

ACTION MINUTES #1

**TIBURON DESIGN REVIEW BOARD
THURSDAY, JANUARY 17, 2008
1505 TIBURON BOULEVARD**

- A. ROLL CALL: Present:** Chair Doyle, Boardmembers Corcoran, Frymier, Glassner and Teiser
Absent: None
Ex-Officio: Planning Manager Watrous, Assistant Planner Phillips and Minutes Clerk Harper
- B. PUBLIC COMMENTS (FOR ITEMS NOT ON THE AGENDA)**
- C. STAFF BRIEFING**
- D. CONSENT CALENDAR**
1. 1601 Tiburon Blvd. Zelinsky/B. of A Sign Permit **APPROVED**
 2. 114 Main Street Zelinsky/Carew Sign Permit **APPROVED**
- E. OLD BUSINESS BEFORE THE BOARD**
3. 9 Burrell Court Hariri Additions/Variance/Floor Area Exception
CONTINUED TO 2/7/08
 4. 85 East View Ave. Hoppe New Dwelling/Variations/Floor Area Exception
CONTINUED TO 2/21/08
 5. 3 Southridge Drive Peitz New Dwelling **APPROVED**
 6. 13 Roseville Court Van Dusen Cabana/Pool/Variance **CONTINUED TO 2/7/08**
 7. 65 Rolling Hills Rd. Tarantino New Dwelling/Variations **CONTINUED TO 2/7/08**
- F. NEW BUSINESS BEFORE THE BOARD**
8. 4639 Paradise Drive Rhodes Additions **REMANDED TO STAFF**
 9. 5 St. Bernard Lane Bastanmehr New Dwelling **APPROVED**
- G. APPROVAL OF MINUTES #22 OF THE 12/20/07 DESIGN REVIEW BOARD MEETING**
- H. ADJOURNMENT – 10:45 P.M.**

**APPROVED MINUTES #1
TIBURON DESIGN REVIEW BOARD
MEETING OF JANUARY 17, 2008**

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

A. ROLL CALL

Present: Chair Doyle, Vice-Chair Frymier (arrived 7:08 p.m.), Boardmembers Corcoran, Glassner and Teiser

Absent: None

Ex-Officio: Planning Manager Watrous, Assistant Planner Phillips and Minutes Secretary Harper

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING

Planning Manager Watrous reported that the application for 9 Burrell Court was continued to the February 7, 2008 meeting and the application for 85 East View Avenue was continued to the February 21, 2008 meeting. He noted that the application for 4639 Paradise had been modified and remanded to staff.

He stated that the Town Council heard and upheld the 78 Red Hill Circle appeal, voting to allow the decks but not the stairway. He said that the Town Council will hear the Kol Shofar appeal on February 6, 2008 and will hear the appeal for 275 Diviso on February 20, 2008. He added that an appeal had been filed for 70 Pine Terrace.

D. CONSENT CALENDAR

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

On December 6, 2007 the Design Review Board reviewed a proposal for construction of a new internally-illuminated monument sign for Bank of America, located at 1601 Tiburon Boulevard in downtown Tiburon. The Board was in favor of updating the existing on-building signage with illumination if a halo illumination effect was utilized instead of internal illumination, or if the monument sign was modified to mimic other monument signs in downtown Tiburon (i.e. a wood sign with indirect illumination). The Board continued the application with direction given to the applicant to either return with a modified proposal for construction of a monument sign, or new on-building signage with halo illumination. The applicant said he is now requesting approval for two (2) on-building signs, which would replace the existing on-building signage on both the north and south side of the structure. Each sign would be illuminated with halo illumination.

Matt Sieck, Sign Productions, explained that there are two types of internal illumination; halo and neon. He said that they propose to use halo lighting, which involves a low LED light illuminated from the front which would be less bright than neon lighting.

Boardmember Glassner confirmed the applicant was seeking approval of the door signage which was included in the application. He questioned the uniqueness of the door signage and the applicant discussed the content and reasoning for it. Planning Manager Watrous noted that sign regulations are content neutral, and that the Board does not have the ability to regulate the actual language content of the sign. He said that typical hours of operation and “no solicitation” language are generally considered exempt from the permit requirements.

Chair Doyle opened the hearing. There was no public comment and he closed the hearing.

