

**ACTION MINUTES #3**

**TIBURON DESIGN REVIEW BOARD  
THURSDAY, MARCH 6, 2008  
1505 TIBURON BOULEVARD**

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**A. ROLL CALL: Present:** Chair Doyle, Boardmembers Corcoran, Frymier and Glassner  
**Absent:** None  
**Ex-Officio:** Planning Manager Watrous, Associate Planner Tyler,  
Assistant Planner Phillips and Minutes Clerk Harper

**B. PUBLIC COMMENTS (FOR ITEMS NOT ON THE AGENDA)**

**C. STAFF BRIEFING**

**D. OLD BUSINESS BEFORE THE BOARD**

1. 85 East View Ave. Hoppe New Dwelling/Variations/Floor Area Exception  
**CONTINUED TO 3/20/08**
2. 8 Audrey Court Goldman Additions/Variance/Floor Area Exception **APPROVED**
3. 949 Tiburon Blvd. Zhang/Velasco New Dwelling **CONTINUED TO 4/3/08**

**E. NEW BUSINESS BEFORE THE BOARD**

4. 8 Egret Court Carrier New Dwelling/Floor Area Exception **APPROVED**
5. Potential Amendment to the Hillside Design Guidelines for "Borrowed Views"  
**RECOMMENDED APPROVAL TO TOWN COUNCIL**

**F. MINUTES OF THE 2/7/08 D.R.B. MEETING - APPROVED AS AMENDED**

**G. ADJOURNMENT – 9:25 P.M.**

**MINUTES #3  
TIBURON DESIGN REVIEW BOARD  
MEETING OF MARCH 6, 2008**

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

**A. ROLL CALL**

**Present:** Chair Doyle, Vice-Chair Frymier, Boardmembers Corcoran and Glassner  
**Absent:** None  
**Ex-Officio:** Planning Manager Watrous, Associate Planner Tyler, Assistant Planner Phillips and Minutes Clerk Lisa Harper

**B. PUBLIC COMMENTS - None**

**C. STAFF BRIEFING**

Planning Manager Watrous noted that the Town Council held its hearing on the Kol Shofar Design Review appeal on March 5, 2008 and directed staff to prepare a Resolution with additional conditions of approval. He stated that the appeal for 275 Diviso will be heard at the March 19<sup>th</sup> Town Council meeting. He added that the Town Council appointed Bryan Chong to the Design Review Board and that Vice-Chair Frymier was appointed to the Planning Commission and this would be her last meeting with the Design Review Board.

**D. OLD BUSINESS BEFORE THE BOARD**

- 1. 85 EAST VIEW AVENUE HOPPE, NEW DWELLING/VARIANCES/FLOOR AREA EXCEPTION - CONTINUED TO 3/20/08**
- 2. 8 AUDREY COURT GOLDMAN, ADDITIONS/VARIANCE/FLOOR AREA EXCEPTION**

An application has been submitted for the construction of additions to an existing single-family dwelling located at 8 Audrey Court. This application was first reviewed at the February 7, 2008 Design Review Board meeting. At that meeting, the adjacent neighboring property owners at 111 Lyford Drive raised concerns regarding potential privacy and noise impacts that could be caused by the proposed further encroachment into the side yard setback. The Board reviewed the proposal, but continued the project to give the applicant time to rethink and revise the proposal and to allow for additional dialogue between the neighbors. The applicant has submitted revised plans showing the proposed study in the location where the wine cellar currently exists. The wine cellar would be relocated to the proposed living space in the location of the existing greenhouse. A variance is still requested for a reduced side yard setback.

Michael Heckmann, architect, said that they have developed a plan which would convert part of the wine cellar into the study space. He said that the study would comply with the setback, while the wine cellar would have only an 18 inch encroachment. He said that this would reduce any noise or activity generated by the office use by enclosing it and locating it on the corner of the property which is above the neighbor's entry, opposite the garage and driveway.

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

Vice-Chair Frymier said that she had supported the project at the previous meeting and could still support it.

Boardmember Corcoran noted that the only reason the side yard setback requires a variance is because of an existing condition and because a wine cellar qualifies as living space, whereas the existing greenhouse does not under the Town's existing regulations. For this reason he did not believe it was significant to change from one use to another and he supported the project.

Planning Manager Watrous noted that staff was unable to make the findings for special circumstances or the

practical difficulty or unnecessary hardship and asked the Board to make these findings to approve the variance for the encroachment of the wine cellar into the setback.

