

ACTION MINUTES #13

**TIBURON DESIGN REVIEW BOARD
THURSDAY, AUGUST 6, 2009
1505 TIBURON BOULEVARD**

A. ROLL CALL: **Present:** Chair Chong, Boardmembers Doyle, Kricensky, Tollini and Wilson

Absent: None

Ex-Officio: Planning Manager Watrous and Minutes Clerk Rusting

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

C. STAFF BRIEFING

D. CONSENT CALENDAR

1. 1701-1801 Tiburon Blvd. Tiburon Plaza, LLC Signs and Sign Program **APPROVED**

E. OLD BUSINESS BEFORE THE BOARD

2. 526 Comstock Drive Singh New Dwelling/Variences **APPROVED**

3. 166 Rock Hill Road Robberts New Dwelling **APPROVED**

F. NEW BUSINESS BEFORE THE BOARD

4. 1877 Centro West Street Lamar Additions/Variance/Floor Area Exception **APPROVED**

5. !3 Roseville Court Van Dusen Walls/Variance **APPROVED**

G. MINUTES #12 OF THE 7/16/09 DESIGN REVIEW BOARD MEETING – APPROVED

H. ADJOURNMENT – 9:25 PM

MINUTES #13

**TIBURON DESIGN REVIEW BOARD
MEETING OF AUGUST 6, 2009**

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

A. ROLL CALL

Present: Chair Chong, Vice-Chair Tollini, and Boardmembers Doyle, Kricensky and Wilson

Absent: None

Ex-Officio: Planning Manager Watrous and Minutes Clerk Rusting

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING - None

D. CONSENT CALENDAR

1. 1701-1801 TIBURON BOULEVARD TIBURON PLAZA, LLC, SIGNS AND SIGN PROGRAM

The applicant is requesting a sign permit and approval of a sign program to construct two (2) freestanding signs on the Point Tiburon Plaza property, located at 1701-1801 Tiburon Boulevard, in downtown Tiburon. Currently the complex has awning signage and on-building signage. The applicant has proposed a multi-tenant sign and a directory sign to provide retail/business information for all tenants within the complex.

Fred Potter, property manager, said he was available to respond to the Board's questions. Boardmember Wilson questioned why a height of 6 feet is needed for the sign at the front of the center. Mr. Potter explained that the sign must be viewable from the street as people drive on Tiburon Boulevard, and there will be a map at the top and a listing of all of the tenants.

There was no public comment.

Boardmember Doyle said he believed the height and location of signs were appropriate.

Boardmember Wilson pointed out that there are two different signs; one in front and one in back, and stated that the rear sign would be low, angled, and pedestrian friendly and much more in line with the feel of Point Tiburon Plaza. He felt that the sign at the front on Tiburon Boulevard would be too large and would not fit the character of downtown Tiburon.

Vice-Chair Tollini noted that the sign is going to be installed next to a planter and only viewed from at least a few feet away. He thought that the signs would help people see what is located in the center and serve a functional purpose. He said that the signs would not be oversized and would be consistent with the Downtown Design Guidelines.

Boardmember Kricensky agreed with Vice-Chair Tollini and did not believe the signs would be overwhelming. He stated that commercial centers need appropriate signage and the potential for retail uses in this center was important to consider.

Chair Chong agreed and said the signs serve a functional purpose by guiding people to the location they are trying to find.

<p>ACTION: It was M/S (Tollini/Kricensky) that the request for 1701-1801 Tiburon Boulevard is exempt from the California Environmental Quality Act, and approved the project subject to the attached conditions of approval. Vote: 4-1 (Wilson opposed).</p>

E. OLD BUSINESS BEFORE THE BOARD

2. 526 COMSTOCK DRIVE SINGH, NEW DWELLING/VARIANCE

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 a variance for reduced front yard setback. The project was reviewed at the May 21 and July 2, 2009 Design Review Board meetings. At the most recent

meeting, the Design Review Board determined that the mass of the front entry within the required setback needed to be reduced and that the required findings could not be made for the requested variance for reduced side yard setback. The applicants have submitted revised plans for the proposed house. The location of the house has been moved slightly to the north, moving the footprint of the building out of the southern side yard setback. The height of the entry has been reduced by 9 inches to bring it below the height of the ridgeline of the house and closer to the eave height of the front of the house. The front of the house would still extend to within 11 feet, 6 inches of the front property line, again necessitating a variance for reduced front yard setback, although the variance for reduced side yard setback is no longer required.