Boardmember Teiser thanked the applicant for addressing the Board’s concerns from the last meeting. Boardmembers Corcoran and Vice-Chair Frymier echoed his comments, and Boardmember Glassner said he liked the spirit of the signage.

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

2. 114 MAIN STREET ZELINSKY/CAREW, SIGN PERMIT

A request has been made to construct two signs for a new restaurant (Cottage Eatery) on property located at 114 Main Street. The restaurant building has a double frontage on both Ark Row and the Main Street parking lot. A new 4.5 square foot wooden wall-mounted projecting sign would be mounted perpendicular to the front and back of the building. Each sign would have a dark blue background, black lettering with white outlines for the words “Cottage Eatery,” and a gold colored foodstuff logo.

Chair Doyle confirmed that the applicant was not present. It was the consensus of the Board that the proposal met all code regulations and could be approved.

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

E. OLD BUSINESS BEFORE THE BOARD

3. 9 BURRELL COURT HARIRI, ADDITIONS/VARIANCE/FLOOR AREA EXCEPTION - CONTINUED TO 2/7/08

4. 85 EAST VIEW AVENUE HOPPE, NEW DWELLING/VARIANCES/FLOOR AREA EXCEPTION - CONTINUED TO 2/21/08

5. 3 SOUTHRIDGE DRIVE PEITZ, NEW DWELLING

Boardmember Corcoran recused himself from this item.

This application to construct a new single-family dwelling at 3 Southridge Drive was reviewed at the November 1 and December 20, 2007 Design Review Board meetings. At the November 1 meeting, objections

were raised by several neighboring property owners regarding the height, roofing materials, parking, drainage and potential view impacts that could be caused by the proposed house. The Design Review Board recognized the difficulty of building on the last vacant lot in the subdivision and thought that the house should be lowered and possibly stepped down on the property. The application was continued to the December 20 meeting. Plans were revised to lower the house, grade down on the site, move a trellis and plant additional landscaping. At the December 20 meeting, Boardmembers Teiser and Glassner disagreed on the merits of the project, but agreed to continue the hearing to the January 17 meeting to allow participation by more Boardmembers.

Dan Weiss, applicant, said they have listened to neighbor concerns and he felt that significant progress had been made. He reiterated that the project requests no variances, is within the height limit, building envelope, setbacks, and lot coverage ratios and floor area ratio. He said that this would be the one of the smallest homes on the cul-de-sac and its design was consistent with the neighboring two-story homes. He said that after lowering the ridge height 4.5 feet they have now lowered it by another 1.5 feet by reducing the second story from a 9 foot ceiling to an 8 foot ceiling. He said that the trellis in the view corridor for the home at 1 Southridge Drive was removed and other trees and shrubs had been added as requested by other neighbors. He stated that they would grade the lot down and use the fill on-site to increase the backyard. He said that the roof color would be changed from black/grey to a weathered wood appearance. He said that they raised the sill height in the upper story children's bedrooms to accommodate Ms. Linn's request. He described discussions with Ms. Linn and Ms. Fenner regarding hedge materials, stating that they had narrowed the selection down to four species. He stated that they now wanted to move the house 8 feet further back from the cul-de-sac, keeping it up against the setback line and still retaining Mr. Van Hooser's view corridor. He acknowledged that this change does not have 100% support of the Fenner's and the Linn's and that the trees to be planted could grow over time into Mr. Van Hooser's view corridor.

The public hearing was opened.

Arthur Gimmy, Highlands Architectural Control Committee member, said he had previously suggested that the house to be moved back off the cul-de-sac and he was satisfied with the applicants' willingness to make all of these changes and make most neighbors happy, but noted that it is impossible to make everyone happy.

Barbara Linn said that the house is still very large, and she asked that the house be one-story or further stepped down. She envisioned the impact on her house to be minimal if the house was moved 8 feet back, but believed that a one-story home would be the best for everyone. She thanked the Peitz's and Mr. Weiss for their participation and compromises with the landscaping.

Sean Vineyard said that their last remaining issue was the 4 foot high master bedroom window which would look directly into their family room and kitchen. He believed that the further the house moves to the west and the more it rotates, the less the master bedroom window would be an issue for him and raising the sill height to 5 feet could alleviate the problem. In response to a question from Chair Doyle, he said that landscaping would grow to enhance their privacy, but would most likely intrude into the Van Hooser's view corridor.