Boardmember Corcoran said that the layout of the house on the lot in relationship to the slope creates few spots where the study could be located. Vice-Chair Frymier believed the practical difficulty would be obstruction to what is already an architecturally-sound home and locating it somewhere else. Boardmember Corcoran believed it would be a hardship to put a study at the end of a bedroom or in an area off the living room that does not flow with the house and a hardship to completely change the flow of the house and locate the office by their front door.

Boardmember Glassner supported the project, saying that the house has been well-designed and re-designed. He believed that there would be a practical difficulty in a design that would not work with the architecture or maintain the continuity of the house.

Chair Doyle stated that the house is architecturally uniquely set and the lot can tolerate the addition. He supported the application at the previous meeting and he believed the redesign is even better.

**ACTION: It was M/S (Corcoran/Glassner) that the project is exempt from the provisions of the California Environmental Quality Act and approving the project with conditions of approval. Vote: 4-0.**

### **3. 949 TIBURON BOULEVARD ZHANG/VELASCO, NEW DWELLING**

An application has been submitted for construction of a new single-family dwelling on the property located at 949 Tiburon Boulevard. The subject property was previously developed with a single-family residence which has been demolished. This application was first reviewed at the February 7, 2008 Design Review Board meeting. At that meeting, the surrounding neighboring property owners along Owlswood Road and Owlswood Lane raised concerns that the proposed new home was incompatible with the surrounding area. The neighbors also expressed concern that the proposed front gate would impact the flow of traffic along Owlswood Road. The Board suggested the idea of either relocating or eliminating the driveway gate, removing or reconfiguring the uphill facing windows and decreasing the mass and bulk of the proposed home. The Board reviewed the proposal, but continued the project to give the applicant time to rethink and revise the proposal and to allow for additional dialogue between the neighbors. The applicant has now submitted revised plans showing various changes in response to the Board's suggestions.

Luis Rabut, applicant, described changes made to the house design. He said that two bedrooms were moved to the ground floor to reduce the massiveness of the house. He said that they eliminated many windows and balconies and shifted the house two feet towards the rear. He confirmed that the overall plate height was lowered from 10 to 9 feet, the roofline of the first floor was lowered from 10 to 9 feet and reduced the side elevation reduced in height from 16 to 14 feet.

The public hearing was opened.

Gordon Cousins said at the last meeting the applicants were asked to make the character of the house more consistent with the surrounding neighborhood, reduce the floor area and height, and consult with the neighbors. He said that there has not been consultation with neighbors. He stated that the revised drawings

have contradictory information and he believed that the change to the bedrooms is not at the point where the house is most visible from Owlswood Road. He said that the roof gables, double height windows and plaster emphasize the height of the house. He questioned how much height has been reduced, based on differing dimensions on the plans and asked for a further reduction in height of 2 feet. He noted that the driveway gate is still shown on the plans, and he emphasized that the existing trees on site help screen the building.

Martin Perlmutter said he and his wife would be most impacted by this house as they live immediately above the site. He said that the revised plans only address any changes which were requested of the applicant at the last meeting in a negligible way. He felt that the house is still massive and that the height has actually increased by one foot. He said that if trees on the site are trimmed or reduced, he would look directly at the gabled roof tops and the house would destroy their foreground view of Richardson Bay. He asked that the house be stepped down the hill by 8 feet or so, as there is room for the house on the lot. He added that his neighbor, Carolyn Cotter, was unable to attend the meeting and agreed with what he has said.

Mr. Rabut said that there are very large trees along the ridgeline and that they would add more trees to screen the uphill homes. He said that they addressed privacy by removing many windows from the house and he believed they had addressed all comments of the Board from the previous meeting. He answered questions from the Board and Staff regarding height changes and confirmed that the living room window dimensions were 6x10 feet.

Vice-Chair Frymier asked the applicant to describe the style of design of the house. Mr. Rabut, replied that the house was a bungalow type because of its incorporation of stone, shingles, and other materials. He confirmed that the roof pitch was 6:12 and that the ceiling design had not yet been determined by the owners, but it could be vaulted or flat.

Vice-Chair Frymier said she grew up in a bungalow style house and did not believe the design was a bungalow. She said that many neighbors believe the house is not indigenous to the neighborhood, and Chair Doyle suggested the style was more like a craftsman-bungalow style, and the applicant agreed.

Jack Zhang, owner, agreed that there were concerns from neighbors as well as direction from the Board at the last meeting, but he felt that they had made significant changes to address these concerns and suggestions. He said that the landscape architect added trees to further shield the neighbor above and that they had an extensive meeting with the architect and engineer to move the building back and 2 feet was the most they could move it without increased cost of excavation.