Jitender Makkar, designer, reviewed changes to the proposal. He stated that they have moved the building in to comply with setbacks on the left side and have reduced the height of the entry porch.

The public hearing was opened.

Enrique Sotomayor said that the entryway was still an issue. He disagreed that findings could be made for special circumstances related to the physical characteristics of the property and said that moving the house to the north would alleviate all of the neighbors' problems. He said that if the house was moved 4 feet back the front variance would not be required. He felt the granting of the variance would be injurious to other property owners because they would lose views and it would reduce their property values. He urged the Board not to grant the variance and require the applicant to change the proposal so that the house fits within the setbacks.

Joan Sotomayor said that the Design Review Board has a responsibility to protect the neighborhood. She said that there are greater setbacks and lower rooflines in the neighborhood so that views are preserved. She felt that the house would be too large and too close to the street. She understood the difficulties of the lot, but said that there are many ways to design a house on this lot and still preserve the character of the neighborhood and neighbors' views.

Becky Pringle said that there has been a lot of neighborhood concern about this project regarding blocking view corridors, the size of the house and the variances required to squeeze the house into the southern portion of the property. She disagreed that the Board could make the findings needed to approve the variance, stating that there are no special characteristics of this property that prevent the applicant from building on this lot as it is the largest lot on the street. She said that many homes in Tiburon have been built on downhill slopes and siting the home further north would solve many problems. She disagreed that there would be an unnecessary hardship and requested the Board to direct the applicants to work with neighbors to come up with a solution.

Mohinder Singh, applicant, said they have tried to accommodate all of their neighbors' concerns, but the same issues keep coming up that have been brought up in previous meetings. He noted that they have moved the house so that it would no longer be in the side setback and were now only asking for one variance due to the shape of the lot. He said that if they move the house they would lose their view from a very small view corridor.

The public hearing was closed.

Boardmember Doyle noted that the Board often asks an applicant to make changes based on comments and concerns. He said that the applicant has done what the Board has requested and moving the house elsewhere on the site would not change anything. He acknowledged the compromises made by the applicants and said that he could make the findings for the variance based on the difficult curve of the front property line.

Boardmember Wilson agreed that the applicant has made a lot of changes. He said that when he visited the

neighbors' houses across the street he did not see a view at all.

Vice-Chair Tollini agreed and pointed out the front lot line is 10 feet off the curb, which would mean that the house would be well over 15 feet away from the curb at the closest point. He supported the variance, adding that the curved property line in front creates a practical difficulty and special circumstance. He agreed that moving the house would not make a meaningful difference and that the impact on views would be minimal. He felt that this was a reasonable single story house with a mass and scale that fit the neighborhood and the site.

Boardmember Kricensky said that he was pleased that the house has been moved out of the side yard setback, but the 10 foot plate height changes the whole dimension of the house in the front and made it more difficult for him to support. He was still hesitant about approving the front yard variance because he thought that the scale of the house in front was too big.

Chair Chong said that the applicant had made substantial changes that addressed all of the Board's concerns. He stated that the revised design complied with the Board's direction and he supported the project.