Diane Nhuch stated that the project is too close to the street and would look like a large mass looming over the cul-de-sac. She felt that the two-car garage does not provide enough off-street parking and described parking issues the cul-de-sac. She acknowledged that her preference would be to move the house back 8 feet to provide additional parking in the driveway.

Chris Ventris said they previously had requested that the home be lowered 6 feet which had been done, but he did not believe the house would be aesthetically pleasing in its positioning. He said that he would support the project if the house were moved back on the envelope, which he felt would be a good compromise.

Cindy Fenner acknowledged that the applicant updated the landscape plan with hedging and three trees as she had requested. She said that the Architectural Control Committee for the homeowners' association had not yet formally voted on the revised house design. She believed that as the structure is moved down on the property, it would impact her more and she requested story poles be erected to determine the impact. She said the applicant and owners have done a good job in making compromises to the landscaping, roofing and windows. She agreed that this is a difficult lot and anything built would be a positive for one neighbor and a negative for another. She said that she could support the project if it was in its original location, rotated to the building envelope and with adjustments made to the windows on the south side.

John Van Hooser thanked the Peitz's for their compromises and said that his family is supportive of the project with the proposed changes and moving the house back. He said that the Peitz's have done a lot of work to protect his view corridor and he asked that the trees be limited in height to avoid impacting his views. He said that he was sensitive to Ms. Fenner's issues for privacy and is hopeful that the new hedge material would solve that issue for her.

Mr. Weiss stated that the three outstanding issues were the windows, trees, and the placement of the house. He said that the master bedroom was very important to the applicants and the windows have been carefully designed for balance and light. He felt that the window would not impact neighbors' homes and that the applicants are entitled to windows that would make for a beautiful room. He said that they agreed to do whatever the Board directs regarding trees, noting that the proposed trees do not typically grow over 15 feet and the Peitz's were also willing to trim them, as needed. He said that the applicant said also would agree to do whatever the Board directs regarding the placement of the house. He said he has spent countless hours in trying to understand exactly what all of the issues are and agreed that not everyone will be 100% happy. He believed moving the house 8 feet would serve to provide more parking and also a flatter driveway grade and had the support of more neighbors. In response to a question from Boardmember Teiser, Mr. Weiss stated that the hedge material was chosen because it is hardy and vigorous and there is the ability for controlling its height. He believed that once the hedge reached 8-10 feet, it would block any views from Fenner's home. He thought that the benefits from moving the house and twisting it far outweighed keeping it right up against the cul-de-sac.

The public hearing was closed.

Vice-Chair Frymier agreed the lot was very difficult. She stated that she had visited the site 6 times and asked whether or not story poles were needed if the house were shifted back the 8 feet. Planning Manager Watrous said the requirement for story poles was at the Board's discretion and the poles are intended to ensure the Board and neighbors have enough information to make an informed decision.

Vice-Chair Frymier said she would support the project as modified. She believed that the changes and outreach conducted by the Peitz's and the applicant were outstanding. She felt that it was impossible to redesign the home to a one-story design. She believed that the Fenner and Vineyard home was low enough so

as not to be impacted by the proposed window placements.

Boardmember Glassner said the project has gone through many meetings and the applicants have made every change the Board requested and more. He did not support continuance to install new story poles. He commended the applicants for the work to date and agreed that there was not way to make all of the neighbors happy. He said that he was ready to support the project.

Boardmember Teiser said he appreciates what the applicants have done and thought that they have come up with a good solution. He said that the applicants had done what he had intended, adding that he had not demanded a one-story design. He said that lowering the grade and ridge height and rotating the house addressed the problems. He did not believe story poles were necessary. He noted that the Fenners house was lower and the hedge will address their privacy issues. He said that he would not insist on raising the master bedroom window sill height, adding that people would not be standing in the window. He said that he could support the project as revised and moved back 8 feet, which would provide for more parking as well as a larger driveway.

