



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

### **1. 22 MERCURY AVENUE DIBBLE, SIGNS**

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 22 Mercury Avenue. The applicant submitted a previous application (File #708189) for construction of a similar new residence on October 21, 2008 which was continued numerous times until the applicant withdrew the request on April 1, 2009. On May 6, 2009, the applicants submitted a new application with plans that were identical to those reviewed by the Design Review Board at the December 18, 2008 meeting. At the July 2, 2009 meeting, a new architect for the project indicated that the applicants now intended to submit a new design for the proposed house.

The revised house design is substantially different from the design previously reviewed by the Design Review Board. Two bedrooms and one bathroom have been eliminated from the upper floor, reducing the floor area of that level from approximately 1,400 square feet to 975 square feet. The upper level has been moved toward the front of the site to reduce visual and privacy impacts on the neighbors to the side and rear of the site. The footprint and roofline of the house have also been varied to minimize the visual mass and bulk of the house when viewed from the street.

Jim Mallot, architect and representative for the applicant, reviewed changes made to the proposed application since it was last presented to the Board. He said that the applicant has reduced the footprint of the second floor, stepped the ground floor back, moved the second floor forward, reversed the location of the garage, and added small gables to reduce the home's overall mass. He said that they attempted to address each individual neighbor's concerns by eliminating, relocating, or resizing windows as well as adding vegetative screening to ensure that short-range views are almost solely of natural elements. He noted that the proposed screening would not cut off any sky or hillside views with the exception of one neighbor who would lose a small portion of their Ring Mountain view. He stated that the project does not require any variances and complies with all applicable codes, and he asked the Board to approve the application.

Chair Chong opened the public hearing.

Muhammad Sadrieh addressed the Board on behalf of the applicant's neighbors, the Boris family. He stated that the three most treasured assets of a Tiburon home are views, privacy, and sunlight. He said that homes in the Belveron neighborhood are primarily single-story because anything higher would affect those assets. He said that the Boris family would support any reasonable single-story proposal and urged the Board to deny the application until the applicants modify their design to keep light, view, and privacy in mind.

Ann Lettrich said that she lives immediately next door to the applicant. She said that when she and her husband added a master suite to their home they placed no windows on the wall facing their neighbors out of respect for their privacy. She said that Mr. Mallott admitted that her yard would be visible from several of the proposed windows. She said her husband's tomatoes are planted along a neighboring fence and the proposed screening would not provide them with sufficient light.

Danny Gallagher stated that the applicant seems to have listened carefully to the neighbors' and the Board's suggestions and addressed the major concern pertaining to the mass of the second story. He felt that the design of the home was very nice and stated his support for the application.

Jennifer Barnes voiced support for the project.

Melissa Elliott said that she understands the need for larger homes with updates and would like growing families to be able to remain in the neighborhood. She said that the project would be a good fit and she supported the application.

Dillis Bart said that the applicant has gone to tremendous lengths to address neighbors' concerns. She said that she was strongly in favor of the project and asked the Board to approve the application.

Moira O'Neal said that Mr. Mallot informed her that the stovepipe chimneys would be removed from the design and noted that the chimneys were still on the plans. She said that the proposed design simply would not retain her views, but would instead replace her views with screening that would eliminate some of the light into her home. She stated that overgrown screening is already an issue amongst these homes and she asked why they should be forced to deal with more potential problems. She said that back yards are private space which residents should be free to enjoy without feeling as though they are being watched.

Jim O'Neal reiterated his wife's comments, stressing that privacy and sunlight are vital features of a home's backyard. He said screening is a Catch-22, that too much allows privacy but no sunlight and too little allows sunlight but no privacy. He recognized the difficulties associated with the applicants' lot but said that its size and proximity to neighbors make it an inappropriate location for a 2-story home. He said that the entire "island" between Apollo Road and Mercury Avenue consists of single-story homes, due in part to the elevation differences between these lots.

Mr. Mallot reviewed the potential sun blockage that would be caused by the proposed house in both summer and winter. He said that the proposed house and screening would have no effect on either the Boris or O'Neal homes. He said that the Lettrich property already loses a significant amount of sunlight from its own trees and most of the shadow cast by the proposed vegetation would be cast on existing trees. He confirmed that the stovepipe chimneys would be unnecessary, as the applicant has amended the design to use gas fireplaces. He agreed that sunlight is an important feature in every home and said that he intentionally pushed the proposed house forward to ensure that all neighbor's yards meet in one large open space.

