

ACTION MINUTES #16

**TIBURON DESIGN REVIEW BOARD
THURSDAY, SEPTEMBER 20, 2007
1505 TIBURON BOULEVARD**

A. ROLL CALL: Present: Chair Doyle, Boardmembers Corcoran, Glassner, Teiser and Frymier
Absent: None
Ex-Officio: 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.	9 Burrell Court	Hariri	Resolution of Denial	APPROVED
2.	19 Place Moulin	Alm/Valentino	Resolution Partially Granting Appeal	APPROVED
3.	31 Main Street	Tiburon Investment	Awning	APPROVED

E. OLD BUSINESS BEFORE THE BOARD

4.	490 Ridge Road	Dunphy	New Dwelling/Variances	CONTINUED TO 10/18/07
----	----------------	--------	------------------------	------------------------------

F. NEW BUSINESS BEFORE THE BOARD

5.	2 Las Palmas Way	Ansari	Additions/Walls/Variances	APPROVED
6.	1525 Tiburon Blvd.	Abrams	Parking Lot	APPROVED
7.	544 Silverado Drive	Cameron	Additions/Variance	APPROVED

F. MINUTES OF THE 9/6/07 D.R.B. MEETING - APPROVED AS WRITTEN

H. ADJOURNMENT – 9:05 P.M.

**MINUTES #16
TIBURON DESIGN REVIEW BOARD
MEETING OF SEPTEMBER 20, 2007**

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

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 noted that the application for 490 Ridge Road is being continued to the October 18, 2007 meeting.

D. CONSENT CALENDAR

1. 9 BURRELL COURT HARIRI, RESOLUTION OF DENIAL

There was no public comment.

Boardmember Teiser stated that he had abstained at the previous meeting on the vote due to the uncertainty of Mr. Beaumont's and Mr. Truman's support for the project, who were not in attendance, and Boardmember Teiser said he would have supported a continuance. He said the applicant did not want a continuance and the vote of the Board was to deny the application.

Boardmember Glassner said at issue was also the fact that the applicant had come before the Board several times, the neighbors continued to have many issues, and the applicant continued to ignore the Board's recommendations, which he felt was the driving force for denial.

Chair Doyle said the Board tries to provide the best input to make things better and to move forward and does not want to repeatedly consider items when applicants completely disregard the requests of the Board.

Vice-Chair Frymier confirmed with staff that the Board would be adopting a resolution of denial and the applicant could choose to appeal the matter to the Town Council She expressed hope that the applicants would return with a revised project.

ACTION: It was M/S (Glassner/Frymier) to adopt the resolution denying the project at 9 Burrell Court. Vote: 5-0.

2. 19 PLACE MOULIN ALM/VALENTINO RESOLUTION PARTIALLY GRANTING APPEAL

There was no public comment.

ACTION: It was M/S (Corcoran/Teiser) to adopt the resolution partially granting the appeal for 19 Place Moulin along with additional conditions of approval. Vote: 5-0.

3. 31 MAIN STREET TIBURON INVESTMENT, AWNING

The applicant is requesting approval for the construction of an overhead awning on an existing storefront at 31 Main Street, in downtown Tiburon. The proposed color of the awning is an unobtrusive dark charcoal. The

awning would overhang the sidewalk 18 inches. No signage or illumination is proposed.

Michael Barber, owner/applicant, said the request was for a storefront awning in keeping with the character of the Town.

Boardmember Glassner felt the awning was straight-forward and confirmed with Mr. Barber that the awning would not incorporate any advertisement or signage.

Vice-Chair Frymier confirmed that the purpose of the awning was one of aesthetics.

There was no public comment.

Boardmember Teiser felt the awning was tasteful and consistent with others on Main Street. He said that the awning calls attention to the shop and he supported the application without any additional conditions of approval.

Boardmember Corcoran complimented Mr. Barber in his attempts to enhance the front of the building. He said that there were awnings on the opposite side of the street and felt the proposal would bring balance to the streetscape.