Chair Doyle agreed that the lot was difficult, but thought that the home would not be out of scale with other homes in the cul-de-sac. He agreed that the applicants have made significant compromises and have gone out of their way to make changes to appease the neighbors. He acknowledged that the changes have not necessarily been to the benefit of the applicants and they have done the best that they can. He agreed that new story poles were not needed suggested that the trees and hedging be left to the discretion of staff.

ACTION: It was M/S (Glassner/Teiser) that the project is exempt from the provisions of the California Environmental Quality Act and approving the project, subject to conditions of approval as revised with the house moved back 8 feet and rotated to the northern building envelope line, that a *podocarpus gracilior* hedge be planted along the property line facing 1 & 3 Cayford Drive, and that the species of the trees shown on plans to provide screening for the home at 1 Cayford Drive be reviewed and approved by Planning Division staff. Vote: 4-0-1 (Corcoran recused).

6. 13 ROSEVILLE COURT VAN DUSEN, CABANA/POOL/VARIANCE

The applicant is requesting Design Review approval for the construction of 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. This application was first reviewed at the December 6, 2007 Design Review Board meeting. At that meeting, the adjacent neighboring property owners at 33 Mark Terrace raised concerns regarding potential privacy impacts that would be caused by the proposed pool cabana and the relocation of the pool. The Board reviewed the proposal, but continued the project to give the applicant time to revise the proposal and to allow for additional dialogue between the neighbors. The Board also suggested the idea of a sound wall along the property line to decrease the potential privacy impacts on the neighboring property from the subject property. The applicant has now submitted revised plans showing the cabana, the spa and pool reduced in size and shifted to the west, the location of proposed exterior lighting and the addition of a stone sound wall. The existing fence along the eastern property line would be relocated and replaced with the stone sound wall, 8 feet in height. An existing wall would be reconfigured on the side of the pool in order to accommodate an infinity edge to the pool. Landscaping would be added between the previously approved lower walls and along the eastern property

line. The proposed sound wall exceeds the maximum allowed height for walls within the required setbacks, but a variance for excess wall height has not yet been noticed. A variance is still requested for a reduced rear yard setback.

Jim Bradanini, architect, acknowledged the Board could not vote on the proposal tonight and said surrounding neighbors were present as well as the soils engineer and structural engineer.

Stephen Van Dusen, owner, said that he had hoped that the feedback from the neighborhood and the Board would have led to a supportive outcome. He stated that the home required updating and renovation of the retaining wall, pool and drainage. He said that they have received complete project support from two neighbors, have met with others to make changes to address privacy issues and hoped everyone could work collaboratively to achieve approval.

Mr. Bradanini distributed a packet of supplemental site photographs, stating he had met with neighbors and describing changes made to the project design in response. He described the 8 foot tall sound wall that would be offset from the property line as it moves up the hill and noted that they had consulted with Charles Salter and Associates, a well-known acoustical engineering firm, to address noise impacts. He said that they decreased the size of the cabana, pool and spa and shifted the cabana and pool away from the neighbor. He described the lighting plan which includes low voltage, wall-mounted downlight fixtures. He explained the vantage points from the Thorntons' home to the proposed improvements, stating that the existing trees and proposed hedge would block any views of the cabana and pool or soften its appearance.

Vice-Chair Frymier that confirmed the size of the cabana was reduced from 720 to 640 square feet and would be tucked into the hillside out of view from the neighbor's house and deck.

Boardmember Corcoran asked whether the applicant was amenable to moving the pool down to the lower level. Mr. Van Dusen said that their master bedroom is located close to the proposed pool location and they have a 7 month old daughter and want to enjoy the close proximity of its proposed location. They believed that locating the pool three levels below would not be safe. He stated that the pool would not be in the neighbor's line of sight.

Vice-Chair Frymier questioned if the pool could be moved two more feet to the west. Mr. Bradanini responded that the pool would be then too close to the existing deck which would make it unusable, adding that the distance between the neighbor's house and the pool was 47 feet.

The public hearing was opened.

Barry Thornton thanked the Van Dusen's for meeting with him and his wife and said that he believed that they were definitely moving on a path toward agreement but were not quite there. He asked to move the pool to the lower level, stating that pools for many other homes in the Del Mar neighborhood were located on lower levels. He cited privacy issues and said that the submitted photographs were not an accurate depiction of where the sound wall would be seen from their upper deck.

