.

There were no public comments.

Boardmember Glassner said that the applicants had done a great job and his only issues were with the uprights and Mexican Palm trees. He said that the replacement trees fit the property.

Boardmember Teiser commended the Hanson's for working with the neighbors, and characterized the addition as modest.

Vice-Chair Frymier apologized for not visiting the home, but supported the project, noting that the lot size is less than 20,000 square feet and there were no objections from neighbors.

ACTION: It was M/S (Glassner/Teiser) to the project is exempt from the provisions of the California Environmental Quality Act and approve the application subject to the conditions of approval as set forth in the Staff report, with the additional condition of approval to replace the Mexican Blue Palms with species that grow to lesser heights. Vote: 3-0.

**5. 1910 STRAITS VIEW DRIVE KAVITSKY, GUEST HOUSE/SPA -
CONTINUED TO 8/16/07**

6. 280 ROUND HILL ROAD ANOLIK, MINOR ALTERATIONS/VARIANCE

The applicant is requesting Design Review approval for the modifications to previously approved plans for improvements and additions to an existing single-family dwelling, on property located at 280 Round Hill Road. A bathroom addition to the existing house, a cabana and swimming pool, and various other property improvements have been previously approved and are under construction. Modifications to the height and location of retaining walls along southern side of the property to reflect as-built conditions require a variance for excess wall height.

Alexander Anolik, owner, noted Mr. Heckmann would provide a presentation, and noted the pool room had to be expanded due to the size of equipment.

Michael Heckmann, architect, said they began the project a number of years ago, including an access pathway from the entry which could allow the owners to get back to the main parts of the pool and cabana area for guests and for maintenance reasons. They installed 6 foot high walls, and their current application involves the introduction of another wall forward of the current wall and increasing the height of the secondary wall from small increments from 2-3 feet in the middle, with landscaping in between the areas to soften the appearance.

Chris Tigh, landscape architect, said one change since the application's submittal was the pool equipment room, which was housed underneath an expansion terrace off of the pool terrace. The contractor indicated the equipment would not function properly without additional room and it

was now proposed to be 28 feet in length by 10 feet wide. He displayed the location of the pool equipment room, which was 6 feet in height on the downhill side.

Mr. Tigh addressed comments that had been received regarding the redwood trees planted behind the house, and he said these were transplanted from elsewhere on the property. He said that the trees are not subject to the limitations of the landscape envelope and he questioned whether the trees would be grandfathered or not. Planning Manager Watrous confirmed that the trees were not considered to be grandfathered.

Mr. Tigh addressed the issue of the excessive height on the fountain wall at the end of the pool, which exceeded the 6 foot height above the original grade. He questioned the accuracy of the original grade, but said that they would reduce the wall height to comply with the landscape envelope limitations, with the possible exception of a 4 foot tall pool safety railing. Regarding the variance request, Mr. Tigh questioned how Staff arrived at the 9'4" dimensions for the wall. Planning Manager Watrous said the 9'4" measurement was based on the plans submitted that indicated the original grade and height of walls was measured from the finished grade or natural grade, whichever was lower.

Boardmember Glassner questioned when the last time a site survey was done on the property denoting grade elevations. Mr. Tigh said a was done survey 18 months ago which established the top of wall as it was built and there has been no grading in that particular area. He said the actual profile of the top of wall was not a drastic departure of the profile of the grade below.

Mr. Anolik said he planted the Magnolia tree 20+ years ago, they moved it twice to the lowest part of the property and felt it would not impact any views. Planning Manager Watrous noted the precise development plan spelled out specific maximum landscape heights and in that area, the maximum landscape height was 10 feet above grade. So, any trees or new trees could not exceed the 10 foot height limit and the Design Review Board did not have the ability to grant an exception to this.

Mr. Anolik discussed the wall height and open space, stating that he did not want to violate any wall height regulations but noted the overall average height of the wall was below 6 feet. He described the home's Italian motif and said if the Board did not like the fountain built into the wall, it could be cut and finished off at a lower height. He noted that the wall provided them more privacy.

The Vice-Chair opened the public hearing.

