

ACTION MINUTES #21

**TIBURON DESIGN REVIEW BOARD
THURSDAY, DECEMBER 6, 2007
1505 TIBURON BOULEVARD**

- A. ROLL CALL: Present:** Chair Doyle, Boardmembers Corcoran, Frymier, Glassner and Teiser
Absent: None
Ex-Officio: Planning Manager Watrous and Minutes Clerk Harper
- B. PUBLIC COMMENTS (FOR ITEMS NOT ON THE AGENDA)**
- C. STAFF BRIEFING**
- D. CONSENT CALENDAR**
1. 1601 Tiburon Blvd. Zelinsky/Bank of America Sign Permit **CONTINUED TO 1/17/08**
- E. OLD BUSINESS BEFORE THE BOARD**
2. 3 Southridge Drive Peitz New Dwelling **CONTINUED TO 12/20/07**
- F. NEW BUSINESS BEFORE THE BOARD**
3. 13 Roseville Court Van Dusen Cabana/Pool/Variance
CONTINUED TO 1/17/08
4. 132 Hacienda Drive Milano Additions/Variance
CONTINUED TO 12/20/07
5. 17 Venado Drive Coomber Addition/Variance **APPROVED**
6. 3 Parente Road Chu/Park New Dwelling/Variations **APPROVED**
- G. MINUTES OF THE 11/15/07 D.R.B. MEETING – APPROVED AS AMENDED**
- H. ADJOURNMENT – 9:10 P.M.**

**APPROVED MINUTES #21
TIBURON DESIGN REVIEW BOARD
MEETING OF DECEMBER 6, 2007**

The meeting was opened at 7:02 p.m. by Chair Doyle.

- A. ROLL CALL**

Present: Chair Doyle, Vice-Chair Frymier, Boardmembers Corcoran, Glassner (arrived 7:05 p.m.) and Teiser
Absent: None
Ex-Officio: Planning Manager Watrous, Associate Planner Tyler, Assistant Planner Phillips and Minutes Clerk Harper

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING

Planning Manager Watrous stated that the applications for 3 Southridge Drive and 132 Hacienda Drive have been continued to the December 20, 2007 meeting. He noted that the 78 Red Hill Circle appeal is scheduled for the January 16, 2008 Town Council Meeting and the 275 Diviso Street appeal is scheduled for the February 6, 2008 Council Meeting. He added that an appeal was received for the Kol Shofar approval, which has yet to be scheduled. He announced that the January 3, 2008 DRB meeting would be canceled.

D. CONSENT CALENDAR

1. 1601 TIBURON BOULEVARD ZELINSKY/BANK OF AMERICA, SIGN PERMIT

A request has been submitted for the construction of a double-faced, 20 square foot internally-illuminated monument sign in front of the Bank of America building, located at 1601 Tiburon Boulevard. Currently, the business has wall signs, but no free-standing signage. The proposed location of the sign would be on the south side of the building, along the Tiburon Boulevard frontage. The sign face would be constructed of acrylic while the sign cladding would be metal (aluminum). The name "Bank of America" and the company's "flagscape logo" would be the only illuminated components of the monument sign.

Matt Sieck, Sign Productions, stated that the wall sign on the south side of the building is illuminated but the one to the north is not, and they are trying to make the bank more visible to the street and public, particularly at nighttime. He said that they are proposing a small monument sign of approximately 20 square feet.

Boardmember Teiser questioned if the sign would be back lit. Mr. Sieck said it would be internally illuminated and the actual letters and logo would only be lit. He stated that the rest of the sign would be black and the light is intended to "halo" around the lettering.

Vice-Chair Frymier questioned and confirmed with Mr. Sieck that the bank wants to either install the monument sign or illuminate the other wall sign on the Beach Road side of the building. Planning Manager Watrous said this could be approved by the Board, but questioned how lighting would be addressed. Mr. Sieck said the sign would be illuminated in the same manner as the sign on the opposite side of the building.