Boardmember Corcoran asked if the roofline could be lowered. Mr. Zhang said he believed that the initial direction of the Board related to the bulk of the building and they were asked to reduce it by 10%. By re-locating the two bedrooms, he believed that they had met the suggested 10% reduction. He said that he did not want a flat roof, but agreed that the roof pitch could be reduced by 6 inches or changed to a 5:12 pitch.

Mr. Zhang said that the style is somewhat contemporary and they liked the incorporation of stone into the design. Chair Doyle said he likes the mix of materials but noted Vice-Chair Frymier's concerns regarding the cohesiveness of the design and whether it will come together in the long run. He believed the stone trim looked fake and suggested the applicant consider the stone used at the Tiburon Lodge, which gave that building more of a craftsman style.

The public hearing was closed.

Boardmember Corcoran believed that the design was not quite there yet and felt like a tract house. He wondered how the house has 9 foot ceiling heights but almost 27 feet of height in the center. He appreciated the changes made to the balconies and putting two bedrooms on the ground floor. However, he stated that the house is at a prominent location and the Board has to look at it as if there was no vegetation there in the future. He requested the height be lowered and the trophy windows reduced in size or eliminated.

Boardmember Glassner said that the design seems to be moving along nicely but in addressing the mass and bulk issues the house was becoming broken up and not cohesive. He said that anything that could be done to break up the mass and tie the building together would help. He asked that a better landscape plan be provided to show what the project will look like fully planted.

Vice-Chair Frymier said that there was not a savvy architectural feel to the design she felt that and the beauty of Tiburon is that there is a lot of new, sophisticated architecture. She stated that the Town and its Boards demand a lot from applicants, she sees passion in many projects around the Town. She believed that this house design had no soul and is located in a prominent spot. She said that this area calls for something contemporary and smaller with different windows, noting that a bungalow house does not wrap around like this house design does. She urged the Board to hold the applicant to a higher standard and said that she could not support the current plan. She said that the applicant has made some good revisions, but she believed that changes did not reduce the mass or make the house fit with the neighborhood. She said that a house like this needs to be on a bigger lot.

Chair Doyle said that he liked the floor plan but said that different parts of the house have different styles, noting the chimney which looks like a lighthouse and the curved top windows which feel more Victorian or Mediterranean. He asked to bring the architecture together into a more cohesive design. He believed that the floor area of 3,900 square feet was not huge but design elements needed to be brought together and flow better. He asked the applicant to stick to a period of design, asked that the roof pitch or entire height be reduced and suggested the application be continued.

**ACTION: It was M/S (Glassner/Corcoran) to continue the project to the April 3, 2008 meeting. Vote: 4-0.**

## **E. NEW BUSINESS BEFORE THE BOARD**

### **4. 8 EGRET COURT CARRIER, NEW DWELLING/FLOOR AREA EXCEPTION**

An application has been submitted for construction of a new single-family dwelling with a floor area exception, for the property located at 8 Egret Court. Currently the property is improved with a single-family dwelling which would be demolished as part of this proposal. The proposed project would result in a new two-story structure. The lower level would include an office, a wine cellar, a play room, a bedroom, a storage room and two bathrooms. A detached two-car garage would also be located at the lower level. The upper level would include a master bedroom suite, two bedrooms, two bathrooms, a library, a laundry room, kitchen, and a great room. The applicant is requesting a floor area exception for the 617.5 square feet in excess of the

maximum allowed.

Scott Landry, architect, described the project proposal. He said the owners are in need of a larger home and more storage. He said that they want to maximize the children's safe play area at the rear of the property, open up the rear yard and locate the garage in the lower portion of the property. He described how design aspects of the house were consistent with green building principles with window placement, cross ventilation of every room and environmentally friendly materials and solar panels. He acknowledged that the proposed house would have much more living space but he said that it would not appear larger than the house that currently exists on the property. He said that they maintained or opened up additional views to the uphill neighbors by pulling back the western side, effectively eliminating city views from the owner's library. He said that the proposed design would encroach on the north corner of the Hagen's kitchen window, but by less than 4% of the total view angle, while other views would be opened up.

Boardmember Corcoran asked what would happen if the house was pulled back 2 feet. Mr. Landry said that while they do not want to move the house at all, they could move it back by 1 foot without too much impact on excavation and light and reduce the length of the western wing one foot, but that anything further would cause substantial additional excavation. He added that the view would actually be increased from the Hagens' living room and in other portions of the house and that the view blockage in the kitchen would be eliminated by moving the house back by 1 foot.

Vice-Chair Frymier asked about the need for the detached garage. Mr. Landry replied that it was designed to open up space in the back yard and to respond to the natural topography. He described the functionality of the butterfly roof, which would have operable windows to flush out hot air.

