

ACTION MINUTES #11

**TIBURON DESIGN REVIEW BOARD
THURSDAY, JULY 2, 2009
1505 TIBURON BOULEVARD**

- A. ROLL CALL:** **Present:** Chair Doyle, Boardmembers Chong and Kricensky
 Absent: Boardmembers Tollini and Wilson
 Ex-Officio: Planning Manager Watrous, Assistant Planner
 Phillips and Minutes Clerk Rusting
- B. PUBLIC COMMENTS (FOR ITEMS NOT ON THE AGENDA)**
- C. STAFF BRIEFING**
- D. ELECTION OF CHAIR AND VICE-CHAIR – CHONG ELECTED CHAIR;
TOLLINI ELECTED VICE-CHAIR**
- E. CONSENT CALENDAR**
1. 22 Mercury Avenue Dibble Resolution of Denial **CONTINUED
TO 8/20/09**
2. 1550 Tiburon Boulevard Belvedere Land Co. Signs **APPROVED**
- F. OLD BUSINESS BEFORE THE BOARD**
3. 526 Comstock Drive Singh New Dwelling/Variations
CONTINUED TO 8/6/09
4. 88 Hacienda Drive Fried Additions/Variations **APPROVED**
- G. NEW BUSINESS BEFORE THE BOARD**
5. 139 Hacienda Drive Brooks/Thompson Additions/Variance **APPROVED**
6. 680 Hawthorne Drive Mahoney Additions **CONTINUED TO
7/16/09**
7. 83 Claire Way Kamloonwasaraj New Dwelling/Variations
WITHDRAWN
- H. MINUTES #10 OF THE 6/18/09 DESIGN REVIEW BOARD MEETING –
APPROVED**
- I. ADJOURNMENT – 9:30 PM**

**MINUTES #11
TIBURON DESIGN REVIEW BOARD
MEETING OF JULY 2, 2009**

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

A. ROLL CALL

Present: Chair Doyle, Vice-Chair Chong, and Boardmember Kricensky

Absent: Boardmembers Tollini and Wilson

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

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING

Planning Manager Watrous noted that the item for 680 Hawthorne Drive was continued to the July 16, 2009 meeting, and the application for 83 Claire Way has been withdrawn.

D. ELECTION OF CHAIR AND VICE-CHAIR

Chair Doyle opened the floor for nominations for Chair of the Design Review Board.

ACTION: It was M/S (Kricensky/Doyle) to elect Vice-Chair Chong as Chair of the Design Review Board. Vote: 3-0.
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Chair Chong opened the floor for nominations of Vice-Chair of the Design Review Board.

ACTION: It was M/S (Doyle/Kricensky) to elect Boardmember Tollini as Vice-Chair of the Design Review Board. Vote: 3-0.
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E. CONSENT CALENDAR

1. 22 MERCURY AVENUE DIBBLE, RESOLUTION OF DENIAL

Planning Manager Watrous noted when the resolution of denial was prepared the vote was three to two in favor of this resolution, but that two of the three Boardmembers who voted in favor of the resolution are not present tonight. He stated that that the Board may wish to continue the item.

Jim Malott spoke on behalf of the applicants. He said that they have received more counsel on their earlier application, and he is requesting that instead of adopting the resolution the Board grant a continuance for the applicants to present a totally redesigned application in consultation with the neighbors. He said that they believed that they can meet the parameters of the design guidelines and achieve agreement in the neighborhood.

Jeff Boris noted that the process had been going on with basically the same design for eight months. He did not want it to be continued with basically the same design and to put the neighborhood through the entire process again. He said the project needs to be a complete redesign, and something needs to be resolved before granting a continuance.

Mr. Malott stated that they are proposing to drastically downsize the second story and totally redesign the floor plans. He said that they would in effect be starting over and will do their best to make it palatable to the entire neighborhood.

Planning Manager Watrous listed the options available to the Board:

1. Adopt the resolution denying the application.
2. Continue the resolution of denial to the next meeting where the full board can vote on the resolution.
3. Continue the project to a later meeting for the new design.
4. Require the applicant to withdraw the current application and resubmit a new application.

