



**Ex-Officio:** Planning Manager Watrous, Assistant Planner Phillips, Associate Planner Tyler, and Minutes Clerk Rusting

**B. PUBLIC COMMENTS - None**

**C. STAFF BRIEFING**

Planning Manager Watrous introduced minute-taker Cheryl Rusting. He reported that the item for 2 Rolling Hills Road was continued to the July 17, 2008 meeting. He stated that no items are scheduled for the July 3, 2008 meeting and that meeting will be canceled.

He said that at the July 16, 2008 Town Council meeting Boardmember Corcoran was appointed to fill a vacancy on the Planning Commission and Mike Tollini was appointed to fill a vacancy on the Design Review Board, and will attend the next meeting.

**D. CONSENT CALENDAR**

**1. 1 MAIN STREET                      CAFFE ACRI, SIGN PERMIT**

**2. 9 MAIN STREET                      SERVINO RISTORANTE, SIGN PERMIT**

On April 17, 2008 the Design Review Board reviewed proposals to place a free-standing "A" frame sign on property located at 1 Main Street (Caffe Acri) and on property located at 9 Main Street (Servino Ristorante). The signs were proposed to be located in front of the outdoor seating area and adjacent to the front entrance of the café in the front patio outdoor seating area and adjacent to the front entrance of the restaurant. The Board discussed the number of similar signs popping up Downtown and other sign options, including small glass covered menu boxes, located adjacent to the restaurant entryway and a permanent sign mounted in the planter box in front of the entryway. The Board continued the item with the intent of having more discussion with the Town Council and Chamber of Commerce in determining whether or not to allow such signs in the downtown area. The applicant has not submitted revised drawings for a different sign design.

Planning Manager Watrous said that the new sign ordinance has not yet been adopted, and therefore, any discussion of the following signs should reflect the sign ordinance policies as they are in effect today.

Kathryn Servino, applicant, said she is waiting for the new sign ordinance before she makes any changes, but said that she was glad to follow whatever the new guidelines require.

Chair Doyle noted that one of the suggestions made at the last meeting was placing signs in planter areas out of the pedestrian walkway. Ms. Servino said that they discussed that, but said that the signs they have do not go intrude into the walkway and could be kept inside until the Town approves its new sign ordinance.

Chair Doyle confirmed there was no public comment on either item and closed the public hearing.

Boardmember Corcoran stated that he agreed with the statements in the staff report that the potable signs are inconsistent with the policies in the Downtown Design Handbook. He felt that the Board should hold off on a decision to approve or deny the signs at this time and should consider the signs again after the new sign ordinance is adopted.

Boardmember Chong stated that he was uncomfortable approving this application before the new sign ordinance goes into effect.

Chair Doyle said that this is a unique situation because the signs are within the property lines and his only issue was not setting a precedent with the decision.

Boardmembers discussed either waiting until the sign ordinance is in effect and then discussing the applications or denying the applications now. Planning Manager Watrous said the Board could also continue the applications until after such time the sign ordinance is adopted, but noted that the signs would still need to be reviewed using the sign ordinance in place at the time the applications were filed. He noted that if the new ordinance prohibits portable signs, other businesses that have not submitted applications to keep their signs will have to remove them.

**ACTION:** It was M/S (Corcoran/Doyle) to continue the application for 1 Main Street to the September 4, 2008 meeting; unanimously approved. Vote: 4-0.

**ACTION:** It was M/S (Corcoran/Doyle) to continue the application for 9 Main Street to the September 4, 2008 meeting; unanimously approved. Vote: 4-0.