Boardmember Glassner asked what would need to occur to find middle ground. Mr. Thornton said they could accept the project if they received reassurance that the sound wall would do what it says it will do and if the

size of the cabana was reduced. He was concerned that fumes from the barbecue's vent would flow right into their den. In response to a question from Boardmember Corcoran, Mr. Thornton said that they are concerned with the cabana's size, closeness and the potential noise created by its use.

Barry Fong thanked the applicant for working with the neighbors and for their courtesy and openness to making changes. He said their concerns were with the lighting plan, soil stability, drainage and noise with construction. Boardmember Teiser indicated that the Board could only address issues relating to light and not the others cited by Mr. Fong.

Victoria Fong said that she wanted more information about the project and voiced concern about construction vehicles coming and going by their home's entrance. She presented pictures taken from their deck of the Van Dusen's home and was unsure whether the pool or lighting would affect them.

Mr. Bradanini stated that they are willing to further discuss lighting issues with the Fongs and thought the cabana would be invisible to the Thorntons, as they have placed it at a point where it would be the least visible. He said they are amenable to moving the vent further away but they did not want to reconfigure the entire plan.

Boardmember Glassner noted there was an existing barbecue and asked how flexible the applicant would be in relocating the pool. Mr. Bradanini said that they have shifted and squeezed everything as close as reasonably possible to the house, and if moved further, would bring the pool and cabana more into view. He thought that moving the pool and cabana 2-4 feet would not make any difference and reiterated that the owners would provide a visual and acoustical buffer.

Planning Manager Watrous confirmed that the cabana was also 47 feet away from the neighbor's house, as was the pool. Mr. Van Dusen said that they have come to the Board with what they feel is a final proposal and the best they can do. He stated that there was little difference between the existing and proposed designs and he hoped everyone could be supportive after more information is obtained.

Boardmember Teiser discussed the danger of watching children in a nearby pool from inside the home and asked if a safety fence was required or proposed. Boardmember Corcoran thought a pool located down the hill would be more dangerous. Planning Manager Watrous said the Town's Building Official is extremely strict about pool safety and would likely require an intermediate pool barrier to make the pool completely safe.

The public hearing was closed.

Chair Doyle said that it is common sense that everything should be where it is already located. He noted that the Van Dusen's could cook on a grill located anywhere on the site. He thought having a roof over the cabana would increase privacy. He said that the applicant is not asking for anything that is not already there or what the neighbors around them do not already have. He felt that moving the pool downhill did not make sense and that the sound wall was a good idea. He thought that the project was simple and direct and that the issues were getting blown out of proportion. He said that the applicants are not asking for anything out of the ordinary and that landscaping would help soften the appearance of the sound wall. He said that moving everything two feet over would not change views or sound and he thought the pool and backyard amenities would be nicer than what is already there. He added that he also had mentioned at the last meeting that it would be nice if the

applicant took the pergola and wrapped it around, and then bring it over to plant something on it.

Boardmember Teiser said the design with the sound wall and landscaping was a good solution. He believed that the cabana was not too large and moving the pool away from the neighbors addressed many issues.

Boardmember Corcoran said that he did not see any difference in having a roof over the cabana or not and felt that a cabana would provide more privacy.

Boardmember Glassner said that this is a first class project and that the owners and applicant have worked with the neighbors. He said that he would support it tonight but agreed the variance for the overheight wall is needed. He asked that the applicant clarify issues with the neighbors and supported a continuance to the next meeting.

Boardmember Corcoran said that the cabana would be more than 50 feet from the barbecue to the neighbors' home, but added that if it was his house, he would flip the barbecue to the other end of the cabana.

Vice-Chair Frymier acknowledged the improved presentation of the project, adding that the project had seemed more opulent before. After visiting the site she believed the request to be a significant improvement over what was there. She agreed that the Town is strict about pool safety requirements and felt that locating the pool downhill would be a disservice and extremely expensive to landscape. She stated that the project is just a renovation that needs to be done.

