

ACTION MINUTES #14

**TIBURON DESIGN REVIEW BOARD
THURSDAY, AUGUST 16, 2007
1505 TIBURON BOULEVARD**

- A. ROLL CALL: Present:** Chair Doyle, Boardmembers Corcoran, Glassner and Teiser
Absent: Boardmember Frymier
Ex-Officio: Planning Manager Watrous, Associate Planner Tyler and
Minutes Clerk Harper
- B. PUBLIC COMMENTS (FOR ITEMS NOT ON THE AGENDA)**
- C. STAFF BRIEFING**
- D. OLD BUSINESS BEFORE THE BOARD**
- | | | | |
|----|-------------------------|-------|---|
| 1. | 1893 Centro West Street | Harb | New Dwelling/Variance/Floor Area Exception
APPROVED |
| 2. | 23 Old Landing Road | Harle | New Dwelling CONTINUED TO 9/6/07 |
- E. NEW BUSINESS BEFORE THE BOARD**
- | | | | |
|----|-------------------------|---------------|--|
| 3. | 42 Claire Way | Clawson | New Dwelling APPROVED |
| 4. | 279 Cecilia Way | Shadan | Additions/Variations APPROVED |
| 5. | 2 Bartel Court | Baum | Additions/Variance/Floor Area Exception
APPROVED |
| 6. | 19 Place Moulin | Alm/Valentino | Additions/Appeal CONTINUED TO
9/6/07 |
| 7. | 490 Ridge Road | Dunphy | New Dwelling/Variations
CONTINUED TO 9/20/07 |
| 8. | 1910 Straits View Drive | Kavitsky | Guest House/Spa CONTINUED TO 9/6/07 |
- F. MINUTES OF THE 8/2/07 D.R.B. MEETING - APPROVED AS WRITTEN**
- H. ADJOURNMENT – 9:15 P.M.**

**MINUTES #14
TIBURON DESIGN REVIEW BOARD
MEETING OF AUGUST 16, 2007**

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

A. ROLL CALL

Present: Chair Doyle, Boardmembers Corcoran, Glassner (arrived 7:05) and Teiser
Absent: Vice-Chair Frymier
Ex-Officio: Planning Manager Dan Watrous, Associate Planner Tyler and
Minutes Clerk Harper

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING

Planning Manager Watrous noted that the items for 23 Old Landing Road and 1910 Straits View Drive were continued to the September 6, 2007 meeting.

D. OLD BUSINESS BEFORE THE BOARD

1. 1893 CENTRO WEST STREET HARB, NEW DWELLING/VARIANCE/FLOOR AREA EXCEPTION

On April 19, 2007 the Design Review Board reviewed revised plans for the construction of a new single-family dwelling with a variance for a reduced side yard setback and a floor area exception. During the meeting, adjacent neighbors raised concerns with the revised design of the home and its potential for view blockage of downtown Tiburon, the harbor, Belvedere and portions of his water views. Another neighbor below the subject site remained concerned that the home would appear massive. The applicants stated that they were intending to modify the pitch of the roof to a full gable style roofline, eliminating the center section of the roof that would have projected at an upward angle. The Board continued the project with the applicant advised to modify the roof and minimize the view impact for the adjacent neighbor at 1895 Centro West Street. Revised plans for the house design have now been submitted.

Luis Paez, project manager, gave a historical description of the project and their attempts to revise the project design. He said that they attempted to design their proposal in conformance with the Hillside Design Guidelines and based on concerns from the owners below the site, they eliminated or reduced the size of the upper windows on the south elevation to eliminate sun reflection. He reiterated their request for the side yard setback variance, stating that it was due in part to the topography of the site and the steep slope. He stated that at the April 19th Board meeting they changed the pitch roof to a traditional gable roofline and shifted the second level over into the hillside, and additionally agreed to further revise the roof so that it would not impede views. He stated that a new designer was hired to prepare revised plans after the April 19th meeting.