ACTION: It was M/S (Wilson/Tollini) that the request for 526 Comstock Drive is exempt from the California Environmental Quality Act, and approved the project subject to the attached conditions of approval. Vote: 4-1 (Kricensky opposed).
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3. 166 ROCK HILL ROAD ROBBERTS, NEW DWELLING

The applicants have submitted a request for construction of a new two-story single-family dwelling on the property located at 166 Rock Hill Road. This application was reviewed at the June 18 and July 16, 2009 Design Review Board meetings. At the most recent meeting, the consensus of the Design Review Board was that the general design of the house was appropriate, but that the proximity of the wall to neighbors, the height of the wall, and the removal of existing vegetation were still substantial concerns. The applicants have now submitted additional revised plans for the project. The two retaining walls along the southern side of the site have now been replaced by a single, 4 foot tall retaining wall that would be set back 12 to 17 feet from the side property line. The swimming pool would be moved further to the rear and a level lawn space established between the house and the pool. Two 5 foot tall retaining walls would be constructed to the rear of the pool.

David Cincotta, attorney, said the applicants have attended two meetings with neighbors to come to a solution. He said that they came to an agreement that affords additional privacy and reduces the retaining walls considerably to 4 feet, which he felt was a good solution. He noted that there are no variances required for the project.

Pete Pederson, landscape architect, reviewed the new landscaping plan. He said that the new plan would not require removing existing trees, provide more screening, and create a hedge along the front of the 4 foot retaining wall. He said that they would build one 5 foot wall behind the house, and another 4 foot wall behind it, with plantings in between. He said that the flat space would be moved to an area that will not affect the uphill neighbors.

The public hearing was opened.

Jim Malott said the landscaping plan was greatly improved, particularly saving the podocarpus trees and improving the screening. He said that the wall would now be far enough away that it will not have as much of an effect on the neighbors. He said that he was disappointed that more consideration was not given to the

building and siting. He said that the height of the library roof in its new configuration would obscure more of the neighbors' water views than the previous version and that turning the house location slightly would greatly help to preserve the Lacey's view corridor, and that pushing the building back 6 feet would help even more.

Jean Pelfini stated that the new plans are acceptable to them. She requested that the existing flowering plum trees and podocarpus trees be replaced in kind if they become damaged during construction.

Tad Lacey acknowledged the cooperation that took place in the revision of the proposal, but he still had concerns with the size of the house. He said that the clear glass entryway would be over 23 feet high and would cause light pollution in the neighborhood. He said that the roof of the library in front of the building would be 3 feet higher than the garage, and he noted that the story poles do not currently show that height.

Ian Pearson said they he had no objections to the project as it is currently proposed. However, the taller roof area on the west side of the house would be visible from all of the rooms in his house, and he was concerned about the light from the window on that structure. He suggested reducing the intrusiveness of the light from the window by tinting, frosting, and removal of light fixtures. He said that the size and function of that area make it a nonessential design element that would negatively impact all of the uphill neighbors.

Mr. Cincotta said they have no objection to the condition to plant replacement trees if any are destroyed. He said that they were perplexed by some of the other comments because they have already been addressed in the revised proposal.

Michael Heckmann, architect, agreed they have already resolved the issues that had been brought up.

Boardmember Kricensky questioned and confirmed with Mr. Heckmann there are no plans for a decorative lighting fixture in the entry. Mr. Heckmann added that downlights are proposed to be focused to the floor below and not on the glass itself.

Boardmember Doyle questioned the benefits of turning the house to improve the uphill neighbors' views. Mr. Heckmann said that a slight spin would not change things significantly for the uphill neighbors but, in fact, would cause the applicants to build higher retaining walls between their house and the Lacey's home. He noted that this change was proposed at the last meeting and did not seem to have support from the Board.

Boardmember Wilson asked if there was a drawing of the retaining wall. Mr. Pederson explained that there were images of wood retaining walls contained in the last set of plans. Planning Manager Watrous said the final plan must include those drawings, or the Board can specify it as a condition of approval.

The public hearing was closed.

Boardmember Wilson said he believes there has been a lot of effort and time spent on the project to work with the neighbors. He said that visited the uphill neighbors' house and the view is tucked to the side and is currently obscured by an existing structure. He said that the proposed house would not impact any additional views.