There was no public comment

Mr. Sieck reiterated that the sign on Beach Road facing the market is the one they want to illuminate. He said they would use the same size and lettering which would mirror the other sign. Planning Manager Watrous

said there were no conditions of approval for the proposed sign and if this was something the Board could support, the applicant could submit an actual design for it and he recommended continuing the item to the next meeting.

Boardmember Teiser said he liked either an illuminated wall sign or an indirectly-illuminated monument sign. He said that if the bank wants a monument sign, it should be indirectly-illuminated and mimic the style of signs in front of Delano's Market, Town Hall and the Library for consistency.

Vice-Chair Frymier noted that a lot of vegetation surrounds the bank building. She was concerned about a sign that would be illuminated 24 hours a day and be very bright. She suggested that the other Boardmembers drive by the bank at night to evaluate the brightness of the existing sign prior to making a decision.

Chair Doyle said one option is to check to see if the existing sign could be illuminated, and another would be to install a sandblasted wood monument sign.

Boardmember Corcoran noted that other cities require that companies install more beautiful signs than the standard corporate sign package.

ACTION: It was M/S (Teiser/Corcoran) to continue the application to the January 17, 2008 meeting. Vote: 5-0.

E. OLD BUSINESS BEFORE THE BOARD

2. 3 SOUTHRIDGE DRIVE PEITZ, NEW DWELLING –CONTINUED TO 12/20/07

F. NEW BUSINESS BEFORE THE BOARD

3. 13 ROSEVILLE COURT VAN DUSEN, CABANA/POOL/VARIANCE

A request has been made to construct a pool cabana and the relocation of the pool and spa at an existing single-family dwelling located at 13 Roseville Court. The addition would include a vine trellis and fire pit between the new location of the spa and the proposed cabana. The existing fence along the eastern property line would be relocated as well. A variance is requested for reduced rear yard setback.

James Bradanini, architect, said the owners purchased the home over a year ago and their intent is to relocate and provide for a safe pool that is efficient and incorporates a new cover. He believed that the pool would be sited in a better position for views as well as for the use of their patio and terraces. He said that an outdoor 18 x 40 foot cabana is also proposed, which would accommodate a fireplace, barbecue, and other outdoor elements for the pool. A new spa would replace the existing one and new decking is proposed to be installed, as well. He said that they also propose to place the fences on the property line, as the existing fence encroaches onto the neighbor's property. He said that they met with the neighbor and acknowledged their concerns, and he said they want to provide screening between the two properties and supplement what vegetation currently exists. He stated that there is a stand of Cypress trees on the neighbor's property, which will stay in place and their intent is to add additional screening below the trees and a new 6 foot solid wood fence on the property line. He said that there would be space between the fence and improvements to provide

dense planting of shrubs along the boundary line and he was not sure whether or not the neighbor's shrubs would remain. He said that they met with Ron Barney of the Fire District and the roof would be a Class II composition shingle matching the existing house, with stone cladding on the cabana which would provide additional fire safety.

Boardmember Teiser said when he visited the property the owner indicated that the reason for the new pool was due to instability of the existing pool. Mr. Bradanini replied that the existing pool is rather old and that the prior owner had done some cosmetic resurfacing, but the owners desires a pool that would be structurally sound and add stability to the hillside.

Boardmember Glassner said there have been letters with regard to structural stability and asked the applicant to specifically address what they are contending from a geotechnical standpoint. Mr. Bradanini said that they will be working with a structural engineer and described the retaining walls, drainage improvements and soil conditions for the new pool.

Boardmember Corcoran confirmed that the pool decks did not count toward the setback and the edge of the deck at its closest point would be 3-4 feet from the side property line. In response to a question from Boardmember Corcoran, Mr. Bradanini confirmed that there is an existing fireplace on the property which would be replaced by a new, gas fireplace as part of the cabana. He said currently the existing pool is roughly 7 feet from the property line and the deck and fencing extend onto the neighbor's property and they intend to move it back and conform to the required setbacks. He noted a concern regarding exterior lighting and he said all lighting would be low voltage downlights.