Mr. Paez stated that the new house design was in full compliance with the Hillside Guidelines, and includes a full hip roof at a 3:12 pitch that mitigates the view impacts as much as possible. He described other minor changes to the house design intended to address view and privacy concerns. He said that they met with the owners at 1895 Centro West have agreed to further reduce the ridge height elevation by 3'2" by reducing the ceiling heights in the upper and lower levels and excavating into the hillside. He stated that the new design would improve views and work for both homeowners, and he therefore requested the Board's consideration and approval.

Boardmember Corcoran asked about whether the corner of the house closest to the driveway could be moved out so that it would not protrude into the driveway. Mr Paez responded that the story poles represent the corners of the 4 foot eaves and not the corners of the building.

The Chair opened the public hearing.

Bill Lukens stated that he felt the process and design now worked. He noted that six hearings had been held, the applicant has met their concerns. He said that they are very pleased with the result and felt the house would now benefit the neighborhood.

The Chair closed the public hearing.

Boardmember Glassner acknowledged the proposal had been underway for some time and felt the process working with neighbors was a good one. He said the neighbors ideally wanted the roofline lowered 4 feet, and although he was unsure whether it would ultimately affect any primary views, he could support the project as revised.

Boardmember Corcoran saluted the owners for working with the neighbors on what was a very difficult site. He said that he was concerned with the corner because of its encroachment on the driveway, but acknowledged that it was simply a roof overhang. However, he said he still had a problem with the floor area exception, as he could not make the findings for the exception.

Boardmember Teiser said he could support the project, noting that he thought the applicant met the request and direction from the Board at the April 19 meeting. He said that he visited the site and talked to residents who indicated their previous primary views were out more toward the southwest to the bay and to the Golden Gate Bridge, and that they never had views toward Belvedere and the yacht club. He felt the applicant had revised the project substantially and addressed the neighbors' concerns, and said he could make the findings to approve the project.

Chair Doyle stated that after visiting the site, the story poles raised concerns which have now been cleared up. He felt this was a tough lot upon which to build and acknowledged that the applicant had done a lot to make changes and work with the neighbors. He said that given the lot and floor plan, he could also support the floor area exception.

ACTION: It was M/S (Teiser/Glassner) that the project is exempt from the provisions of the California Environmental Quality Act and approving the application subject to the conditions of approval as set forth in the Staff report, with the additional condition of approval requiring lowering the roof height by 3'2" per the agreement with the neighbors. Vote: 4-1 (Corcoran voted no).

2. 23 OLD LANDING ROAD HARLE, NEW DWELLING - CONTINUED TO 9/6/07

E. NEW BUSINESS BEFORE THE BOARD

3. 42 CLAIRE WAY CLAWSON, NEW DWELLING

The applicant has submitted a request for construction of a new single-family dwelling on the property located at 42 Claire Way. Currently the property is improved with a single-family dwelling. The applicant is requesting to demolish over 50% of the existing walls of the structure. By demolishing more than 50% of the structure, the project is therefore classified as “new construction.” The project proposed would maintain a single-story design. The existing structure is comprised of three bedrooms, a great room, kitchen and a one-car garage. The proposal intends to expand the home at the rear, to include a master bedroom suite, study, a new dining room, and expansion of the existing great room.

Mohamad Sadrieh, architect, described the project, stating that they maintained the one-story design to preserve views and the character of the house.

Boardmember Glassner questioned whether or not the fireplace would be relocated or would there be a chimney. Mr. Sadrieh noted that the chimney would be no more than 2 feet higher than the highest point of the roof ridge and would not incorporate a metal cap. Boardmember Teiser confirmed that the fireplace would be a non-particulate burning fireplace.

The Chair opened the public hearing.

Evelyn Woo said that she has always enjoyed her views from the backyard and thanked the architect and homeowner for being sensitive to the neighborhood and preserving her views.

The Chair closed the public hearing.

Boardmember Corcoran felt the remodel was appropriate for the neighborhood. He said that the homes in this area were small when originally built and he felt the project would make the house more livable. He thanked the applicant for maintaining the single-story house design.

Boardmember Glassner felt the design was simple and straightforward and consistent with the neighborhood.

Boardmember Teiser agreed and was happy that a non-particulate burning fireplace would be installed.