Chair Chong noted the location of the roof deck and asked if any thought had been given to reducing its size to minimize intrusion on neighbors. Mr. Mallot said that the applicant would be willing to reduce its size somewhat but he did not believe that such a change would make a significant difference.

Chair Chong closed the public hearing.

Boardmember Doyle said that the Board had asked the applicants for significant concessions and while few initial changes were made, they have now addressed the Board's concerns. He said that if the fences and screening vegetation were eliminated, the neighbors would see more of the house. He observed that there were many beautiful one-story homes in this neighborhood, but on lots that were much different from this site. He noted that there were not many second stories in Belveron just a few years ago. He acknowledged the difficulties associated with the lot and said that if the applicant changed the proposal to please everyone, the result would be an awkward design that the Board would not likely approve. He shared the concern that the roof deck would overlook the neighbors' yard in an intrusive fashion but aside from that issue, he felt that the applicant had satisfied his other concerns and he could support the project.

Vice-Chair Tollini concurred with Boardmember Doyle. He said that despite previous concerns regarding the home's relationship to the rest of the neighborhood, he believed that the setbacks and roofline adjustments make it a reasonable design. He said that while this would be a bit of a change for the neighborhood, restricting homeowners to master suite second story additions would be unfair and would not result in

functional designs. He viewed the site from all neighboring properties and while he was concerned with the number of objections from the immediately surrounding neighbors, he did not find any individual concern to be compelling enough to require changes to the house design. He supported staff's recommendation to eliminate the roof deck and said he could support the project with that amendment.

Boardmember Wilson said that the Board has historically approved master suite second-floor additions on the periphery of the Belveron neighborhood, and that those projects have not typically been accompanied by potential impacts and neighborhood objections. He reviewed the application's history, noting the applicant's repeated failure to alter their design as recommended by the Board. He said that any project requiring hedges to alleviate issues means the project is too large. He said that he visited the project site and felt that the applicant has proposed the right home on the wrong lot, and he could not support the request.

Chair Chong stated that he was strongly against the project at its inception but the applicant has made a number of changes to the original design. He said that the "island" referred to by Mr. O'Neal does not make up the entire neighborhood and a 2-story home would be appropriate there. He said that he liked the home design, stating that the overall mass and scale were appropriate. He said that the applicant addressed his concerns by pulling the front of the house back and sloping the roofs away from the neighbors. He voiced support for the application with exception of the roof deck, which he asked to be reduced in size. He felt that a little landscaping growth would also lessen any impacts from the house.

Boardmember Doyle noted that the hedges are proposed height to screen the proposed house from the neighbors' lot that is at a higher elevation.

Boardmember Wilson said he was speaking to the proposed vegetation on all 3 sides of the lot. He explained that if an application requires vegetation to lessen the impacts of a proposed design on the views and privacy of neighbors, there are underlying issues that have not been properly addressed.

Vice-Chair Tollini strongly urged elimination of the roof deck and suggested that the door should be replaced with a high, rather than full, window. Mr. Watrous directed him to the recommended condition of approval that stipulates that the door should be replaced with a window similar to those on the south side of the home.

Chair Chong reopened the public hearing.

Mrs. Lettrich questioned and confirmed with Mr. Mallot that the proposed box window would be wood sided with the exception of the outward facing pane.

Chair Chong closed the public hearing.

<p><b>ACTION:</b> It was M/S (Tollini/Doyle) that the project 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 requiring that the chimneys for the gas fireplaces be eliminated. Vote: 3-1 (Wilson voted no).</p>
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**2. 22 JUNO ROAD AMIR , ADDITIONS/VARIANCES - CONTINUED TO 9/3/09**

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

### **3. 107 JEFFERSON DRIVE MALEK, GARAGE CONVERSION/ALTERATIONS**

The applicant is requesting Design Review approval for the conversion of a garage into living space and various exterior modifications at an existing single-family dwelling on property located at 107 Jefferson Drive. The home is currently being remodeled. The two-car garage would be converted into a family room, laundry room, master bedroom suite and additional bathroom. A new detached shed would be constructed in the rear yard in order to allow for additional storage space. Various new windows and two new skylights would be added. The front door would be replaced and relocated towards the existing garage. A new ground mounted A/C unit would be installed along the side of the home. The proposed garage conversion does not meet the standards set forth within the Town's garage conversion policy. Therefore, in accordance with that policy, this application has been referred to the Design Review Board.