Planning Manager Watrous stated that Staff recommended that the fourth option be taken by the Board.

Boardmember Doyle said that he believed that the applicants would come back with something very different that will make the neighbors and the Board happy. He said that it would streamline the process and save time to continue the application rather than withdrawing and starting over.

Boardmember Kricensky questioned why staff recommended a new application instead of a continuance. Planning Manager Watrous replied that starting with a new architect and new design usually constitutes a new application. He stated that the first application was submitted last October and since that time, the applicants have only paid fees once and have used a fair amount of staff time and time with neighbors in dealing with the matter. He stated that State law requires the Board to make a decision on an application during a certain timeframe. With a continuance running an extra six weeks, the applicants may start running into a shortened time period for approval. He added that the applicants would have to agree to withdraw the previous application, and then the Board would need to decide whether to continue or deny.

Mr. and Mrs. Dibble verbally agreed to a permit streamlining extension.

<p>ACTION: It was M/S (Doyle/Kricensky) to continue the application for 22 Mercury Avenue to the August 20, 2009 meeting. Vote: 3-0.</p>

2. 1550 TIBURON BOULEVARD BELVEDERE LAND COMPANY, SIGNS

The applicant is requesting the approval of two signs for the purpose of advertising a business located at 1550 Tiburon Boulevard. The proposed signage would replace the previously existing Shorebirds sign as well as add one additional double sided hanging sign. The signs would be comprised of wood with a vinyl film lettering spelling “Indigo Healing Arts.” The color of the signs would be purple letters on a white background with yellow accents. No sign illumination is proposed.

Eugene Porter, representing applicant Mary Loveland, said they are putting up signs that would be similar to those of other businesses in the Boardwalk Shopping Center. He said that the height of the signs would be the same as many other businesses in the center, and that many of the other signs are wider. He stated that there have been two new signs of this style installed in the Boardwalk in the last month.

There was no public comment.

Boardmember Kricensky stated that the signs would be similar to many other signs in the shopping center and he found it difficult to require smaller signs for this business with the pre-existing condition of the other signs.

Boardmember Doyle thought the signs would be consistent with the other signs in the Boardwalk center that fill in the transom above the door and felt that it would be unusual to have a smaller sign in this location.

Chair Chong questioned whether the new sign ordinance would require the existing signs to be reduced over time, but agreed that the signs would fit in with what is currently in the center.

Boardmember Kricensky noted the logo portion of the sign is what would stand out, and that is a smaller area than the sign as a whole.

<p>ACTION: It was M/S (Kricensky/Doyle) that the request for 1550 Tiburon Boulevard is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, and the request is approved, subject to the attached conditions of approval. Vote: 3-0.</p>
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F. OLD BUSINESS BEFORE THE BOARD

3. 526 COMSTOCK DRIVE SINGH, NEW DWELLING/VARIANCES

The applicant is requesting Design Review approval for the construction additions to an existing single-family dwelling on property located at 526 Comstock Drive, with variances for reduced front and side yard setbacks. The project was first reviewed at the May 21, 2009 Design Review Board meeting. At that time, several neighboring property owners raised concerns about potential view and privacy impacts from the proposed project and felt that the Mediterranean design of the house was inconsistent with the surrounding Pilgrim Heights neighborhood. The

consensus of the Board was that the roof of the house was too tall and should be broken up to reduce the visual mass of the building. Several Boardmembers also felt that the house should comply with the required front and side yard setbacks for this property. The applicants have now submitted revised house plans. The footprint and floor plan of the proposed house remain unchanged, but the roof has been substantially redesigned. The central ridge of the roof has been lowered approximately 4 feet, 11 inches, with the roofline broken up into more individual elements. Additional windows are proposed on the rear and right (east) side of the house. The previously proposed chimney has been removed, with a gas fireplace still proposed in the great room. Variances are again requested for reduced front and side yard setbacks.