<p>ACTION: It was M/S (Corcoran/Teiser) that the project is exempt from the provisions of the California Environmental Quality Act and approving the application subject to the conditions of approval as set forth in the Staff report, with the additional condition of approval requiring a non-particulate gas burning fireplace. Vote: 4-0.</p>

4. 279 CECILIA WAY SHADAN, ADDITIONS/VARIANCES

The applicant is requesting Design Review approval for the construction of additions to an existing single-family dwelling on property located at 279 Cecilia Way. The living room would be expanded to the rear of the house, and two bedrooms would be expanded to the front of the house. An existing one-car garage would

be expanded into a two-car garage. A new front entry would also be established. Several existing skylights would be realigned on the roof to conform to the location of the proposed additions. Variances are requested for reduced front and side yard setbacks.

Carolyn Shadan, owner, said she reviewed their current neighborhood and various designs that had come before the Board, and provided staff with a list of homes with two-car garages with their setbacks from the edge of pavement. She described the project design and said that they spoke with all their immediate neighbors who felt the addition would be in character with the neighborhood.

Boardmember Corcoran asked if the owner considered keeping the distance of the garage door from the street at the same depth and pushing the bedroom back to avoid the effect of a tight visual corridor while driving down the street. Ms. Shadan replied that if the back bedroom was pushed out she would need to redo the entire master bathroom and bedroom. She said that she will still be able to park two cars in her driveway and two cars inside the garage and two mature Pistachio trees in the front would hide the garage from the street.

Boardmember Glassner questioned the use of skylights and Ms. Shadan said she would use a larger skylight as the house is very dark. She noted the skylights would be shaded with baffles and blinds and stated that her living room was barely visible from the hills above the site.

There were no public comments.

Boardmember Teiser felt the proposal was a modest expansion, with infill portions to the rear, and felt the design would be in character with the neighborhood. He did not believe that the garage addition would create a tight corridor, noting that the project would not expand the entire front of the house.

Boardmember Corcoran agreed the expansion was reasonable and similar to other projects in the neighborhood. He appreciated the non-particulate burning fireplace and the fact that the owner was expanding the one-car garage to a two-car garage, which would take another car off the street.

Boardmember Glassner agreed that this was a modest and straightforward project.

Chair Doyle stated that he liked the use of carriage doors for the garage and the feel it would give to the neighborhood.

<p>ACTION: It was M/S (Glassner/Corcoran) that the project is exempt from the provisions of the California Environmental Quality Act and approving the application subject to the conditions of approval as set forth in the Staff report. Vote: 4-0.</p>
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5. 2 BARTEL COURT BAUM, ADDITIONS/VARIANCE/FLOOR AREA EXCEPTION

The applicant has submitted a request for additions to an existing single-family dwelling. The proposal includes a small expansion and addition to the entry foyer, addition of a fifth bedroom, hobby room and wine room in the existing crawlspace beneath the entry, and an overall increase in the height of the structure. The existing trusses would be replaced to modify the appearance of the roof, and to increase the ceiling height within the home. Currently the dwelling has a mansard style roof. The replaced trusses would result in a

conventional style roof. A variance for excess lot coverage and a floor area exception are requested.

Don Baum, owner, said he has worked with staff and neighbors and hoped the structure would be pleasing for the neighborhood.

Chris McMahon, architect, said the remodel addition was a fairly simple remodel expansion of a 1970's era house with a false mansard roof, which was extremely dated. He described the proposed roof changes and said that most of the additional floor area would be within the crawl space on the uphill side, which would have no visual impact to the neighborhood.

The Chair opened the public hearing.

Jeffrey Zalles said he lives directly behind the house and he complimented the owner and applicant for coming up with a plan that would have a minimal effect on their views.

Tom Fall said that he had met several times with the applicant and he fully supported the project.

The Chair closed the public hearing.

Boardmember Glassner said the proposal was another elegant, straightforward design. He felt the process with working with the neighbors was great.

Boardmember Teiser stated that he could support the variances and characterized the floor area exception as minimal. He said that the design is clever and felt the applicants were very sensitive to their neighbors' views.