<p>ACTION: It was M/S (Teiser/Corcoran) to continue the application to the February 7, 2008 meeting. Vote: 5-0.</p>
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7. 65 ROLLING HILLS RD. TARANTINO, NEW DWELLING/VARIANCES

A request has been made to construct additions to an existing one-story single-family dwelling on property located at 65 Rolling Hills Road. As more than 50 percent of the existing house would be demolished as part of the project, the application is being processed as a new single-family dwelling. Variances have been requested for reduced front and side yard setbacks. This application was first reviewed at the December 20, 2007 Design Review Board meeting. At that meeting, the neighboring property owners at 75 Rolling Hills Road and 9 Owlswood raised objections to the two-story portion of the project design. Both property owners objected to the visual mass of the upper level addition, primarily when viewed from their rear yard areas. The Design Review Board shared the neighbors' concern regarding the visual mass of the proposed addition. The Board requested a formal submission of the revised plans and erection of new story poles for the project and continued the application to the January 17, 2008 meeting. The applicant has now submitted revised plans for the house. The footprint of the first floor of the house would remain unchanged. Much of the upper floor level would be pulled back 4 feet from the edge of the lower floor, with a roof overhang that would extend 6 inches beyond the lower level. The decks at the western end (facing 75 Rolling Hills Road) have been shortened to 5 feet. Windows along the southern elevation would be generally unchanged from the previous house design.

Nick Noyes, architect, provided an overview of the project and said that they met with both sets of concerned neighbors twice to try to accommodate their requests. He emphasized that they are renovating an existing building and are trying to stay within the existing footprint. He said that the house would not be close to its

FAR or lot coverage and no views or lights would be blocked. He said that they spent a lot of time studying the site and reviewing the Hillside Guidelines, citing Goal 1, Principle 10 and Goal 1, Principle 5 in their efforts to break down the mass of the house. He said that the main view of the house from the community is from downhill. He said that in response to meeting with the neighbors they pulled a portion of the building back 4 feet and lowered the roof one foot. He stated that the overhang facing the Barry's does not extend past the edge of the building, but they moved the overhang and column back 5 feet. He said that the living room windows would be broken up by solar shades to mitigate the expanse of one material. After meeting with the Fishers, he said that they moved back the building and cut back the overhang. He noted that there is an existing hedge above the Barry's home which blocks their line of sight of the lower portion of the house. He felt that the overhang would not be massive but would help to create shadow and break down the scale of the building. He cited Goal 1, Principle 6 of the Hillside Guidelines which states how overhangs break up mass, and Goal 2, Principle 6 which discusses overhangs for windows, adding that the overhangs create a passive solar system for the windows. He said that they were working with a spirit of compromise and had tried to meet all of the requests made by the neighbors, but they are trying to maintain a certain integrity to the design.

James Tarantino, owner, said that he has been interested in design for the majority of his life and that they have taken a considerable amount of time to design the elements of the home. He felt that they have created something visually interesting that would compliment the neighborhood. He said that they accommodated the neighbors the best they could and modified the plans without sacrificing the philosophy of what they want to accomplish. He thanked the Board and said that he remained optimistic to being able to address neighbors' concerns.

The public hearing was opened.

Kevin Fisher thanked the architect and owner for spending the time with them and their efforts. He said that their concern is the impact the corner of the second story addition would have on their property. He appreciated the fact that the applicant has agreed to push it back, but he asked that the overhang and visual mass of the addition be addressed. They appreciated the owner's desire to maintain the integrity of the design, and hoped there was a way they can work something out. He noted that the prior neighbor kept the hedges cut low which is important for their views.

Vice-Chair Frymier asked what would make Mr. Fisher support the project. Mr. Fisher said that although he appreciated that the corner has been pulled back from the original design, from his property the overhang is a large mass in their line of sight. He said that he would like to see the addition redesigned, pulled back or minimized because it juts into view from his property.

Chair Doyle noted the existing house was actually closer to the Fisher's. Mr. Fisher agreed, but noted that it is currently a single-story home and not two stories with a deck looking into their backyard and pool area.

Robin Fisher said that the issue is simply one corner of the upper addition which feels like a gallery looking down. She said that if the corner was removed or pulled back 4 to 5 feet that would take it out of their realm. She noted that the drawings show the hedge past the top of the railing, which would be a huge impact to their views and she noted the applicant agreed to keep the hedges trimmed down.