Bill Sweet said he has lived directly above the project for 25 years and has lived with construction every day which had gone on for years. He felt it was not right for the Board to reward the owner and provide exceptions for things the owner has built the way he has wanted them. He voiced concern about the location of the pool machinery, but confirmed with Staff it was proposed away from the open space. Mr. Sweet said he was the HOA President and spoke of problems over the years with steep redwood trees and their affect on views and neighbor relations.

Len Yaffe thanked the Anolik's for trimming of the trees which has preserved their view corridor. He said at the last meeting he requested a discussion of their bathroom expansion project and requested that no new trees be planted in the area. He said that several trees shown on the plan as "existing to remain" were planted after the precise plan was approved and would be in violation of the precise plan requirements. He described the planting height limitations and approved landscape palettes in the precise plan and noted that many of the proposed trees and shrubs did not comply with these requirements. He felt that once the project was completed, it would be beautiful, but he asked that height limitations of trees be adhered to which would make everyone happier in the neighborhood.

Hanna Sweet, said everyday she looks at the cabana and the wall and noted that the Town Council has recently vetoed other changes by Mr. Anolik. She thanked the Board and Staff for their work and trusted that the Town would enforce its codes.

Mr. Tigh said he was brought into the project a little over one year and said he was not sure whether many of the existing plantings were there from the original approval or not. Regarding the previously approved plant list, he said the list included 12 trees, 53 shrubs and species that were all over Tiburon. Planning Manager Watrous said the precise development plan that governed this part of the property was approved by the Town Council in 2000. He said the landscape palette was required to be approved for the property and it has a limitation on the type and planting species that can be included as part of this precise development plan. The Board does not have the authority to amend it; it would need to be amended by the Planning Commission and Town Council. He recommended that the Board require that all trees and vegetation in areas controlled by the Golden Gate Vista Estates Precise Development Plan comply with the height limitations and approved landscape palette and trees and vegetation already planted in these areas that do not comply with these requirements shall be removed.

Mr. Tigh said they moved some of the existing redwood trees because of the new terrain and agreed to remove any of those trees or plantings which are not on the list.

The Vice-Chair closed the public hearing.

Boardmember Teiser appreciated Mr. Anolik's willingness to move the transplanted trees and change the wall adjacent to the pool terrace. He felt that the wall along the driveway was a minor variation because of the original grade which does not impact anyone and felt that the issue with the original grade was a technicality.

Boardmember Glassner stated that he was somewhat confused by the entire project, which seemed to be a series of improvements and approvals that have gone on for years and has become convoluted. He said that the measurements seem to have changed and he was troubled by the wall height along the driveway. He asked that the project and plans be clarified or a site survey be conducted to be sure the planting complies with the requirements for the property. He was also concerned with the possible increase in size of the pool equipment room.

Planning Manager Watrous said before the project was finalized, Staff would inspect the property and the final plantings can be compared against the requirements of the precise development

plan. He said that the owner has had a wall survey done which is clear, and he felt the direction recommended by staff was clearly understood by the applicant.

Vice-Chair Frymier confirmed with Mr. Watrous the components of the application being reviewed by the Board. She voiced concern about how the construction was affecting the neighborhood, given all work to be completed, and stated that it is the responsibility of the Board to control how projects affect the neighborhood.

Boardmember Glassner questioned at what point the project would be complete. Mr. Anolik stated that they want to use the pool this summer, they have hired double the construction crew and are aiming to complete everything by the end of the summer.

ACTION: It was M/S (Teiser/Glassner) that the project is exempt from the provisions of the California Environmental Quality Act and that the application be approved with the conditions of approval attached by staff, deleting condition number 7 and granting the variance, and adding the condition of approval that all trees and vegetation controlled by the Golden Gates Vista Estates Precise Development Plan comply with height limitations and the approved landscape palette, and that the trees and vegetation already planted in this area that do not comply with these requirements shall be removed. Vote: 3-0.

G. APPROVAL OF MINUTES #12 OF THE 7/19/07 DESIGN REVIEW BOARD MEETING

ACTION: It was M/S (Teiser/Glassner) to approve the Minutes #12 of the 7/19/07 Design Review Board Meeting, as written. Vote: 3-0.

H. ADJOURNMENT

The meeting was adjourned at 9:05 p.m.