Boardmember Corcoran stated that he could make the variance findings because the lot is smaller than normal and they were not adding much lot coverage. He felt the excess floor area was acceptable because they would be adding the space underneath the house. He also expressed appreciation to the approach of the neighbors to the project and its minimal impacts.

Chair Doyle supported the project, stating that it was a simple design which takes advantage of existing space under the house.

ACTION: It was M/S (Teiser/Corcoran) that the project is exempt from the provisions of the California Environmental Quality Act and approving the application subject to the conditions of approval as set forth in the Staff report. Vote: 4-0.

6. 19 PLACE MOULIN ALM/VALENTINO, ADDITIONS/APEAL

Planning Manager Watrous reviewed the appeal procedure for the Design Review Board.

Clifford Alm, appellant, described the history of the house at 19 Place Moulin and a recent tree permit which allowed for the removal of 13 Pine trees on the site. He said that when the house was first approved they could not see the house because the row of trees obscured it. He stated that the removal of the trees created some privacy issues into their family room, master bedroom, front entrance, living room, and dining room. He

said that they did not appeal the tree permit as the permit required the planting of 39 replacement shrubs, but now he was concerned that the driveway expansion would not leave room to plant the shrubs. He said that he also wanted to protect the integrity of the pedestrian easement and the ridge trail.

Mr. Alm stated that they received a call from the general contractor who worked with the architect to make some modifications to the subject application which he felt would meet most of their objections or at least help the situation. He described the modifications as the construction of a retaining wall at the edge of the ridge trail which would be topped by a 6-foot solid wood fence, which was intended to enhance the privacy of the future owners of the house, pedestrians using the ridge trail and the immediate neighbors. He felt the establishment of approximately 90 feet of fencing would add privacy and reduce noise and light from the house and driveway. He said the balcony had been reduced in size and moved away from his residence, with an access point onto the balcony eliminated.

Boardmember Glassner asked how high the retaining wall would be, and Mr. Alm felt it was about 5-6 feet.

There was discussion by the Board regarding the need for a retaining wall and its effect on the ridge trail and questions by Boardmembers Glassner and Teiser about the relationship of the changes to the basis for the appeal. Planning Manager Watrous recommended the Board allow Mr. Sadrieh to explain the specifics of the proposal, noting that the retaining walls described by Mr. Alm did not appear to be on the plans prepared by Mr. Sadrieh.

Mohamad Sadrieh, architect, said he inherited the project when the original architect was unable to continue with the project. He stated that the previously approved driveway provided an inadequate turnaround space for the garage. He described previously approved fencing near much of the property perimeter, which was intended to provide a better separation between the site and the ridge trail than just the shrubs. He stated that no retaining walls were proposed as part of the revised plans, although some sort of landscaped berm or low (2-3 foot tall) wall might need to be constructed adjacent to the ridge trail. He described the location of where the replacement shrubs would be planted, noting that the removed Monterey Pines have a limited lifespan, making the replacement planting a better long-term buffer for screening the area. He further described the changes to the roof and deck, which were intended to address privacy concerns. He said that the widened driveway had been moved back in so they now have a 4 foot area which would allow enough room between the expanded driveway and the fence to plant all previously approved materials.

Chair Doyle suggested that, in order to make a decision, the Board request elevation drawings of the fencing and a more detailed planting plan. Planning Manager Watrous noted that staff may have an objection to a taller wall along the ridge trail which would create a visual tunnel effect when it should look more like a natural hillside. He said if the Board felt comfortable with the revised plans, it could direct staff to prepare a resolution partially granting the appeal with the condition of approval that the revised plans supersede the old plans.

There was no other public comment.

Mr. Alm said the general contractor had come up with the idea of a retaining wall and noted the elevation of the garage was about 6 feet above the trail. He said he would appreciate any approach that would address his privacy concerns, including more landscaping. He questioned how a house of this size could have been

approved next to a trail used by many people and then, during construction, how the owner could realize that there is not have enough room to get out of the garage. He felt that the Town had approved an unworkable design with undue consideration for neighborhood privacy and for those walking on the trail. He urged the Board to have the applicant indicate on the site the location of the driveway, planting area, curbs and property line. In summary, he stated that his intent was to have the design given a more thorough review, and added that whatever is decided upon would be fine with him.