Bill Barry said that he and his wife live below the house and appreciate what the architect and owner have

done. He said that they like the design in theory but their main concern is the mass of the structure. He said that from their house, it is about 15-20 feet up to the base of the applicant's house and almost 30 feet to the second story addition. He suggested possibly sloping the roof, but was not sure how much more could be done with the project design. He noted that he had previously putting the wing on the other side of the house and thought there would be no view problem in that area. He said that the hill below the subject house drops directly down to his property.

Mr. Noyes said that they appreciate the neighbors' willingness to discuss their preferences and that they were open to discussing issue of vegetation, but after a certain point during their meeting with Mr. Fisher's, it seemed that Mr. Fisher simply did not want to see anything of the house.

Chair Doyle asked and confirmed that the applicant had lowered the roof by one foot, lowered the ceiling down to 8 feet, 6 inches before eventually moving up to 10 feet in the master bedroom.

Planning Manager Watrous suggested that the entire master bedroom wing could be moved to the right so the back wall is where the living room is. He thought that this would allow the same views and would be less impactful as it would move the second story away from the Fisher's. Mr. Noyes said that this would be a significant change, adding that the owner is interested in having a two-story volume in the living room and it would be a significant loss to him and the design. He thought that if the second story was moved to the middle of the house, they would get more complaints from neighbors below.

Vice-Chair Frymier asked if the overhang could move back a few more feet. Mr. Noyes reiterated that the overhang was consistent with the Hillside Guidelines and they have already moved it back significantly, which now constricts the rooms on the first floor.

Chair Doyle asked if the house would use the existing foundation. Mr. Noyes explained that there is a piece of the existing building which would be eliminated and they will need to do a small area of new foundation because of moving the overhang area back. He reiterated that the design is truly meant to be a renovation and not a completely new home, and any new foundation work required of them would cause them to review the financial situation of the project.

Boardmember Corcoran asked if the living room windows could be lowered at all. Mr. Noyes replied that these windows would cause no privacy issue.

Planning Manager Watrous noted that the railings shown on the master bedroom deck are horizontal and climbable and would most likely not be approved by the Town's Building Department. The applicant said that they would comply with building codes.

The public hearing was closed.

Boardmember Teiser noted that the impact on both neighbors is only from their outside areas and not from inside the homes.

Boardmember Glassner noted that the applicant is not proposing a new structure on a vacant lot, but is instead trying to make the existing home better. He believed that the applicant has gone as far as he can and the

project appears to be significantly improved.

Boardmember Teiser said that the corner is the only problem from the Fishers' house.

Boardmember Corcoran stated that the design is beautiful, but he felt that the applicant is trying to adhere to a design that is not very flexible. He said that some designs simply do not work on certain sites and this contemporary design limits what the Board can do. He stated that the Hillside Guidelines discourage the expansive amount of glass windows, noting that the design includes a 23 foot high glass feature on both sides which would be prominent when looking up from Tiburon Boulevard. He cited Goal 2, Principal 2 regarding large expanses of materials on a single plane, Goal 2, Principle 4 to use great care with reflective materials, and Goal 2, Principle 6 to avoid excessive windows. He encouraged the Board to keep some of these more macro issues in mind when reviewing this house.

Vice-Chair Frymier agreed that Boardmember Corcoran's comments were valid, but felt that this project would be a big improvement and create a gorgeous house. She stated that this project optimizes what Tiburon is and she said that the Board should honor the architecture. She stated that the windows do not seem enormous. She was concerned with maintaining the integrity and architecture of the house.

Boardmember Glassner stated that the Hillside Guidelines are a tool and it is sometimes difficult to enforce them to the letter. He believed that the structure was not obtrusive, was better than the existing house and was not that far off from the spirit of the Guidelines.

Chair Doyle stated that it is often difficult to build a nontraditional design simply because it is different. He said that even if the windows were changed, the project would still have the same mass and feel. He said that a traditional house design would make the structure seem even more massive.

Boardmember Corcoran stated that the house would look massive from Tiburon Boulevard and the height issues would be even more of a concern with a different design. He said that the Board has to honor the Hillside Guidelines and reiterated that not every house design can work in every location. He suggested moving the master bedroom area above the living room, and the applicant could figure out where to move other portions of the house around.