The Chair opened the public hearing.

Barry Thornton, said he lives at the property next door to the proposal. He stated that their master bedroom is located on the first floor, along with the kitchen and den. He said that they feel it is a beautiful project, but would be better located somewhere else. He felt the applicants were trying to cram a lot between the two houses. He noted the required findings to grant the variance and strongly disagreed that the overall topography eliminates much of the lot for expansion, stating there is plenty of room at the lower end of the property for a pool and cabana. He felt that the cabana would have a "bandshell" effect during parties, creating too much noise. He said that the Cypress trees are aging, are not thick and once trimmed would most likely die. He stated that if the pool extends out, they would see a lot of it, water would reflect light up into their house, and there will be more activity and noise. He said the pool was completely redone by the prior owner and he felt the project should be scaled back.

Victoria Fong said she and her husband live above the site and are very concerned about lighting. She stated that the applicants did not prepare a lighting plan, and since the greenery has been cut back they can see much of the house and lights. In response to a question from Vice-Chair Frymier, Ms. Fong said the rest of the house is not shown on the plans and that she looks down on a series of lights in front of the garage and along the driveway.

Karen Land, wife of Barry Thornton, said that the existing pool is angled away from their view and house. She said that the new plan would move the hot tub to the very center of the improvements. She stated that the pool would be situated close to their house and it will be visible, along with reflections and people around the

pool. She said that the new pool would be larger than the current pool and not oriented properly to the house. She said that the cabana would be about 2/3 the width of the entire house and if the variance is granted, it would be much closer to their home.

Boardmember Corcoran asked if Ms. Land preferred that the variance not be granted, which would push the cabana 10 feet further downhill. Ms. Land said that the spa area, fire ring and decks could be reduced in size. She asked where the shallow and deep ends of the pool would be located.

Boardmember Corcoran wondered if there might be more of a privacy impact if the pool was located at the lower level of the property. Ms. Land said they would prefer to move the pool further forward, lower and over, but she noted that other neighbors might be affected. She felt that the project would be inconsistent with what she feels is the spirit of their neighborhood over the last 15 years. She stated that an acoustical study should be performed or materials could be used for sound absorbency.

Mr. Bradanini noted that there is an existing pool in the same general location as the proposed pool and they feel that the new pool would be an improvement. He said that the pool would have a cover and be less reflective when not used. He said the spa would be in the same location of the existing pool. He said that the intent of having the pool and the terrace adjacent to all decks is similar to what the owners currently enjoy and to push the pool down the hill would increase the distance from the house and make it less desirable.

Boardmember Glassner asked if the pool could be moved somewhere away from the property line to mitigate some of the sound and view issues. Mr. Bradanini said short of tearing down the existing decks, he did not feel this was a practical solution. He said that the decks and railings are brand new and they do not wish to push the pool further toward the house. He said the decking around the pool is on three sides, which would leave some space for chairs and circulation to access the pool at the shallow end along the spa edge. Vice-Chair Frymier questioned and confirmed with Mr. Bradanini that they could change the shallow end to the opposite end.

Boardmember Corcoran questioned the added safety of the proposal, and Mr. Bradanini said it would be made safer because of the presence of a pool cover. He said that the pool was recently redone but not to the new owners' standards and they feel it would not be practical to remodel the existing pool again. He stated that the work done on the pool 3-4 years ago was cosmetic and substandard and the trees create a lot of litter into the existing pool.

Vice-Chair Frymier questioned whether the project was proposed more for cosmetic or safety/structural reasons. Mr. Bradanini said that it would cost a significant amount of money to refurbish a pool, while a brand new one could be built that would be nicer, and he agreed that the issues were both structural and cosmetic.

Boardmember Glassner asked if the owners would consider relocating the position of the pool away from the property. Mr. Bradanini said he did not believe there was another position for it; however, they could move it to the south.