Vice-Chair Tollini said that there is a view impact from the master bedroom of the Lacey's home, but the view from downstairs, where the living room and communal spaces are located, would actually improve. He said light pollution is not much of an issue because this house has very little glazing, and he believed that the applicant had gone above and beyond to accommodate neighbors' concerns. He said that the entry was quite large, but was a fundamental part of the project design. He noted that the substantial change to the retaining

walls satisfied the Pelfinis.

Boardmember Doyle said that the pool location was much better and moving the retaining walls was a great compromise. He thought that the applicant had done a good job of compromising, have answered all of the Board's concerns and worked with neighbors to resolve problems.

Boardmember Kricensky commended the applicants and the neighbors for working together. Regarding the light issue, the entry structure would be about 6 feet wide and 9 feet tall, just a little bigger than a standard sliding glass door. He was more concerned with the amount of glass on the south elevation, but acknowledged that this had been reduced.

Chair Chong said the applicant had been more than generous to set the wall further back and give part of their yard to create some separation between the neighbors.

ACTION: It was M/S (Wilson/Doyle) that the request for 166 Rock Hill Road is exempt from the California Environmental Quality Act, and approved the project subject to the attached conditions of approval, with the additional conditions of approval that the plum and podocarpus trees be replaced in kind if removed or damaged during construction, and that the southern retaining wall be constructed of wood or timber materials. Vote: 5-0.

F. NEW BUSINESS BEFORE THE BOARD

4. 1877 CENTRO WEST STREET LAMAR, ADDITIONS/VARIANCE/FLOOR AREA EXCEPTION

The applicant is requesting Design Review approval for the construction of additions to an existing three-story single-family dwelling on property located at 1887 Centro West Street. A new lower level of floor area would be added on roughly the same level as the existing garage, containing a new kitchen, living room, entry and powder room. A play room would be added to the second level. A small extension would be made to the front of the third level, with the existing kitchen and living room removed and the level reconfigured to include a master bedroom suite, two bedrooms and one bathroom. A new swimming pool and spa would be installed in the front of the site and new walls and fencing would be constructed in various locations on the site. The proposed project would increase the floor area of the house by 1,232 square feet to a total of 4,082 square feet, which is greater than the 3,021 square foot floor area ratio for a lot of this size. Therefore a floor area exception is requested. The lower floor addition would increase the calculated height of the house from 30 feet to 34 feet, 1 inch. As the maximum building height in the R-2 zone is 30 feet, a variance is requested for excess building height.

Jennifer Lamar, applicant, said that the project involves converting the basement into the first level of the house. She said that they have arrived at a responsible design that lowers the living level and mostly maintains the exterior lines of the structure. She said that the addition would not impact anyone's views and would not be visible from the street.

The public hearing was opened.

Bob Hamer stated that he supports the project, but he said that there is an unresolved access easement issue so he is concerned about the auto gate in that area.

Steven Lamar, applicant, asked the Board to not postpone their request because the easement issue is not

relevant to the proposal. He said that they will resolve access to the back with their neighbor.

Boardmember Doyle asked whether the Board could approve the additions but make the easement issue a condition of approval. Planning Manager Watrous replied in the affirmative, stating the Board could make a condition that the paved area at the top and the driveway gate are permitted only after proof of the access easement.

Mr. Lamar said that the main reason for the outside area is to give their four children a place to play. He said that would rather not have the gate and easement issue become a condition of approval. Planning Manager Watrous noted that the survey submitted with the proposal shows an 8 foot roadway easement across the top of the property, and this is usually a good indicator that the easement exists. The Board decided to discuss the proposal first, followed by the easement issue.

The public hearing was closed.

Boardmember Kricensky said the project would significantly change the way the house works, but it would not change anything on the exterior. He liked the design and the landscaping plan.

Boardmember Wilson said that this would be a great use of underutilized space and there would be no impact on any neighbors.

Vice-Chair Tollini agreed and said that this would be a great use of space that would make the house more functional. He said that he was unaware of the easement issue, but was confident that it can be resolved.