Chair Doyle stated that the house design was approved in 2002 and he felt that this design would have never been approved by the current Board.

Boardmember Teiser stated that the new plans may be appropriate, but recommended that plans be submitted and story poles installed for the Board and the neighbors to review. He recommended a continuance to prepare the plans and install story poles or stakes.

Boardmember Glassner agreed, stating that he was uncomfortable with the process and unclear about the plans. He said that it was not clear there were very firm grounds to the appeal. He said that he would like to see better plans, elevations, and a planting/landscape plan, along with story poles.

Boardmember Corcoran stated that this was not the type of house he would approve. He acknowledged that the Board was stuck with trees that have been removed. He said he gave great deference to Mr. Sadrieh's professional judgment, but he felt the hillside next to the trail would need some sort of retaining wall, as it was extremely steep. He felt it was important to know exactly where the driveway, plantings and fence would be located. He said that the applicant needs to make sure some that the plantings and retaining wall would work. He said that many people who use the trail, and he would be embarrassed to see a tunnel of retaining walls next to the trail. He wanted to see better landscaping plans, including the areas next to the trail. He noted that the terrace would look down at the front door for the home at 20 Place Moulin.

<p>ACTION: It was M/S (Teiser/Glassner) to continue the matter to September 6, 2007 and ask that the applicant provide new plans, elevations, landscaping, retaining wall plans, and provide staking of where some of the improvements would be such as the driveway location. Vote: 4-0-1 (Frymier absent).</p>

7. 490 RIDGE ROAD DUNPHY, NEW DWELLING/VARIANCES

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 490 Ridge Road. The subject property was previously developed with a two-story single-family residence which has been demolished. The main floor of the proposed house would include a living room, family room, kitchen, dining room, den, one bathroom and a master bedroom suite. The lower floor would include three bedrooms, one bathroom, a play room and a laundry room. A two-car carport would be situated near the front of the property. A trellised cabana and small enclosed bathroom would be constructed near the location of a swimming pool to remain on the site. Eight skylights would be installed on the roof of the house. Variances are requested for reduced side yard setback and excess lot coverage.

Roger Hartley, project designer, said that when the project had been approved one year ago, the owner's original desire and his charge was to preserve as much of the original structure as possible, saving the roof and

most of the upper floor. He said that three small areas were to be added on the upper level and a larger addition was to be done on the lower level. He described the changes made to the plans after objections were received from several neighbors. Since that time, he said that wanted to drop the lower level down to increase the ceiling height and make changes to the roofline. He said that there was a 3 foot difference between the old roofline and new roofline, which was shown on the construction documents approved by the Building Division. He said that they tried to unify the roof and simplify the design of the roof with longer ridges instead of having different roof pitches. He described several other minor changes to the bathroom and windows. He said that project was approved, a building permit was issued and they began to move forward, but demolished much of the house. He noted that Planning staff determined that this was now a new house rather than an addition to an existing house, and this was the reason they were before the Board today.

Boardmember Glassner questioned whether or not it was the intent to demolish the entire structure when the project was originally approved. Mr. Hartley said it was not; as the owner was trying to preserve everything he could for cost reasons. Planning Manager Watrous added that the approved Design Review plans did not show the increased height or roof changes, and since these were shown only in the building plans and not highlighted as changes, the plans were invalid.

Mr. Hartley said there were elements of the house they could not preserve and it got to the point where it would have cost more to keep the structure and the contractor demolished it.

Boardmember Teiser asked Mr. Hartley why he did not return with an amended plan, as the Town has a procedure whereby if 50% or more of a home is remodeled, it is considered new construction. Mr. Hartley said that the project was similar to the original plan except for the portion of the left hand ridge of the roof. He disagreed with comments in the staff report, stating that the project would not impact views of the Golden Gate Bridge.

Boardmember Corcoran noted that the house was now demolished, and asked if it would be possible to modify the house design to reduce the lot coverage and eliminate the need for a variance. Mr. Hartley confirmed with the Board that variances were requested for the side yard setback as well as for excess lot coverage, and he agreed the house could be made smaller.