ACTION: It was M/S (Frymier/Teiser) that the project is exempt from the provisions of the California Environmental Quality Act and approving the application with attached conditions of approval. Vote: 5-0.

E. OLD BUSINESS BEFORE THE BOARD

**4. 490 RIDGE ROAD DUNPHY, NEW DWELLING/VARIANCES
CONTINUED TO 10/18/07**

F. NEW BUSINESS BEFORE THE BOARD

5. 2 LAS PALMAS WAY ANSARI, ADDITIONS/WALLS/VARIANCES

The applicant is requesting Design Review approval for construction of additions and walls to an existing single-family dwelling on property located at 2 Las Palmas Way. The existing living room would be extended to the rear of the house and the dining room and kitchen would be extended to the southern side of the building. A new entry would be added to the front of the house. A new deck would be added to the rear of the upper story master bedroom. Perimeter walls are proposed to be constructed along the rear property line (facing Tiburon Boulevard), the southern side property line facing the entrance to Las Palmas Way and the front property line along the interior of Las Palmas Way. Variances are requested for reduced side yard setback and excess wall height.

Norah Momtazi, applicant, described the request and noted that the main issue was the 12 foot high proposed side wall. She said the top 4 feet of the wall would be glass and the lower 8 feet masonry, and it would not be a consistent 12 feet high due to slope conditions. She described reasons for the proposed wall, including: 1)

buffering the traffic and sound at Tiburon Boulevard, as well as stopped traffic; 2) buffering fumes from vehicles; 3) addressing the grade of the site itself, as there is a 7 foot elevation difference between the house and the street.; and 4) privacy. She stated that a 5-6 foot fence would not provide privacy, or a sound or fumes barrier.

Boardmember Teiser questioned the type of fencing proposed and voiced concern that the wall would create a blind corner for those coming off the street. Ms. Momtazi said the owner's property line sits back 35 feet from Tiburon Boulevard and 5 feet from Las Palmas Way. She said that the wall would be located where there is existing vegetation and wild fruit trees, would step down and would be 5-6 feet away from any traffic.

Boardmember Glassner confirmed with the applicant that story poles had not been erected and that she had examined the average height of walls within the neighborhood. She stated that the property at 747 Tiburon Boulevard has a 10 foot high wall and a 3 foot high fence. Boardmember Glassner noted that that other property has a 10 foot high structure and not a wall. Ms. Momtazi felt the wall could be softened with native plantings to cover the hard scape of the wall and she disagreed that a transparent wall would be considered massive.

Cyrus Ansari, owner, stated that the glass wall would mitigate any massiveness and said there was a significant difference between a solid wall and what was proposed.

Boardmember Corcoran asked if thought had been given to angling the corner of the wall a bit or moving the wall back a couple of feet. Ms. Momtazi agreed that this could be done at the corner.

Boardmember Corcoran asked why the wall as 12 feet high at the end of the driveway on the other side as well. Ms. Momtazi said there is approximately 5 feet of grade difference and the height was required in order to step down the wall properly and have it symmetrical. Boardmember Corcoran disagreed with the idea of a 12 foot high wall on a narrow street and suggested ending the wall further back which would not provide such a formal look to the driveway.

Associate Planner Tyler said a portion of the wall was currently proposed on a roadway and utility easement which is not owned by the applicant. She said that the Town is unable to approve the wall because of this and recommended that it be moved back onto the owner's property.

Ms. Momtazi said she proposed this question to the Planning Manager who indicated to her that the Board could approve it, and this was why the wall was intentionally drawn that way on the plans.

Chair Doyle referred to the plans and said it is the policy of the Town not to build on easements. Mr. Ansari noted the property next door to him at 6 Las Palmas had done this and he questioned why he could not do the same.

The Chair opened the public hearing.

Peter McClintock voiced opposition to the wall, stating that it would be prominent, and would block his lateral and bedroom views. He said that the wall would reflect noise back to them and suggested it be pulled further back on the property. He noted the presence of a steep bank leading to the top of the house. He supported the

use of transparency in the wall's construction, but requested mitigation along Tiburon Boulevard. He described his four-sectioned wooden fence which incorporates vegetation in front.