Mohinder Singh, applicant, said that they have made significant changes from last time and have addressed the mass issue by lowering the roof. He presented photos of houses in the neighborhood with Mediterranean styles to show the diversity of the neighborhood and photos showing the views from neighboring houses that are currently blocked by vegetation.

Jitender Makkar, designer, said they listened to the neighbors' comments and moved the building away from neighbors to the rear by 3 feet, reduced the size of the family room and lowered the roof at the back by about 4 feet. He stated that the entry feature was lower, the garage had been pushed back, and they removed the chimney. He said that the revised design would create a lower ridgeline for the neighbors uphill.

The public hearing was opened.

Enrique Sotomayor said the photo presented of the view from his house was taken from the bottom and not from the top of the hill where his house sits and the proposed house blocks his view. He thought that the house would be a good addition to the neighborhood, but he still had some concerns about the obstruction of his view from his house, even with the lowered roof. He said that the deciduous trees in his views can be trimmed and cut, but once a house is built it is a permanent structure. He stated that the house sits very close to the property line and although the applicant claims it would be a hardship to move the location of the house, it would then become a hardship for the rest of the neighborhood. He believed there was no good explanation for why the applicant wants to use the existing footprint. He felt that lowering the roof a few feet did not address the problems the proposed house would create in the neighborhood.

Betsy Little read a letter from Jo Ellen Ross stating that although she welcomes the building of a new house she was concerned that the story poles show a height that would block two neighbors' views, the style of the house does not fit into the neighborhood and the size of the house would overwhelm the surrounding area. Ms. Ross' letter suggested that the house could be shifted to the north or down the slope and requested denial of the variances.

Ms. Little mentioned she has participated in the Tiburon General Plan hearings and reminded the Board that this is a street full of Cape Cod style shingled houses. She felt that the location of the proposed house at the end of the cul-de-sac where drivers turn around would be very noticeable. She did not think that the variances should be approved, nor should views be sacrificed. She suggested moving the house to the right and back on the property.

Joan Sotomayor said that the homes in this area are relatively small or are built to appear so from the street. She said that her concerns pertained to the design and siting of the house, and not its size. She said that the front yard setback would be very close to the street and should not be approved. She felt that squeezing the house into a small area on the property would block her views. She said that the house blend in with the existing homes on the street.

Bob Pringle asked for a modest movement of the house to the north to preserve their privacy and views. He said that the original home on the site was built by the developer as the most expedient location for the house but that it is not sound planning to do this for a new home just because it was done that way before. He would like more space between the houses from a safety standpoint. He was concerned that fire trucks would not be able to turn around on the cul-de-sac if the house is built so close to the property line.

Francois Varney said that the lot is big enough to move the location of the house. He was concerned about privacy and requested smaller windows facing the rear. He distributed photos of the location of the house from his back yard. He felt that if the house was moved to the north it would preserve his privacy as well as alleviate other neighbors' concerns.

Becky Pringle said this would not be an addition to an existing house but instead would be a tear down and complete rebuild. She said that the applicants bought the property as is and are under an obligation to work with the property. She said that there is an option to move the house further north, which would move the house away from her home and avoid view impacts with other neighbors. She felt that the change in the roofline did not reduce any potential view blockage. She was also concerned about the colors of the home, characterizing the colors as very dark compared to the other homes in the neighborhood. She felt that the issue of light spillover had not been addressed and was also a concern for their house. She said that many of these issues can be worked out by discussion with neighbors.

Lucia Foster urged the Board not to grant any variances because the neighbors who live on this street would have to live with the results.

Sally Williams said that the setback variances would a crowded and massive appearance right up to the street. She felt that the project should comply with the Town's guidelines. She understood that it would be a larger financial outlay to the owners to move the home, but she thought that the neighbors should not be required to shoulder the burden on the value of their houses in the future.