The Chair opened the public hearing.

Richard Dwyer stated that he owns the house at 500 Ridge Road which is adjacent to the subject property and would be most affected by the house. He noted that he had previously agreed to the changes approved by the Board, but was overwhelmed with the new story poles and the impact it would have on his view. He said the house felt like it would be right on top of his home. He said that the requested side yard setback would place the house only 13 feet away from his property line. He said that the 3 foot added height was overwhelming and was the reason for his objection. He noted that in the past, the deck went around the home and the house was lower. He confirmed that he did not object to the previous setback variance, but now he was objecting to the combination of the increased height and reduced setback. Responding to a question from Boardmember Teiser, Mr. Dwyer agreed that he would not have an issue with the setback if the roof were lowered.

Boardmember Corcoran asked Mr. Dwyer if trees do not obscure his views of the water and the bridge, which Mr. Dwyer confirmed.

Pam Peterson described photos that she had submitted to staff showing her view across the proposed house. She stated that the trees beyond 490 Ridge Road have grown into the view of the north tower of the Golden Gate Bridge and are likely to be trimmed in the future. She said that once the trees are trimmed, the proposed house would be more visible and could interfere with her views. She felt that the roof changes would affect a big swath of water view, which would be even bigger once the trees are trimmed. She said that she had no problem with the original plan, and requested that the house be lowered and brought back toward the road.

Mr. Hartley stated that photographs of the old house indicate that Ms. Peterson's view of the roof has not changed other than a difference of 4" for the insulation. He felt that the 3 foot height change would affect only a very small amount of water view and would have no effect on the Golden Gate Bridge view.

Boardmember Glassner asked Mr. Hartley to identify the proposed skylights and assess their impacts. Mr. Hartley said they had not made any changes to the already approved and existing skylights, and described changes made to the skylights during the review of the previous application.

Chair Doyle asked why the owner wanted to change what was approved when everyone was happy with the previous design. Mr. Hartley said the changes had to do with working out the details of construction and the change in height came from a desire to clean up the rooflines.

Boardmember Corcoran asked if the clerestory windows would have to be removed if the roof were lowered 3 feet. Mr. Hartley said it would be an inconvenience and described the changes in roof pitch.

The Chair closed the public hearing.

Boardmember Glassner stated that the project was significantly different. He said that the project before was not a new house, and that while there might have been some buy-in from the neighbors before, now there are significant issues for the neighbors. He said that he was not comfortable with the scale or the process of the project and felt there was a lot more work to be done.

Boardmember Corcoran stated that the house would not block views of actual bridge, but of water beneath the bridge, which was still important. He said that the 3 foot roof height increase would have too much of an impact and could not be justified. He suggested continuing the item to allow the architect to work out a compromise, adding that dramatic changes had been made which were too much for the neighbors.

Boardmember Glassner said given the fact that the project has gone from a major renovation to demolishing and rebuilding the home, he requested a landscaping plan be done for the property that would enhance views rather than create further issues.

Boardmember Teiser stated that this was a new project, and he felt the applicant can start fresh. He stated that the applicant chose not to stay with the original approved drawings, and should therefore would work with the neighbors and consider alternative designs. He said that the application should be continued for a new look at the design

Chair Doyle stated that he was always surprised when demolition like this occurs, as contractors know better

than to simply start tearing structures down, and he felt this was rude. He said that the applicant could now look at new plans for a new house, with roof changes that would not block views. He felt there was an opportunity for the applicant to do it right and not impinge on the neighbors.

ACTION: It was M/S (Corcoran/Teiser) to continue the item to September 20, 2007. Vote: 4-0-1 (Frymier absent).

8. 1910 STRAITS VIEW DRIVE KAVITSKY, GUEST HOUSE/SPA - CONTINUED TO 9/6/07

F. APPROVAL OF MINUTES #13 OF THE 8/2/07 DESIGN REVIEW BOARD MEETING

ACTION: It was M/S (Glassner/Glassner) to approve the Minutes #13 of the 8/2/07 Design Review Board Meeting, as written. Vote: 4-0.

G. ADJOURNMENT

The meeting was adjourned at 9:15 p.m.