Boardmember Doyle said that he appreciates projects that do not impinge upon anyone's views or space. He praised the design and said that the neighbors can work out the easement issue.

Chair Chong agreed and thought that the tunnel to connect the garage and the lower level was a creative idea that would not affect neighbors.

Jill Hamer said that they were surprised to find the paved area in the plan. She was concerned that paving that area would encourage more access to the space. She said that the hillside along the unpaved access is not stable and cannot support more traffic than the original intent of the easement.

Boardmember Doyle asked whether the issue is access to the space or the paving of it. Ms. Hamer replied that they are concerned about access, as it seems like the paved area was intended to become a driveway. She said that they want to work with the applicant but also want to be sure they are not opening up a possibility where that driveway becomes an ingress to the house, because of the potential to create a hazard for houses below.

Chair Chong asked what was located in the space at present. Mr. Lamar said there is no gate right now and it is just open area. He said that if kids play in that area, he would like to have a gate blocking it off.

Boardmember Wilson suggested approving the project with the stipulation that no gate be permitted. Boardmember Doyle said that a pedestrian gate would be beneficial to the owner and neighbors since it would prevent it from being used as a driveway and it would provide safety and privacy for the children playing there.

Boardmember Kricensky suggested approving the project without the gate, and separately approving the gate when the easement issue is resolved. Mr. Lamar asked the Board to approve a pedestrian gate and then later

seek to change it to a driveway gate if they resolve the easement issue with their neighbor. Vice-Chair Tolini pointed out that nothing the Board says from a design standpoint has any effect on the legality of the easement issue.

ACTION: It was M/S (Doyle/Wilson) that the request for 1877 Centro West Street is exempt from the California Environmental Quality Act, and approved the project subject to the attached conditions of approval, with the additional condition of approval that the gate in the rear of the site be allowed as a pedestrian gate until easement issues are resolved to the satisfaction of staff. Vote: 5-0.

5. 13 ROSEVILLE COURT VAN DUSEN, WALLS/VARIANCE

The applicant is requesting Design Review approval to legalize the as-built construction of retaining walls for the existing single-family dwelling on property located at 13 Roseville Court. Portions of the walls within the required setbacks for this lot exceed the 6 foot maximum height limit, with a maximum height of 10 feet. A variance is therefore requested for excess wall height.

James Bradanini, landscape architect, said they are requesting a variance for a 10-foot high wall to support a turnaround area required by the fire department. He said that the primary reason the wall has increased in height was due to the requirements of the soils engineer. He stated that the applicant has met with the downhill neighbor about the retaining wall and has received a letter of support from that neighbor. He described significant landscaping to be planted around the perimeter of the driveway, including a hedge and a row of screen shrubs along the property line. He said that the wall would not visually exceed more than 6 feet in height once they have re-graded some of the soil at the base of the wall, and the wall goes down to a 24-inch height as it goes down the hill. He noted that there has been some concern from the uphill neighbor, but from their perspective the footprint of the driveway and the uphill view are the same as previously approved.

Stephen Van Dusen, applicant, said that they have tried to do everything within the Town's guidelines and have had a significant level of dialogue with neighbors. He firmly believed that the end product would be a great support to the hillside, along with new drainage. He described the area around the turnaround as a park-like setting that would be heavily landscaped and a vast improvement from what current exists. He noted that the turnaround will also provide emergency access for other neighbors. He said that he did not anticipate the uphill neighbors' concerns, but had he known, he would have visited them.

The public hearing was opened.

Irv Fong said that they have come to a mutual agreement with the applicant on the cabana and pool on the other side of the property, but he was dismayed to return to the Board with the same issues of noise and light pollution.

Victoria Fong said that the original plans showed a driveway and turnabout closer to the applicant's garage, and they did not object because they could not see it from their property, but the turnaround has now been moved and would be visible from their home. She said that there would be increased noise and light pollution and traffic from the turnaround and the size and scope of the project would be out of character with the area. She said that several neighbors expressed concern about removal of mature landscaping and grading on a hillside that has tendency for slides. She requested additional replacement plants, minimizing light and noise impacts, and removing the fountain.