Ms. Momtazi questioned if approval of the project would depend on the height of the wall. Vice-Chair Frymier questioned why the wall near Tiburon Boulevard needed to be so high, as the space could not be utilized due to the steep hill. Boardmember Glassner agreed and recommended the wall be pulled back to ensure it was on the property and not the easement.

Mr. Ansari disagreed with Mr. McClintock's comments, stating that he wanted to fully utilize his property and suggested a compromise.

There was discussion by the Board regarding the Town's 6 foot fence height limit. It was the consensus of the Board that the owner could not build on the easement, reiterating the need to pull the wall back onto the property.

Boardmember Teiser suggested that Mr. Ansari resolve the easement issue and return with revised plans. Vice-Chair Frymier and Chair Doyle felt the corner posts were too high and bulky. Mr. Ansari said he wanted to be able to start construction on the other portions of the project associated with the application and questioned whether it was possible to approve those and return with a revised wall plan.

The Chair closed the public hearing.

Boardmember Teiser confirmed with Associate Planner Tyler that the Board could approve the request for the side yard setback, the addition and deny the wall, which could return at a later date. He questioned if the Town could waive the fee for the new wall application, and Associate Planner Tyler felt this would be up to the Planning Manager, but typically fees were not waived.

Boardmember Corcoran felt the proposal to deny the wall while approving the other requests was reasonable and felt the Board had provided guidance on what was needed for revisions to the wall.

ACTION: It was M/S (Teiser/Frymier) that the application is categorical exempt from CEQA and approving the application for the additions and side yard setback variance with conditions of approval without approving the wall height variance. Vote: 5-0.

6. 1525 TIBURON BOULEVARD ABRAMS, PARKING LOT

The Town received an application to pave and otherwise improve the last remaining gravel pay parking lot in Downtown Tiburon. Paving the lot would result in roughly eighty-two parking stalls, four of which would be handicapped accessible. The entrance to the parking lot would be updated with a painted island to separate entrance and exit lanes, and a new ticket machine, bike racks and signage would be installed. As proposed, the existing landscaping would be maintained and new lighting fixtures would replace those currently existing. New drainage would also be installed.

Jim Schafer, applicant, briefly described the request and said he was available to answer questions of the Board.

Boardmember Teiser confirmed with Associate Planner Tyler that the elimination or enlargement of two compact parking spaces was contained in conditions of approval.

Vice-Chair Frymier confirmed details about the payment collection and that proper signage was in place for the parking lot.

Boardmember Corcoran asked about bus parking. Mr. Schafer discussed existing signage and said bus parking signage would return for review by staff in the future.

There were no public comments.

All Boardmembers supported the request. Boardmember Corcoran stated that he wished there was some other paving material available to deal with runoff issues, but said he also acknowledged the lot's paving would beautify the area.

ACTION: It was M/S (Glassner/Teiser) that the project is category exempt from the provisions of CEQA and approving the application with the attached conditions of approval. Vote: 5-0

7. 544 SILVERADO DRIVE CAMERON, ADDITIONS/VARIANCE

The applicant is requesting Design Review approval for the construction of additions and to an existing single-family dwelling located at 544 Silverado Drive. The addition would include a two-car garage, expansion of the existing entryway and a new upper level. The upper level would include an office, master bedroom suite and sitting room. The plans indicate that all new building material and detailing shall match that of the existing home. The proposal also calls for the addition of three new skylights. The skylights would be located on the southwestern roof plane. A variance is requested for reduced side yard setback.

Greg Johnson, architect, said he was hired to do the first phase of the project which was reviewed and approved at staff level, adding that the owners' long-term plan was for a second phase. He said that when they began the project, the next door neighbor's home had been remodeled and he felt it would make sense to pull the project back into the corner. He described the site as a bowl, noting that there is dense foliage and screening. He said that the design would completely eliminate view blockage issues and noted that the Hartung's had submitted a letter of support.