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

### **3. 70 PINE TERRACE GROVE/BUSH, FENCE/DRIVEWAY/APPEALS**

On June 5, 2008, the Design Review Board reviewed two appeals of the Planning Division's decision to conditionally approve a Site Plan and Architectural Review application to construct fencing on property located at 70 Pine Terrace. At that meeting, the owner of the property explained the reasons for the fencing and driveway improvements and objected to the requirement to provide for uninterrupted vehicular access to the residence at 80 Pine Terrace. The owner of the adjacent property at 80 Pine Terrace objected to the design of the fence and driveway, stating that the fence would be aesthetically undesirable and that the revised driveway design would create circulation and privacy problems. The Design Review Board considered the testimony presented at the meeting and expressed hope for a compromise solution that would address the applicant's needs and lessen any potential impacts on the neighboring property owner. The Board considered alternative designs for the proposed fence and gave direction to the applicant to prepare a revised plan modifying the fence alignment. The hearing was continued to the June 19, 2008 meeting for consideration of the revised fence design.

Taylor Grove, applicant/appellant, said he had revised his plan to replace the as fence with a hedge that would extend 5 feet onto the Grove property. He said that the driveway would be 10 feet from the access easement which would be more than enough to provide vehicular access to 80 Pine Terrace. He said that his neighbor's current route across Mr. Grove's yard would be virtually unchanged and the corner of the hedge has been rounded and moved further onto Mr. Grove's property to give his neighbor enough space to park next to 80 Pine Terrace. Mr. Grove stated that he had to give up one of his parking spaces and part of his front yard to achieve this and the hedge would extend slightly onto the neighbor's property so he can access this area. He said that the hedge would have no effect on his neighbor since they have had a fence between the two houses. Mr. Grove said he has already compromised twice and had the hedge moved 10 feet onto his property, which gives his neighbor access to 10 feet of Mr. Grove's property outside of the easement. He said that his plan would replace asphalt with trees and landscaping and provide much needed privacy.

Jim Bush, appellant, said that he did not realize the design had changed to a hedge and did not know the hedge

would be partially on his property until arriving tonight. He said that he was opposed to this because it would limit the use of his property and create a continued maintenance issue. Mr. Bush said there was a possibility of agreement if certain terms are met, and he distributed copies of a list of terms to Boardmembers.

Chair Doyle stated many of the items on the list were not under the purview of the Design Review Board. He said that the Board can only decide if it is appropriate to have a fence or hedge in the location but can say nothing about many of Mr. Bush's requests since the Board is not a court of law. Mr. Bush acknowledged Chair Doyle's comments, but said that he brought the list to the Board more as a way of making it a public request to Mr. Grove.

Boardmember Corcoran asked if it would be more appropriate to discuss each item or continue the matter for another 2 weeks and let both parties work on items in the list. Planning Manager Watrous encouraged the Board to make a decision on its own rather than relying on an agreement between the two parties. He said the Board can decide between a fence or a hedge, its location and whether lighting on the fence is appropriate.

Mr. Grove noted that the original plan included a fence and he changed this to a hedge because his neighbor indicated they did not want a fence. He said that the original plan for the fence included lighting.

Mr. Bush said he does not want the hedge or fence extending past the property line into his yard.

Chair Doyle pointed out that Mr. Grove was giving up a lot of his property for Mr. Bush to use for parking, but Mr. Bush was not giving anything in return to Mr. Grove. Mr. Bush said he felt this was a very unfair argument and he has lived with this current driveway situation for 20 years. Mr. Bush said he changed his mind about not wanting a fence because the original location of the fence cut across his property. He said he was trying to work out a situation where Mr. Grove's house can be improved and privacy maintained between both neighbors.

Boardmember Corcoran said it sounded like a compromise is possible and asked Mr. Bush if he was amenable to a fence as long as it was not constructed on his property. Mr. Bush said he was, given the addition of lighting, pavement, and other items he previously requested.

Chair Doyle confirmed there was no public comment and closed the public hearing.

Boardmember Corcoran stated that a compromise apparently had been reached to construct a fence along the line of the hedge that would not cross over onto Mr. Bush's property and would include lighting.

Boardmember Chong believed that Mr. Grove's proposal was very fair and would provide an area between the fence and the driveway. He said that he was happy to see a sense of compromise.

Vice-Chair Glassner agreed and said the compromise was a much better solution and less expensive than litigation.

Chair Doyle said that this subdivision made sense at the time, but after 20 years of living somewhere it is often difficult to accept change. He felt the situation was difficult and that it was too bad that the neighbors have to get embroiled in this kind of dispute, but he felt that the compromises would work.