The public hearing was opened.

Kirk Hagen said they are fortunate to have the Carrier's as neighbors and are generally supportive of their plans. He pointed out the importance of their view from their kitchen and believed that moving the house back 2 feet would maintain their sight lines. He said that the deck would be at a high level and has the potential to cut off a small portion of their view. He felt that this was a privacy issue and suggested a portion of the deck be cut back to eliminate the wrap-around effect.

Gordon Cousins said he looks down on the project from his balcony and congratulated the architect on the design. He asked if any trees would be removed. Mr. Landry replied that one tree would be removed and the trees would be trimmed and maintained regularly for the uphill neighbor.

Vice-Chair Frymier asked the applicant if the house could be moved back 2 feet and the deck cut back. Mr. Landry said that altering the deck would cut up the design and flow of the house but agreed that they could reduce the width of the deck while making it just a passageway. He believed that there would not be a lot of traffic or congregation on the deck and if the house were moved back, the deck would still serve its purpose and help to break up the façade.

Chair Doyle voiced concern about cutting back the deck as he did not believe people would congregate on it and agreed that moving the house back 1 foot would maintain the Hagen's views.

The public hearing was closed.

Boardmember Corcoran supported the home design and characterized it as interesting living space. He said that the neighbors would gain views if the house was moved back. He said that the Board should weigh the increased benefit of moving the house back versus the minimum views that would be lost.

Boardmember Glassner said that he was not convinced that the house would affect primary views. He said that the neighbors have been working closely together and believed that the house was a good use of the land, adding that efforts to move the entire house back were no small feat.

Boardmember Corcoran noted the Hagen's were gaining primary views in their great room and losing views from only a portion of their kitchen.

Vice-Chair Frymier questioned whether the house should be pulled back one foot. She said that the home was lovely and that the owners have been sensitive to the neighbors and to the space. She believed that cutting back the deck would alter the design and not break up the façade. She noted that the deck railings would not be solid materials and would not create a substantial view blockage. She also believed that the Hagen's would end up with a better view corridor.

Boardmember Corcoran did not believe people would congregate on the corner of the deck and agreed that wrapping the deck around the house provides better design continuity. He agreed with the discussion in the staff report about the floor area exception, as the additional floor area would be cut into the hillside and in the right location.

Chair Doyle said that he was unsure how much would be gained by moving the house or deck back. Planning Manager Watrous stated that Condition of Approval #16 could be modified to reflect the one foot change offered by the applicant.

<p><b>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, with the modified condition of approval to move the entire house back one foot. Vote: 4-0.</b></p>
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## **5. POTENTIAL AMENDMENT TO THE HILLSIDE DESIGN GUIDELINES FOR "BORROWED VIEWS"**

Planning Manager Watrous stated that a proposal has been made to amend the Tiburon Hillside Design Guidelines to recognize the concept of "borrowed views." The amendment had been previously reviewed by the Design Review Board and Town Council, and modifications are now presented to the Board for additional review, along with a finalized illustration of this principle.

Boardmember Glassner asked for an explanation of the rhetorical difference between "intact" and "unchanged, and Planning Manager Watrous said the Council felt it was more appropriate in terms of changes to views rather than emphasizing a view in which all portions would remain intact.

Boardmember Corcoran said he remembers discussing it at the joint Design Review Board/Town Council

meeting and suggested changing the language to read as follows:

“A view across a vacant lot is often considered to be a “borrowed” view, which is likely to be compromised by the eventual development of the property. ~~A borrowed view is not reasonably expected to remain unchanged once the lot is developed.~~ A borrowed view is one which is temporary in nature and which may reasonably be expected to change upon development of the lot. Consideration may be given to preserving portions of such a borrowed view if this is the only substantial view for a neighboring home.”

Planning Manager confirmed staff would submit the language amendment to the Town Council for their consideration.

#### **F. APPROVAL OF MINUTES #2 OF THE 2/7/08 DESIGN REVIEW BOARD MEETING**

Vice-Chair Frymier requested the following amendment:

- Page 9, 2<sup>nd</sup> paragraph from the bottom, second sentence; “She noted that the house is close to the water and the skylights might not be noticeable from uphill homes.”

<p><b>ACTION: It was M/S (Doyle/Frymier) to approve the Minutes of the February 7, 2008, as amended. Vote: 3-0-1 (Glassner abstained).</b></p>
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The Board and staff congratulated Vice-Chair Frymier on her appointment and wished her good luck with her service on the Planning Commission.

#### **G. ADJOURNMENT**

The meeting was adjourned at 9:25 p.m.