Vice-Chair Frymier asked if the cabana could be moved away from the neighbor and questioned the amount of decking space. Mr. Bradanini said that they did not want to tear 8 feet of existing decking and there would be 15 feet between the cabana and house. He said that the pool would be 20 x 40 feet, which he felt was the size

of a standard residential pool. He said that said they could move the cabana back, but he was not sure what this would accomplish, as they have aligned it to the back edge of the house.

Boardmember Corcoran asked if the cabana materials would be sound absorbent. Mr. Bradanini said currently all activities of the existing pool are outdoors and he was not sure that the cabana would generate additional noise. He said that if noise were generated, it would travel outward and away from the neighbors.

Boardmember Teiser suggested that the applicant consider installing a taller fence of a sound absorbent material which would block sound to the neighbors' master bedroom. Mr. Bradanini said they could entertain that notion, but pointed out that the neighbors' master bedroom is an interior space with new double pane windows, and noted that people like to open their windows.

The Chair closed the public hearing.

Boardmember Teiser felt the project was overdone and too massive. He said that the cabana was too large and looks like a second unit. He felt the pool was too large and would prefer to see the pool located in the area below the existing pool. He said that they then could build the cabana into the hillside which would reduce noise for the neighbors, and the current pool area could be used as a play area for children. He said that from a safety standpoint, having a limited play area with a big pool is not necessarily safe. He supported the idea of a taller acoustical wall along the side property line, for which the Board would be inclined to grant a variance.

Boardmember Glassner felt children would most likely not play around the pool and would more likely use a lawn area. He requested more structural information and a more complete lighting plan. He felt there were other areas on the lot that could be used for the pool and could not support the project as presented.

Boardmember Corcoran said if it were not for the cabana in the required setback, he would have a hard time opposing the project. He suggested rotating the pool and cabana 90 degrees so that the cabana would back up to the neighbor's house, which would provide an acoustical barrier and create a courtyard around the pool. He also suggested minimizing the size of the cabana and pulling the decking back from the side property line. He agreed with Vice-Chair Frymier's concerns about safety, but felt the project was more of an aesthetic issue.

Vice-Chair Frymier felt it was a beautiful project, but over scale. She was concerned that the pool was just remodeled three years ago. She supported embellishing what is already there with the current pool and a smaller cabana. She agreed the owners were entitled to the floor area and lot coverage, but she did not see the purpose for the project.

Boardmember Teiser said even though projects are under the FAR and lot coverage limits, it does not mean owners are entitled to approval, especially if the design impacts others.

Chair Doyle thought that this was a nice plan, but one that felt large. He noted that there is an existing pool, but the new pool and improvements would increase usage. His main concern is noise more than anything else, noting that the proposal indicates about 15 chaise lounges spread around the pool. He said that he did not have as much of an issue with the proposed pool location, because if it were placed further downhill, someone else would see it from another position. He felt that the cabana would actually help with noise, but suggested continuing the right side of the building along the fence line and putting a pergola along the fence line to

address noise and visual issues. He said that decreasing the size of the project would not decrease noise that much, and that he might support a variance for an overheight sound wall. Planning Manager Watrous noted that a fence higher than 6 feet would require a variance and likely the relocated cabana would also be in the side yard setback and require a variance for reduced side yard setback.

ACTION: It was M/S (Glassner/Teiser) to continue the item to the January 17, 2008 meeting. Vote: 5-0.

**4. 132 HACIENDA DRIVE MILANO, ADDITIONS/VARIANCE - CONTINUED
TO 12/20/07**

5. 17 VENADO DRIVE COOMBER, ADDITION/VARIANCE

A request has been made to construct additions to an existing single family home located at 17 Venado Drive. The additions would include a new laundry room and the enclosure of an existing breeze way into living space. An exterior stairway would be added from the existing roof deck to the ground level. A series of attached shade structures would be added along the side of the home. A variance is required for excess lot coverage.

William Coomber stated that he was available to answer any questions from the Board.