<p><b>ACTION:</b> It was M/S (Corcoran/Chong) to adopt the resolution denying the appeal of the owner of 70 Pine Terrace. Vote: 4-0.</p>
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**ACTION:** It was M/S (Corcoran/Chong) to adopt the resolution partially granting the appeal of the owner of 80 Pine Terrace, with the additional condition of approval requiring that the location and design of the fence shall be as shown on the plans dated June 10, 2008, with the modification that the barrier be a fence instead of a hedge, and that the fence not be constructed on the property of owner of 80 Pine Terrace. Vote: 4-0.

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

### **4. 21 MARAVISTA COURT VOSTI, ADDITIONS**

An application has been requested for the construction of an addition and alterations to an existing single-family home located at 21 Maravista Court. The addition would be located on the second story and include a small covered deck and one skylight. The lot coverage on the site would not increase from the proposed addition. However, the floor area on the site would increase by 634 square feet to a total of 2,344 square feet, which is 468 square feet less than the maximum allowed floor area of 2,812 square feet.

John Bryant, representing Jeanette Vosti, applicant, stated that the neighbors believe they have the right to complete privacy and no windows on their side of the applicant's house, but he felt that the Town tries to balance views and privacy. He said that the project is a small addition that does not exceed any of the Town's limitations with a view predominantly to the south toward the Golden Gate Bridge, and is as far away as possible from the neighbor's house. He said that the deck was proposed because it would provide light and views of the bridge from the bedroom and architecturally frame the entrance of the home. He said that if the deck was placed on the other side of the house as the neighbors want, it would block light to the downstairs bedroom, not be protected from the elements, adversely affect the layout of the master bedroom, eliminate privacy from the street, and not provide views of the bridge. He emphasized that the deck would only be 5 feet deep off a bedroom, and that the patio and deck would not be used at the same time. He felt that any of the neighbor's concerns could be adequately resolved with a screening hedge.

John Belz, architect, said that the houses in the neighborhood are quite small and Ms. Vosti wants to have a bedroom and bathroom upstairs. He said that the easiest way to do this is on the proposed side of the house, which would also provide views of the Golden Gate Bridge and the bay. He said that he designed the addition on a tight budget emphasizing simplicity of construction, and he thought that the 60 foot setback from the property line was sufficient. He said that the neighbors' front patio is almost 5 feet above Ms. Vosti's house and that the neighbor's house has no windows on that side. He said that Ms. Vosti offered to plant some suitable shrubbery which would totally block that portion of their patio. He distributed a picture looking toward the south with a fence and one existing shrub.

The public hearing was opened.

Randall Doctor said one of the primary reasons he bought his house was for the view and complete privacy. He said that they use the patio every day, and although he respects Ms. Vosti's right to build he objects to the placement of the roof deck because it would reduce the privacy of their patio. He said that the roof deck would look directly toward his house and the house behind them and he requested the deck be turned from facing them to facing the street. He stated that the Town's policies require an applicant to minimize the privacy impact on the neighbors. He said that he has hired Hank Bruce, architect, to review the plans, and Mr. Bruce has informed him that Ms. Vosti can achieve all of her goals by altering the roof deck to facing the street. He said that Mr. Belz and Mr. Bruce met at Mr. Doctor's house to try to come to an agreement, but the only solution offered by Mr. Belz was for extra foliage.

Hank Bruce stated that the proposed deck would have an extremely strong psychological impact on Mr.

Doctor's use of his yard. He said that Ms. Vosti has no view in that direction, and the suggestion to switch the deck location seems to be an obvious alternative. Mr. Bruce also said he is pleased that the Doctors are not trying to stop the entire project but are simply asking to locate the deck on the other wall, which would provide the same views without the privacy and psychological impacts the present location would cause.