Mr. Singh felt that they have done a lot to reduce the mass of the house. He explained that the photos were taken from the street and were the only pictures he could take. He acknowledged that the Sotomoyors' main concern is the view, but there is a tree between their two houses that was planted to block a window that looks directly into the bathroom and is the only thing that creates privacy between their two houses. He felt that privacy is an issue for everyone and they have removed all windows on the southern side of the building to try and address that issue. He said that they have removed the top half of the windows on the back of the house that face the Pringle's house to try and lessen the impact of interior light. He said that he would be happy to change the colors of the house. Regarding the privacy issues brought up by Mr. Varney, their

view corridor is to the left of that house and there is some landscaping between the houses, and they are happy to add more if needed. He said that their roofline would be much lower than the Pringles' home. He did not feel that moving the house a few feet to one side would affect views much.

Boardmember Doyle asked about the height of the front of the house. Mr. Makkar said the front area would be 10 feet and the back would be 9 feet. Boardmember Doyle questioned the height of the living room ceiling, and Mr. Makkar said the family room would have a vaulted ceiling of 14 feet.

Chair Chong asked what the applicant did to explore bringing the south side of the house into the setback. Mr. Makkar said the challenges on that side are an existing gas meter and that they want to maintain the foundation of the existing house.

Boardmember Doyle asked about the benefit was of saving the current foundation. Mr. Makkar said if they did not do so, then they would have to re-grade everything. He noted that the slope becomes very great to the north and if it was easy to move the house they would have done so. He said that the slope also drops off immediately at the back of the lot, so they are trying to build on as much of a level lot as they can.

Mr. Singh said they originally had proposed a two-story house with a smaller footprint, but because of the look of the building and the height they had to bring it down to one level. He said that they felt that they have tried to address all of the issues.

The public hearing was closed.

Boardmember Doyle noted that at the last meeting the Board did not have an issue with the style or colors. He looked at the samples and said that they seem light colored and the style and color was not a concern for him. He also noted that the roof had been lowered considerably. He thought that what makes the house feel large was the entry and he felt that if the entry tower was moved back or reduced it would not feel so close to the street. He liked that the design went from a two-story home to one story, and he understood the drop-off issue. He said that the location at the end of the cul-de-sac makes the front setback difficult because it follows the curve of the street. He felt that there may be a few things that could be done to reduce size of the front of the house so that the front tower is not so large. He said that more concern needed to be taken for the neighbors' concerns. He said that the roof could not be lowered much more without becoming flat, but he felt that the side yard setback was a bit of a problem. He suggested a continuance for the size and setback issues and to talk to the neighbors and see what could be done. He stated that when demolishing a house there is an opportunity to start over and do it right, and not to repeat the mistakes of the original. He understood trying to save the foundation, but he thought that maybe there was a way to alter that.

Boardmember Kricensky said that the applicants have addressed the mass issue by lowering and breaking up the roofline. He agrees with Boardmember Doyle that the tower feels too big and he felt that the encroachment into the front yard setbacks with the higher plate heights seemed too large. He suggested that the ceiling could come down in the front tower. He said that this is an

unfortunate site due to the curve at the front and he thought that the foundation may get in the way more than helping and he questioned the necessity of keeping it. He said that the applicants had made a lot of good changes and he felt that they should be able to build a one-story house on this lot, as it would not seem to block much of any views. He noted that the house only needs to be moved 3 feet to comply with the side yard setback. He questioned the style of the house in the last meeting, and he thought that the earthtone colors would help it blend in.

Chair Chong said that there are other houses in the neighborhood of this style and the style did not concern him. He noted that the comments in the prior meeting were about the bulk and mass of the house and this time the comments centered on views and privacy. He thought that the roof was now very different and the size of the house was very reasonable. He said it may be difficult to change the front because it is one of the few architectural elements of the house. He agreed with other Boardmembers that the house could be pulled three feet back so that it would be within the setback. He felt that the house would not really affect any views.

Mr. Singh said they understand the concerns about the mass of the front tower but they are trying to give the design some movement with the tower, and otherwise it would be a plain flat front. He asked if the Board felt that this would be a viable plan if they were to not ask for the side yard setback variance.