There was no public comment.

Boardmember Teiser said he supported the project. Boardmember Corcoran noted that there was no neighborhood opposition.

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

6. 3 PARENTE ROAD CHU/PARK, NEW DWELLING/VARIANCES

A request has been made for the construction of a new single-family dwelling on property located at 3 Parente Road. The existing house on the site would be demolished. The proposed house would include two full stories and a basement level. The main level of the house would include a three-car garage, living and dining rooms, kitchen, nook, family room, laundry room, an office and a guest suite. The upper level of the house would include a master bedroom suite, three bedrooms and bathrooms and a tech area. The basement level would include an office, a media/exercise room and mechanical/storage areas. A swimming pool and pool house would also be constructed. Variances are requested for reduced front yard setback and excess wall height.

John Park, owner, said he and his wife currently live in Belvedere with two small children and their intention was to find a more permanent residence. They identified this property a year ago and were attracted to it because of its size, the fact that the lot did not obstruct views, and the ability to have significant privacy. He said that they have been in contact with all their neighbors to discuss the project and to articulate their efforts

to preserve privacy through screening. He described the site as having a shallow slope, with a flat pad at the top of the property where the house is proposed to be situated. He obtained approval signatures from 5 of the 8 property owners, and none of the other neighbors appear to object to the project.

Boardmember Teiser noted Parente Road and Antonette Drive do not connect and he questioned if a fire safety plan would require the owners to connect the roads in the future. Planning Manager Watrous said there is a separate precise development plan underway for the Parente property which is accessed from Antonette Drive. He noted that an unpaved roadway that has recently been punched through connecting the two streets would not be usable for most vehicles, as the left turn from Parente Road onto Paradise Drive is extremely hazardous, but that this may be used as an emergency fire access point in the future.

Adam Gardner, architect, described the site characteristics and the roadway easement across the lot. He said the easement comes into play with the setback, causing what is essentially a 50 foot front yard setback. In response to a question from Boardmember Glassner, Mr. Gardner said they could push back the home out of the setback, but felt that this siting works better for the neighbors. He noted that the existing house does not conform to the setbacks and this would allow them to stay on the existing flat pad. He said that they are orienting the house to take advantage of views and for privacy from houses below. In response to a question from Boardmember Teiser, Mr. Gardner said the wall height variance request is mainly one of aesthetics, as the wall would create privacy and separation from the auto court. He felt that they addressed the Hillside Guidelines with a number of elements rather than just stepping the building, including color and materials changes and a cantilevered metal awning which will cast a shadow line.

Mr. Park also noted the proposal would sink the house three feet down from the existing grade to address. Mr. Gardner added that this reduces the overall height of the house as well and they are well under the 30 foot height limit.

Brett McPherson, landscape architect, described the various landscape design features of the project. He noted that spoils from grading would be used to work the improvements back into the existing grade. He showed illustrations showing the existing and proposed trees on the site.

The Chair opened the public hearing.

Michael O'Donnell said he lives west of the site and asked questions about the project location, building height and placement of the proposed overheight wall.

Boardmember Corcoran and Vice-Chair Frymier asked about the purpose of the auto court wall. Mr. Gardner said that you would drive through and under the wall into the auto court, and that the wall is intended to provide privacy to this portion of the lot.

Boardmember Teiser asked if the wall and gate would allow access by large delivery or moving trucks. Mr. Gardner said garage doors were typically 8-9 feet tall, and they are proposing the opening in the wall to be 10-10.5 feet tall. Boardmember Glassner noted that many hillside properties use smaller delivery trucks.

Boardmember Corcoran asked what would need to be done to make the wall comply with the Town's guidelines. Planning Manager Watrous said the zoning ordinance only allows excess height for a wall directly

above an entry way, similar to a trellis over a gate.

Chair Doyle asked if the storage and basement areas were considered to be habitable space. Planning Manager Watrous said those areas in the basement would not count toward the calculated floor area of the house.