Parker Jones, representing his mother, Karen Jones, said his mother recently moved to a home across Maravista Court from Ms. Vosti. He distributed a photograph to the Board and then read a letter from his mother which indicated her strong opposition to the addition. He said that the addition would look directly into her back yard, affect her privacy and have a massive appearance. He said that Ms. Vosti's home is about 20 feet higher in elevation than Ms. Jones' house, and the window and deck of the addition would look directly down into Ms. Jones' backyard and deck.

In response to a question from Boardmember Chong, Mr. Jones said that would like to see Ms. Vosti's home remain single story, but he would be willing to look at anything proposed. Mr. Jones stated the deck in the front of the addition was the biggest problem, as well as the window looking directly on Ms. Jones' yard.

Jeanette Vosti, owner, acknowledged the concerns of her neighbors. She said that in 1991 the Town approved a second story addition for a neighboring house that would have looked right into her bedroom. She said that she could not currently see into the Doctors' back yard.

Mr. Bryant, said that given the concerns of the neighbors, the best solution would be a hedge or a fence, or the combination of both, and he believed this was a good compromise.

Chair Doyle suggested the deck be moved to the front of the bedroom given the views location in the front. Mr. Belz responded that it would be more expensive to build the deck in the front. He said that the second story would look more massive and change the geometry of the master bedroom. Although he acknowledged that the view from the bedroom would be improved, he said that the deck allowed for cross-ventilation.

The public hearing was closed.

Vice-Chair Glassner thought it was reasonable to set the deck back, noting that there are three neighbors with various concerns. He suggested that a compromise is in order and that he would like to see the matter continued.

Boardmember Corcoran said that some sort of fence or landscaping could be built between the two lots that would benefit both properties, but he noted that landscaping is temporary while buildings are permanent. He felt that switching the deck to the front could be beneficial, resulting in a better view and a wider deck. He also believed the deck should be inset and not place on stilts out front. He also said the distance from the house to Ms. Jones' home was fairly large, and he believed that Ms. Vosti has a right to build a second story. He said that the application should be continued to allow the applicant to pursue creative solutions.

Boardmember Chong said that he was not convinced that moving the deck to the front would gain that much, as other privacy solutions are needed and this would create a narrower living area in the bedroom. He suggested the possibility of a taller, less standard fence on the side property line to help with the privacy impacts.

Chair Doyle said it is important to consider the location of the primary views of the people involved. He felt that the design would create one solid wall in front and the deck feels intrusive to the next door neighbor. He said that he would like to see the applicant pursue other options and talk with the neighbors.

**ACTION:** It was M/S (Glassner/Doyle) to continue the application to the July 17, 2008 meeting. Vote: 4-0.

**5. 19 PLACE MOULIN VALENTINO, MINOR ALTERATIONS**

An application has been requested for Design Review approval to retroactively approve the construction of exterior modifications to a previously approved single-family dwelling, located at 19 Place Moulin. The application requests approval of a number of changes to walls, fences and gates on the site, elimination of the chimney caps and stone trim and other minor design changes.

Kimberly Airey, representing the new owner of the property, said the owner would like to retract the removal of chimney enclosures from the previously reviewed application. She said that the new owner supports quite a few things to beautify the property.

Planning Manager Watrous said the originally approved plans had some decorative trim on the corners of the building, and that was requested to be removed, as well. Ms. Airey said many of those changes happened due to lack of financing by the previous owner.

Chair Doyle confirmed that there was no public comment and closed the public hearing.

Boardmember Corcoran said the project was interesting and he could support the application with the modifications just discussed. He thanked the architect for the new wall along the ridge trail around the property.

Vice-Chair Glassner said it helps to beautify property and the neighbors seem to support it.

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

**6. 42-54 RED HILL CIRCLE MONTEROSSA AT TIBURON  
CONDOMINIUM ASSOCIATION, CARPORT CONVERSIONS**

An application has been requested Design Review approval to install garage doors on existing two-car carports attached to seven (7) condominium units, located at 42-54 Red Hill Circle, of a multifamily dwelling complex (Monterossa at Tiburon). The proposed modification would not increase the floor area or the lot coverage for the subject property.