Morgan Farand, designer, acknowledged that the project does not meet all of the Town's requirements for a garage conversion and he offered to address all design issues to the Board's satisfaction. He said that any additional off-street parking would extend into the existing setback, but as the property line sits 15 feet back from the curb, the applicant felt that there would be an adequate distance from the street to park cars in the driveway. He stated that the existing tree and hedge to the left of the proposed parking area provide substantial screening and while there is no screening on the other side, the adjacent neighbor's property is oriented in the opposite direction. He said that the rear yard shed was proposed at the lowest elevation possible and would be substantially screened. He offered to provide additional vegetation to alleviate any concerns.

Chair Chong opened the public hearing.

Marcelino Nogueiro said that he and his father live both across and down the street from the applicant. He approved of the applicant's desire to improve her home but said that he would prefer to see a master addition on the rear of the home. He said that several homes on the street have already converted their garages and he disagreed with the concept.

Mr. Farand said that the applicant considered those options but is expecting a baby in 3 months and a rear yard or second story addition would be time and cost-prohibitive.

Chair Chong closed the public hearing.

Boardmember Wilson said that he had no objection to the concept of garage conversions in Belveron, noting that few residents in the area use their garages for parking. He said that a 15 foot setback is tight and he would prefer it be at least 18 feet. He said that he visited the site and believed that the proposed shed sits in too wet of an area and would negatively impact the immediate neighbors. He said that attempting to screen the structure with a tree would not likely be successful. He encouraged the applicant to limit the shed to fence height.

Assistant Planner Phillips noted that the proposed shed would be 8.5 feet tall.

Boardmember Wilson said that he would be inclined to minimize the shed height to 6 feet. He wondered why the applicant would propose screening the A/C unit rather than installing one that does not exceed the allowed decibel level. He said that the unit's location could negatively impact the northern neighbor and any attempt at screening may bounce the noise around. He suggested that the unit be relocated to the rear yard where it would be further from neighbors.

Mr. Farand said that the applicant was prepared to remove the A/C unit altogether.

Vice-Chair Tollini said that he also visited the site and found the existing screening to be suitable. He believed that the driveway space would be more than adequate to provide parking for two vehicles. He said that there is little possibility of constructing a new garage there in the future. He supported Boardmember Wilson's recommendation to decrease the height of the shed and said that he had no problem with the A/C unit as long as it complied with Town policies. He felt that this was a suitable candidate for a garage conversion and he supported the request.

Boardmember Doyle said the conversion fits well in the proposed location. He suggested the applicant consider lining the front with paver blocks to create a more aesthetic entry to the home. He said that the proposed shed seemed to be in an odd location and could be tucked around the side of the house. He suggested that the applicant obtain a quieter A/C unit but said that staff's recommendation would be acceptable.

Mr. Watrous he noted that the shed was not specifically requested by the applicant and the Board could approve the application without the shed.

Chair Chong said that this is a good use of the existing footprint and he has no issue with the proposed conversion given the alternatives. He disliked the height and location of the proposed shed and said that he would prefer to see it eliminated altogether. He said that he had no issue with the A/C unit, provided it complies with the Town's policies.

Mr. Farand offered, and the Board accepted, to eliminate the shed. He said that there are systems that could be built into the existing A/C unit to provide noise reduction.

ACTION: It was M/S (Wilson/Doyle) that the project is exempt from the California Environmental Quality Act, and approved the project subject to the attached conditions of approval, with the additional condition eliminating the proposed storage shed. Vote: 4-0.
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**G. APPROVAL OF MINUTES #13 OF THE 8/6/09 DESIGN REVIEW BOARD MEETING**

ACTION: It was M/S (Tollini/Wilson) to approve the minutes of the August 6, 2009 meeting as written. Vote: 4-0.
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**H. ADJOURNMENT**

The meeting was adjourned at 8:30 p.m.