Vivian Jacobs said that she has noticed many trucks removing rocks, and asked how long the project will be continuing. She requested the Board watch the progress of this large project.

Ann Rice expressed concerns about setting a precedent by approving a 10-foot wall. She said that she has lived on the street for 37 years and remembered when a house did have land slippage and work needed to be done to prevent the hill from sliding. When she viewed the project, she immediately worried about drainage and slippage.

Mr. Bradanini said there have been some misconceptions about the project. He said that they have not changed the plans for the turnaround which was previously approved in exactly the same location when the project as a whole was approved. He said that they are trying to complete the project within the allotted time to minimize noise for the neighbors. As far as removal of mature landscaping, Mr. Bradanini said that some myoporum shrubs in the way of the proposed driveway that had been removed, but he felt that the new landscaping would be a great improvement. He said that they are not destabilizing the hillside and are, in fact, providing more significant stabilization and are following the recommendations of the soil engineer. He said that the only change is that the wall has gotten a bit taller.

Boardmember Doyle questioned and confirmed with Mr. Bradanini that the turnaround is asphalt with a small cobblestone band around the bottom. Mr. Bradanini also confirmed that the railing is more of a safety issue for the applicant's children. Boardmember Doyle asked about the size of plantings to be used in the landscaping. Mr. Bradanini stated that 15 gallon trees would be planted, and that the tree species grows fast and very tall.

Boardmember Wilson asked if there is any landscaping on the inside of the wall, between the wall and the driveway. Mr. Van Dusen said that there would be a hedge that will show above the wall.

The public hearing was closed.

Vice-Chair Tollini said that he visited the applicant's property and the Fong's property and he understood how frustrating it is that the project has been for going on for a long time. He did not see a light and noise issue since any lights must be down lit and the small curb visible from uphill would not create any noise problems. He said that if trees were planted on the uphill side of the turnaround it might help screening for the uphill neighbor. He said that the panoramic view of the uphill neighbors would only change slightly and there is no where else to put the turnaround on the site without granting a variance.

Boardmember Wilson said that he visited the site and the Fong's property. He said that the project would be beautiful and improve the neighborhood, as well as bringing the site up to code regarding fire, drainage, and landscaping.

Boardmember Kricensky said that the practical issue is that there must be some method for turning around on the site, and a hammerhead turnaround would require even more pavement. He said that the landscape plan is elaborate and would change what the Fong's are seeing now from a big scar to something more pleasant to look at. He said that if the turnaround was moved closer to the garage, it would be more in view of the uphill neighbors and would require even taller walls.

Boardmember Doyle said that he was on the Board when they approved the overall project for this property and he remembered a lot of the discussion. He agreed that there is nowhere else to put the turnaround. He said that the walls would disappear when the landscaping is put in and the stabilized hillside would be better for the downhill neighbors. He said that the walls are not in the primary view of the uphill neighbors since they look out at the panoramic view and not down toward the turnaround. He characterized the project as a great improvement, adding that nothing else could be done that makes sense.

Chair Chong said that he understood the concern looking down from the Fong's house, but once the project is completed it will be much nicer and landscaped, with only a 6 inch curb visible. He felt that the center fountain and detailed landscape plan add to the property and that there is no other place to put the turnaround.

ACTION: It was M/S (Kricensky/Tollini) that the request for 13 Roseville Court is exempt from the California Environmental Quality Act and approved the project subject to the attached conditions of approval.
Vote: 5-0.

G. APPROVAL OF MINUTES #12 OF THE 7/16/09 DESIGN REVIEW BOARD MEETING

ACTION: It was M/S (Kricensky/Wilson) to approve the minutes of the July 16, 2009 meeting as written.
Vote: 5-0.

H. ADJOURNMENT

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