Don Schehrer, applicant, gave a history of the previous applications, noting that the 2004 request was for one carport and this application has 7 homeowners together with the homeowners association supporting their application. He said that he spoke with the Police Department about the application and someone there recommended that the garages be enclosed, citing statistics showing an increase in theft and other crimes in Tiburon.

Vice-Chair Glassner asked if the statistics were for the Red Hill Circle property specifically. Mr. Schehrer indicated that the statistics were for the entire town, but he referenced the theft of his \$3,900 bicycle on one occasion and an extension ladder on another. He said that since there are no doors on the garages, instances where someone entered the carport were considered trespassing issues only and the person could not be arrested. He said that none of the applicants would ever have a carport again had they known how inconvenient it is to have such exposure to wind, rain, theft, and dirt. He said that while he believed that the

Planning Commission in 1985 had the best of intentions in requiring carports for these homes, the applicants believe it is time for change.

The public hearing was opened.

Debra Luby, President of the Monterossa at Tiburon Condominium Association, described an occasion when an intruder waited attacked her husband in her carport and as he went out to walk the dog in the evening, but the police said it was a misdemeanor because there was no door on the garage. She said that the reason for the carports was originally for pedestrians to have a view, but the apartments across the street can see the view even with garage doors and the only people affected would be those on foot. She noted that there are expansive views on either side of the buildings. In response to a question from Chair Doyle, Ms. Luby said that she was amenable to having windows on the rear and sides of the garages.

Boardmember Corcoran expressed concern over the intruder incident but said that one of the reasons for having a Design Review Board is to make difficult decisions that are consistent over time. He asked Ms. Luby to explain why she believed the decision to enclose the carports should be different from the other three times the issue had come before the Board.

Ms. Luby said she felt that things are different now and safety has changed over time. She said that views for pedestrians have been preserved in other ways, and that giving a person a view every step of the way on a walk is not as important as a person's privacy and safety in their own home.

Paul Tandler said he moved to his home in this complex because the unit has a two-car garage and he can close the garage door before even leaving the car. He said that 21 of the 28 homes in this project have garages. He said that there is plenty of space between units 40 and 42 and between unit 54 and the apartments that face the east for pedestrian views. He said that the carports would look better with doors and cited safety and security improvements as being a valid issue.

Boardmember Chong confirmed with Mr. Tandler that the open space between the buildings was not buildable land.

The public hearing was closed.

Chair Doyle said he often visits the area and has never understood why the carports were built originally, since it allows people to look through residents' carports to look at a view. He said that if the Town was so concerned with the views these units should not have been built this way in the first place. He noted that there is open space on either side where pedestrians enjoy the views. He suggested choosing a door style that has glass panels, so that residents still have privacy but pedestrians could still look through to the view. He also said the idea of having a side window would also help.

Vice-Chair Glassner said that this is a very beautiful space and he did not understand why there were no doors on the carports. He believed it made sense to put doors on the carports and possibly use frosted glass so people cannot look inside.

Boardmember Chong pointed out that the Board needs to be careful not to create a situation where applicants get what they want by simply asking enough times. However, he said that Red Hill Circle has some of the most beautiful views. He understood the original intent of the carports and noted that some trees now block views between the homes. He said that he has observed people going into the carports to enjoy the views and felt that the advantages gained by enclosing the carports outweighed what would be lost.

Boardmember Corcoran said that he lives in a condo with carports and does not understand why they designed them. He said that if his complex had come before the Design Review Board three times before asking for permission and permission had been denied, he would not have come a fourth time. He said it was a really tough decision to make because it is important that for Board to be consistent and this could open the door for others in Town to request the same. He said that when the Town approved this project, the carports were a condition of that approval and this would change the terms of that bargain. He understood that the applicants feel violated, but he noted that people can be attacked when parking on the street. He said that there was no compelling reason to change the previous decisions, but he sympathized with the desire to enclose the carports.

Chair Doyle described the history of Red Hill Circle in the incorporation of the Town and said that he liked the idea of two rows of frosted glass on the bottom of the garage doors and a row of clear windows on top, and a window on the side.