Chair Doyle noted that from downtown he looks up at houses that rise three stories straight up. He was unsure what to suggest to the architect other than putting a trellis feature out by the bedroom doorway or openings into the overhangs to alleviate some of the problems from the neighbors below.

ACTION: It was M/S (Glassner/Frymier) to continue the application to the February 7, 2008 meeting. Vote: 5-0.
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F. NEW BUSINESS BEFORE THE BOARD

- 8. 4639 PARADISE DRIVE RHODES, ADDITIONS REMANDED TO STAFF**
- 9. 5 ST. BERNARD LANE BASTANMEHR, NEW DWELLING**

A request has been made for the construction of a new single-family dwelling on the property located at 5 Saint Bernard Lane. Currently a single-family dwelling occupies the property. The proposal calls for the demolition of more than 50% the existing walls of the home. By demolishing more than 50% of the structure, the project is therefore classified as “new construction.” The proposed project would maintain a two-level home design. The proposal would reconfigure and enlarge the home on the second floor to include an additional bedroom and a two car garage. The first floor would be expanded to include an additional bedroom and a secondary dwelling unit. The existing carport would be eliminated. The existing flat roofline would be expanded and reconfigured to include three ridges. The existing chimneys would be expanded and copper caps added to the tops.

Daniel Hunter, architect, described the proposed house and said that they are trying to work with the existing foundation. He stated that this was a modest proposal which would stay within the footprint of the northwest side, with no variances or no exceptions. He noted that a secondary dwelling unit would be used for the owner’s daughter.

There were no public comments.

Boardmember Corcoran referred to the three windows above the front door, noting the Board had difficulty in the past with a similar request. He did not believe the situation would block views but might cause light pollution. Mr. Hunter said that there will be some lighting directly above the door, but none directed at the windows and he noted neighbors were well-screened by a number of pine trees.

Boardmember Glassner noted that there were no letters objecting to the project and he felt that this was a thorough and complete design. He said that he was not fond of the roof color and suggested that it be toned down.

Vice-Chair Frymier agreed that the roof color should be toned down, adding that she was not a big fan of tile roofs, which look a bit dated.

Chair Doyle stated that he had no issues with the roof material but agreed that the color could be toned down a bit.

Boardmember Corcoran agreed, asking that the roof color be less orange and that uplighting be avoided in the hallway cupola area.

ACTION: It was M/S (Glassner/Corcoran) moved that the project is categorically exempt from the provisions of the California Environmental Quality Act and approving the project with the attached conditions of approval, with the additional condition that the roof material and color be reviewed by Planning Division staff. Vote: 5-0.

G. APPROVAL OF MINUTES #22 OF THE 12/20/07 DESIGN REVIEW BOARD MEETING

Boardmember Teiser requested the following amendments:

- Page 10, 3rd paragraph, last line, "...vote on the application due to a stalemate (which would deny the application) and because of the full Board not being present."
- Page 10, Item F, change date from 12/20/07 to 12/6/07; "Approval of Minutes #21 of the 12/6/07 Design Review Board meeting"

Boardmember Glassner requested the following amendments:

- Page 10, 3rd paragraph, last line, indicated that if there were potentially a "no" vote, the applicant would have to start over again;
- Page 3, 5th paragraph, last line, delete "unreasonable impact on views."
- Page 4, 4th paragraph, second line, "...three foot setback "represented only one corner" of the house.

Boardmember Corcoran requested the following amendments:

- Page 5, 7th paragraph, change "Fisher's" to "Fishers".
- Page 6, 7th paragraph, "Boardmember Corcoran said he did not want to make the project economically unfeasible ~~infeasible~~, but suggested..."
- Page 6, 8th paragraph, "The applicant asked if the shadow cast by a 3 foot overhang was a positive thing to break up the mass, and Boardmember Corcoran said it is a nice aesthetic feature but it does not comply with the hillside design guidelines."

<p>ACTION: It was M/S (Glassner/Teiser) to approve Minutes #22 of the December 20, 2007, as amended. Vote: 2-0.</p>
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Boardmember Teiser said that he believed that this would be his last meeting and the Board thanked him for his service to the Town, noting his respectfulness to applicants, collegiality and fairness. They said it was an honor and pleasure to serve along with him and wished him the best.

H. ADJOURNMENT

The meeting was adjourned at 10:45 p.m.