Chair Chong said if the house complied with the side yard setback and something was explored minimizing the tower the Board would then have an easier time supporting the project. Boardmember Doyle noted that there is a lot of extra space in the front tower and although he understood the architectural style issue, he felt that they could move the tower down a little bit. Boardmember Kricensky suggested reducing the 10-foot plate height to 9 feet.

<p>ACTION: It was M/S (Doyle/Kricensky) to continue the application for 526 Comstock Drive to the August 6, 2009 meeting. Vote: 3-0.</p>

4. 88 HACIENDA DRIVE FRIED, ADDITIONS/VARIANCES

The applicant is requesting Design Review approval for the construction of additions and alterations to an existing single-family dwelling located at 88 Hacienda Drive. This application was first reviewed at the June 4, 2009 Design Review Board meeting. At that meeting, the adjacent neighboring property owners at 76 Hacienda Drive raised concerns regarding potential privacy impacts that would be caused by the addition of a bay window that would face their property. The Board expressed concerns that the encroachment of the addition into the rear yard setback was excessive and seemed to loom over the property at 140 Porto Marino, but did not feel that the bay window would result in substantial privacy impacts. The Board suggested the idea of decreasing or eliminating the encroachment of the addition into the rear yard setback. The Board continued the project to give the applicant time to explore other options and revise the proposal.

The applicant has now submitted revised plans showing the various modifications to the previously submitted plans. The changes include scaling back the encroachment of the dining room into the rear yard by 2 feet. The proposed deck off of the dining room has been scaled back

5 feet, 6 inches to the edge of the existing deck which would decrease the lot coverage on the site. The lower living space addition has been scaled back 7 feet, 4 inches and has been repositioned further underneath the upper level of the home. The floor area on the site has been decreased from the previous proposal by 142.5 square feet and the lot coverage on the site was decreased by 70 square feet to a total of 3,146.5 square feet (14.32%), which is 0.68% less than 15.0% maximum lot coverage permitted in the RO-2 zone. A variance is again requested for a reduced side yard setback.

Greg Johnson, architect, presented the changes made to the proposal. He said that they reduced the size of the proposed addition so that it would now sit completely within the footprint of the existing deck. He said that they could not move the dining room to the other side of the house because that would require a total redesign of the floor plan. He said that if the dining room was moved to the location of the current garage and entryway, those existing portions of the house would need to be pushed forward, which would reduce turnaround space in front of the house and necessitate additional concrete, grading and tree removal. He said that they explored all of these issues, ran into difficulties with the site's topography, and therefore focused on reducing the space based on the plan they had before.

David Fried, owner, said they have made substantial changes that scaled back the home. He hoped that the Board would be able to make the finding for hardship or practical difficulty. He said that moving the dining room resulted in insurmountable problems of cost and safety. He said that having to redo the entire layout of the house would be a practical difficulty or hardship, as they are not trying to do a complete tear-down. He also questioned whether the Board is making it too difficult to obtain a variance. He stated that many variances have been granted in his neighborhood because each lot has an irregular shape. He felt that his case is even more compelling because there is a deck that has been in the rear yard setback for 40 years and the house surrounds the deck on two sides.

The public hearing was opened.

Jeff Houston said that he was in favor of the current design. He said that his biggest issue is what could potentially happen in the future if this proposal is denied and the Frieds build on the northwestern side of the hill, which could impact his property a lot more than the current proposal.

The public hearing was closed.

Boardmember Kricensky said he thought that the applicants did a good job of addressing all of the previously raised issues. He said that moving the addition back and the reduction in amount of glass make the project work. He thought that it made sense to put the dining room in this part of the house. He said that the Board has to make sure that variances are not excessive. He felt that the applicants in this case have done a good job of scaling the project back, have now gotten support from two neighbors, and he could support the project.

Boardmember Doyle said there are so many things that affect every proposal and common sense should win out. He said that the neighbors support this project and the applicants have addressed everything the Board requested. He stated that he could also support the project.