Boardmember Corcoran said one of the things that this Town bemoans is the “walling off” effect caused by garage doors. He said that he was not completely opposed to the project, noting that this is a unique piece of property and that enclosing these particular carports would not result in a severe impact.

Vice-Chair Glassner agreed that this should not be construed as a precedent-setting decision regarding carport conversions, noting that every single application, including those for carports, is reviewed on a case-by-case basis.

**ACTION:** It was M/S (Chong/Glassner) that the project is exempt from the California Environmental Quality Act and approving the project with the attached conditions of approval, with the additional condition of approval requiring windows in the sides of the carports and two rows of glass on the garage doors, and the recommendation that the trees behind 50 and 52 Red Hill Circle be windowed. Vote: 3-0-1 (Corcoran abstained).

**7. 2 ROLLING HILLS ROAD GARVEY, ADDITIONS - CONTINUED TO  
7/17/08**

**8. DISCUSSION OF DRAFT SIGN ORDINANCE**

Planning Manager Watrous explained that the Town is preparing a new sign ordinance. He stated that because sign law has gotten more complicated over the years, the new ordinance is more detailed. He stated that the current draft ordinance would not change most of the existing standards but it would prohibit portable A-frame signs, all internally illuminated signs, electronic signs, and signs using fluorescent materials. He said that the Town is currently soliciting comments and is asking the Board to review and comment on the sign ordinance, and will forward the Board’s comments to the Town Council for use in its deliberations.

Boardmember Corcoran asked if realtors advertising open houses would be in violation of this ordinance. Planning Manager Watrous responded that all portable signs would be prohibited, but other real estate signs planted into the ground would not be in violation. He noted that the Council is expected to wrestle with this issue, but all sign ordinances must be content neutral. He noted that one possible approach would be to not allow portable signs in downtown or other locations but to allow them elsewhere.

Vice-Chair Glassner characterized the new sign ordinance as a quantum leap forward and said that his preference would be to eliminate portable signs altogether. He said that it is important to begin to deal with the

look of the town and felt that portable signs simply involved businesses jockeying for position. He felt that portable signs look tacky and that it was time uphold a higher standard and establish a look for signage in the town.

Boardmember Corcoran said he likes to see portable real estate signs because they point to where there are homes for sale. He suggested the Town explore the option of banning portable signs in certain locations and intersections, such as the intersections of Trestle Glen Boulevard, Lyford Drive and Beach Road with Tiburon Boulevard. He noted that the City of Ross only allows smaller real estate signs and he expressed his opposition to prohibiting all portable signs.

Boardmember Corcoran asked whether the definition of a roof sign included holiday decorations. Planning Manager Watrous said that holiday decorations would not generally be considered signage if there is no commercial message.

Boardmember Corcoran said that if a menu box would not count as signage, this could lead to every restaurant in town putting out a menu box. Boardmembers discussed this and generally indicated support for this requirement.

Boardmember Chong asked about signs that are grandfathered in. Planning Manager Watrous said that a sign would only be grandfathered in if it was legally approved at the time. For example, if a business puts out a portable sign without a permit now and the ordinance goes into effect, that sign is not grandfathered in.

Chair Doyle stated that he supported prohibiting portable signs, but encouraged the possibility of substituting smaller, more creative, better looking signs.

#### **G. APPROVAL OF MINUTES #8 OF THE 6/5/08 DESIGN REVIEW BOARD MEETING**

Boardmember Corcoran requested the following amendments:

- Page 4, 6<sup>th</sup> paragraph; “Boardmember Corcoran discussed the Design Review Board’s role which does not involve serving as a court of law in order to resolve civil matters. ~~was not one of disputes or civil matters.~~”
- Page 4, next paragraph; “Boardmember Corcoran said that the fence might delineate boundaries for both neighbors.”

ACTION: It was M/S (Corcoran/Chong) to approve the minutes of the June 5, 2008 meeting, as amended. Vote: 4-0.
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#### **H. ADJOURNMENT**

The meeting was adjourned at 10:00 p.m.