Boardmember Corcoran asked what would need to be done to step the project into the hillside. Mr. Gardner said it would change the design, but would not be noticeable from off the site, and the owners would be most impacted. He said that they wanted to avoid changes that would move the house closer to the neighbors without accomplishing anything meaningful. He said that the house would be 50-90 feet from other properties which are lower in elevation, and that they have broken up the mass and bulk of the house with the low pitch roof and other architectural elements. Mr. Gardner said that they are aware of the Hillside Guidelines and are taking advantage of the unique site to create a style and look which results in an attractive house.

The Chair closed the public hearing.

Vice-Chair Frymier stated that the Board sometimes reviews extremely large projects where people question their extravagance, but she felt this home was gorgeous and the setting was stunning. She said that she would not step the house, as this did not feel like a huge house. She said that the applicants had paid attention to every detail, and she complimented the high quality materials which make the project fit with the hillside and feel peaceful. She said that the number of windows was not excessive and that the play area is in a good location. She said that she was a little nervous about the 13.5 foot wall, but thought it was beautiful and that the owners have done an excellent job by guiding the architect.

Boardmember Glassner felt the house was spectacular and complimented the architect and landscape architect for being thoughtful in the process. He liked the fact that the house was lowered three feet into the ground and agrees that this is a unique property. He acknowledged that this is a big home but welcomed the owners to Tiburon.

Boardmember Corcoran felt the design was beautiful, but did not feel it was perfect. He said that the owner did an exceptional job of reaching out to the neighbors. He wished the house was not so massive, but he generally supported property owners being able to do what they wish within the guidelines. He said that the big issue for him is that staff was unable to make the findings for the variance for the auto court wall. Although the property across the street is not developed, he was not sure the zoning ordinance only applies in areas where there are a lot of homes on the street. He said that he would support a formal entryway gate, but something more modest, rather than something twice the size of a regular auto entry gate. He said that he walked around on the property in the front area and the story poles felt very high, especially when seen from the neighboring lots. He disagreed with the contention that stepping the house back would only have an impact on the property owner and felt a lot of thought and effort went into the Hillside Guidelines which apply to the entire community. He said that the house should be subject to the same standards of stepping into the hillside as other homes in town to reduce the steepness of the house. He understood that the owners are great neighbors and reached out to everyone, but the structures are there for generations and he could not support the variance for the wall because he could not make the findings.

Boardmember Teiser said he could make the findings, noting that the Board looks at projects on a case-by-

case basis. He noted that the 13 foot, 6 inch fence was not a solid wall, and contained a gate with an open design. He characterized the overheight wall as an architectural feature that enhances the architectural design of the house. As such features are often approved for other homes, he felt that granting the variance for the wall would therefore not be a special privilege to the owners. He felt that the house would not violate with the Hillside Guidelines and the entry gate wall was appropriate for the design of the house.

Chair Doyle also felt that this was a great house. He was a little concerned about the storage areas, but acknowledged that this space would be buried. He felt that the auto court wall dies into the hillside and balances out the design of the house. He said that the house would look barren with a lower wall, creating an unnecessary hardship for the owner. He also noted the sloping terrain leading down from the roadway that creates a special physical circumstance for the site.

ACTION: It was M/S (Glassner/Frymier) that the project is exempt from the provisions of the California Environmental Quality Act and approving the project with the attached conditions of approval. Vote: 4-1 (Corcoran voted no).

G. APPROVAL OF MINUTES #20 OF THE 11/15/07 DESIGN REVIEW BOARD MEETING

Boardmember Corcoran requested the following amendments:

Page 9, 2nd paragraph, "...five trees be located near the new classroom"

Page 10, 3rd full paragraph, "...he walked the surrounding streets ~~from~~ and the story poles could be seen..."

ACTION: It was M/S (Teiser/Frymier) to approve the Minutes of the November 15, 2007 Design Review Board meeting, as amended. Vote: 5-0.

G. ADJOURNMENT

The meeting was adjourned at 9:10 p.m.