Boardmember Glassner confirmed with Mr. Johnson there was no intent to remove any foliage. Mr Johnson added that as part of the landscape plan, two additional Strawberry trees were requested by the neighbor to be planted which would grow to about 20-25 feet. He confirmed that the owner also maintains and trims trees on the property so that views are preserved.

Mr. Johnson said there was careful attention in placing the building on the site to break up the façade and articulate the elevations. He stated that the request for a side yard setback variance would match the existing condition and have no impact to the adjacent neighbor.

Boardmember Glassner asked about the roof height. Mr. Johnson said the height of the addition would be

21'9" at the top of the garage and 24'2" at the ridgeline.

Boardmember Corcoran noted the CC&R's in the neighborhood limit homes to no higher than 22 feet. Boardmember Glassner said it was unclear whether or not in the past 56 years any homes had been built at heights greater than 22 feet.

Mr. Johnson said he is a nearby resident, and acknowledged that there were very old CC&R's for lots 1-36 in the neighborhood, but he was not sure they were enforced. He said that if they placed the building at the other location, it would have been much higher and he noted the roof substantially slopes down. He stated that there were a number of homes along the other side of Silverado Drive that far exceed the 22 foot height, including one 29'10" home and a 28 foot high building located at Stewart and Silverado Drives.

Boardmember Corcoran asked what would need to be done to lower the design 2 feet and noted neighbors would not be opposed to the project if it stayed within the height limitation. Mr. Johnson said the roof pitch would need to be lowered. However, he felt the roof would not block any views and provided aesthetic balance, and he questioned whether or not the CC&R's should be used as guidelines by the Board.

The Chair opened the public hearing.

Hans Roenau stated that the applicants had worked on their remodel for two years. He felt the home was huge and wanted to see adherence to the 22 foot height restriction. He felt that the second story would make them feel walled in.

Boardmember Teiser asked how lowering the roof by 2 feet would change his perception. Mr. Roenau said they would have more of a view of the neighborhood and trees, but they would still see the roof. He said that he took pictures and found the project would block views from other houses as well.

Margarita Perry said the applicants are great neighbors and that she has been trying to find some solutions and compromises. She said that her main concern is the number of windows on the addition. Her home is located behind the property and she looks right into their house. She stated that 12 windows are proposed on the front of the structure and asked the Board to consider removing one small window above the garage and requiring an opaque window to the left of it for the bathroom.

Boardmember Glassner suggested that landscaping would not be removed. Ms. Perry said a canopy of mature trees has been on the property over 40 years that could possibly die or a future owner may want to remove them. She said that she would be greatly impacted if the trees are removed. She asked that the windows above the sliding door and master bedroom be tinted. She reiterated that trees are not a permanent screening tool. Regarding the CC&R's, Ms. Perry said there are different zones, and the architect had complied with the 22 foot height requirement for another project in the neighborhood.

Dorothy Gallyot said she lives directly across from the site and next door to Ms. Perry. She felt the applicants are reasonable and could compromise, and hoped to come to some understanding. She voiced concern with the height of the roof and not being able to see the trees. She felt the amount of building proposed was massive, and felt it would impact her right side looking down.

Chris Hartung said they did not want to look at an ugly box. He felt that the applicants have been extremely accommodating. He did not have a problem with the height, but requested some breakup of the façade because they look down on the project.

Greg Johnson, applicant, did not believe that the additions would wall in the neighbors, illustrating his comments for the Board with pictures of the house. He stated that the photos show that the neighbors cannot see any portion of the house.

There was discussion by the Board about the possible use of skylights, different window materials and treatments and whether trees on the site would provide screening and privacy.

The Chair closed the public hearing.

Boardmember Teiser said he was sympathetic to Ms. Perry's comments that there are massive trees that she does not want removed. He agreed that this may occur in the future and stated that the Board should look at the house on its merits without relying on landscaping or trees. He said that the roof height complied with the Town's regulations, and if the neighbors wanted to enforce the CC&R's, they could choose to do so.