Chair Chong said the applicant explored all of the different possibilities and addressed all of the issues. He said that the deck is already there and the neighbors are in agreement. He stated that this is the only appropriate place for this type of addition, and that placing the addition anywhere else would cause a practical difficulty.

ACTION: It was M/S (Chong/Doyle) that the request for 88 Hacienda Drive is exempt from the California Environmental Quality Act and approved the project subject to the attached conditions of approval. Vote: 3-0.

G. NEW BUSINESS BEFORE THE BOARD

5. 139 HACIENDA DRIVE BROOKS/THOMPSON, ADDITIONS/VARIANCE

The applicant is requesting Design Review approval for the construction of additions and alterations to an existing single-family dwelling located at 139 Hacienda Drive. The project would include expanding the existing garage on the ground level to allow for 3 garage parking spaces and additional storage, addition of a dining room above the garage extension where an upper level deck currently exists and expanding the entry porch area. A new living roof would cover the remaining portion of the garage extension. The lot coverage on the site would increase by 269 square feet (0.6%) to a total of 2,744 square feet (6.3%), which is 8.7 % less than 15.0% maximum lot coverage permitted in the RO-1 zone. The floor area on the site would increase by 480 square feet to a total of 5,071 square feet, which is 1,256 square feet less than the maximum allowed floor area of 6,327 square feet. A variance is requested for a reduced side yard setback.

Patrick Sheahan, architect, addressed the hardship finding for the side yard setback variance. He said that every effort had been to address alternatives and he believed that they have come up with a design that minimizes the variance. He stated that other design options would have pushed the structure closer to Hacienda Drive, which actually crosses the property, with the front yard property line on the other side of Hacienda Drive. He said that there is no additional area other than the garage space in which to park cars. He stated that a portion of the addition would occupy an existing deck space, and within that portion of the project there is a roof replacing the deck area to cover a recycle and refuse area screened from the street. He requested the side yard setback variance because there is not another reasonable option without distorting the plan and creating other issues. He said that they are not aware of any objections by neighbors and had discussed the project with one neighbor who initially expressed a concern but now is satisfied after looking at the plans.

Judith Thompson, owner, said another reason they are trying to get the new closed parking spot is to provide a parking space for their daughter.

There was no public comment.

Chair Chong said this is a property where it is necessary to create additional parking. He stated that this is an interesting, front-loaded lot with no other logical places to expand. He felt that this was a good design that was well thought out.

Boardmember Doyle agreed that it would be difficult to relocate the additions without moving all the pieces of the house around. He noted that the Board considers all variance requests on a case-by-case basis. He said that this project makes sense, would not impinge on anyone's privacy and would not be too close to another house. He said that all of the things variances are meant to protect are not a problem here.

Boardmember Kricensky asked a question about the Hacienda Drive right-of-way. Planning Manager Watrous explained that this portion of Hacienda Drive is privately owned, but a portion of the roadway crosses the subject property itself.

Boardmember Kricensky said the design will be a great improvement that would provide more storage for cars and would still be well outside the front yard setback. He said that this would be just a small extension into the side yard. He said that the story poles seem high but are actually set well back from the front property line. He noted that the adjacent house is well-screened and is higher and this appears to be a logical place for the addition.

Chair Chong stated that it would be a practical difficulty to site the garage and storage addition without substantially affecting the entry.

ACTION: It was M/S (Chong/Kricensky) that the request for 139 Hacienda Drive is exempt from the California Environmental Quality Act and approved the project subject to the attached conditions of approval. Vote: 3-0.

6. 680 HAWTHORNE DRIVE MAHONEY, ADDITIONS - CONTINUED TO 7/16/09

7. 83 CLAIRE WAY KAMLOONWASARAJ, NEW DWELLING/VARIANCES – WITHDRAWN

H. APPROVAL OF MINUTES OF THE 6/18/09 DESIGN REVIEW BOARD MEETING

ACTION: It was M/S (Kricensky/Doyle) to approve Minutes #10 of the June 18, 2009 meeting as written. Vote: 3-0.

I. ADJOURNMENT

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