Boardmember Glassner said the purpose of the project is to make room for a family. He felt that the landscaping is very well maintained and he noted that the applicants have agreed to continue this and add to the landscaping. He agreed that the roof complied with the Town's regulations, adding that the CC&R's date back to 1951 and he questioned their enforceability. He found the plans to be very tasteful, incorporating many architectural accents that are not windows. He felt the windows did not appear to create an issue, and he supported the project.

Boardmember Corcoran said he was sympathetic to the neighbors. He noted that the Town does not enforce CC&R's, and raised questions about how many homes signed onto them, their validity, and whether they were enforced. He noted, however, that the Board likes to see neighbors comply with CC&R's when they are in place. He liked the design and was sympathetic to avoiding flat roofs. He thought that the Board should not penalize the applicants for other things that have happened in the neighborhood. He felt that the applicants have worked well with the neighbors and could have asked for a lot more. He did not feel the 2x2 windows were too large, adding that the office lights will most likely be off at night. He noted that the house is a distance from Ms. Perry's house and the majority of her views are more toward the water and not a primary view. He acknowledged that Ms. Gallyot was concerned about the height, but he felt that the additions would bring articulation to the house. He did not believe the additions would cause Mr. Roenau's house to feel walled in. He supported the project as is.

Vice-Chair Frymier said she is conservative about view blockage and massive houses. She said that she was very empathetic to Ms. Perry, as she would be the one home most impacted by the project. She liked the design of the house and the pitch roof and recommended using a contemporary roof or wood shingles. She said that she spent time at both Ms. Perry and Ms. Gallyot's homes and said the height does not bother her and the house does not feel massive. She also spent time at the Hartungs' home and said that coming up the street, the house looks like it could almost fall off the hill. However, she felt that it is a beautiful house that would not appear massive and felt it would not be nearly as objectionable as the Hartungs' house. She said her only issue was inconsistency in windows, as some are clear and some opaque, which confused her. She felt the

roof height could have gone to 30 feet, as the CC&R's were not enforceable by the Board. She stated that the neighbors' primary views were of water and trees and felt that once constructed the project would be much better than neighbors believe.

Chair Doyle said he grew up in New Jersey where everything is flat and these issues never came up, but every house here always has a challenge. He said that he is always concerned about blocking someone's primary view and whether there would be light pollution. He felt the 2x2 windows are not an issue, but wanted to see some type of screening within the house. He said that the doors seem to be the biggest issue for light pollution, and he felt there should be some internal screening for it, such as blinds. He felt there was no view blockage looking down from Ms. Gallyot's house, and his only concern was the doors.

Boardmember Teiser suggested tinting the glass in the doors, to be approved by staff.

Boardmember Corcoran said almost every project they see has similar double doors. Vice-Chair Frymier felt that Ms. Perry's house looks right into them.

Chair Doyle suggested the neighbors work together to resolve the issue. Boardmember Teiser said Ms. Perry was not concerned with light, but glare coming back at her house. Boardmember Glassner felt it was overkill and would approve the project without the requirement for tinting. Boardmember Corcoran agreed, and felt it was in the applicant's interest to have window coverings for their own privacy.

ACTION: It was M/S (Glassner/Frymier) that the project is categorically exempt from the provisions in CEQA and approving the application with the attached conditions of approval. Vote: 3-2 (Doyle and Teiser voted no).

G. APPROVAL OF MINUTES #15 OF THE 9/6/07 DESIGN REVIEW BOARD MEETING

Boardmember Teiser referred to page 3, and requested amendment to the first paragraph, 6th line down: "views are from the upper story master bedroom and bathroom and are not primary views."

Boardmember Corcoran referred to page 7, the large paragraph midway down, "He felt that the compromise proposed...the trail "

ACTION: It was M/S (Teiser/Frymier) to approve the Minutes of the 9/6/07 Design Review Board Meeting, as amended. Vote: 5-0.

H. ADJOURNMENT

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