



TOWN OF TOWN OF TIBURON  
Tiburon Town Hall  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Action Minutes - Regular Meeting  
Design Review Board  
March 18, 2010  
7:00 PM

## ACTION MINUTES #4

### TIBURON DESIGN REVIEW BOARD

#### CALL TO ORDER AND ROLL CALL 7:00PM

Chairman Chong, Vice Chairman Tollini, Boardmembers Kricensky & Wilson

#### ORAL COMMUNICATIONS

#### OLD BUSINESS

1. **100 NED'S WAY:** File No. T09-31; Hilarita-Tiburon Ecumenical Association, Owner; Community Development Director's Referral of a Tree Permit application requesting the removal of six (6) blue gum eucalyptus trees along the Tiburon Boulevard frontage of the Hilarita Apartments APN 058-151-39 [SA] *Approved 4-0*

#### NEW BUSINESS

2. **280 LOMA AVENUE:** File No. 709140; John & Kathleen Goodhart, Owner; Additions with a Variance for Reduced Side Yard Setback and a Floor Area Exception; The applicant proposes to construct a 500 sq. ft addition, and a 408 sq. ft. basement addition to the existing single-family dwelling. A portion of the addition would encroach 6 feet 1 inch into the required 8 foot side yard setback. As the existing dwelling currently exceeds the maximum gross floor area, a Floor Area Exception has been requested. APN 059-132-03 [LT] *Continued to March 18, 2010*
3. **949 TIBURON BOULEVARD:** File No. 710008; 949 Tiburon Boulevard Development LLC, Owner; Modifications to a previously approved single-family dwelling; The applicant is proposing several modifications including but not limited to: rotating and shifting the home, and modifying the exterior colors/materials from Mediterranean to a California Craftsman architectural style. APN: 058-121-29 [LT] *Approved 4-0*
4. **2051 VISTAZO EAST STREET:** File No. 709147; Lowell & Jacqueline Strauss, Owner; Mark & Lynn Garay, Appellant; Appeal of Planning Division decision to approve an application for construction of a six foot (6') high wood and wire deer fence. APN 059-082-28 [LT] *Withdrawn*

**MINUTES #4  
TIBURON DESIGN REVIEW BOARD  
MEETING OF MARCH 4, 2010**

The meeting was called to order at 7:00 p.m. by Chair Chong.

**A. ROLL CALL**

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

**Absent:** None

**Ex-Officio:** Associate Planner Tyler, Director of Community Development Anderson, and Minutes Clerk Rusting

**B. PUBLIC COMMENTS - None**

**C. STAFF BRIEFING**

Associate Planner Tyler noted that the 280 Loma Avenue item has been continued to March 18, 2010, and the appeal regarding 2051 Vistazo East has been withdrawn.

She noted that a new DRB member was recently appointed by the Town Council and will likely be present at the March 18, 2010 meeting.

**D. OLD BUSINESS BEFORE THE BOARD**

1. 100 NED'S WAY: File No. T09-31; Hilarita-Tiburon Ecumenical Association, Owner; Community Development Director's Referral of a Tree Permit application requesting the removal of six (6) blue gum eucalyptus trees along the Tiburon Boulevard frontage of the Hilarita Apartments; APN 058-151-39.

Linda Tilton, Director, John Stewart Company, said the plan is to replace the blue gum eucalyptus trees with a tree that will reach an appropriate height. Each tree will be replaced at a 3 to 1 ratio, including shrubs and screening at the lower level. As requested at the January meeting, they have put together a landscape plan for the property including a long-term plan for replacement of any other trees lost in that row along Tiburon Boulevard.

The public hearing was opened.

Public Comments:

Chris Darling questioned the property line and pointed out the plan shows accent plants south of the eucalyptus trees, which is property owned by Cal Trans. He submitted a document from Cal Trans purportedly showing the eucalyptus trees straddle the property line. He also addressed the sustainability and viability for the replacement trees after the removal of the blue gums. The prognosis for those trees is extremely poor due to the pre-existing root development that will remain, which will cause obstruction of normal root development of the replacement trees. He said the trees will survive for a short time in a stunted state and then die out. The proposed replacement trees will only reach half the size of the proposed 40-50 feet.

Rolf Eiselin said the trees should remain because they represent a unique design that creates an effective shield from Tiburon Boulevard. Since the trees over half a century old they are worth saving for historical reasons and are majestic in appearance. He said these trees were already in existence when the railroad passed through the area and housing is in no danger. Forty-two Hilarita residents have petitioned

to preserve these trees; he feels their opinions should be respected and any changes approved by the DRB would contradict what their predecessors planned. He suggested removing the three pine trees at the corner of Ned's Way because they are not attractive and suggested planting Eucalyptus trees to create a uniform look all the way to Ned's Way.

James Hardy reminded the Board that the Hilarita is a HUD-supported complex, and as such, residents have a right to be involved in all matters affecting their home, but have often been ignored and marginalized. There are currently 282 healthy trees at the Hilarita and the eucalyptus trees are part of those. They are healthy and all that needs to be done is maintain them. Management has not been scheduling or managing proper maintenance and the trees have suffered. He said there is no rush to make a decision on the removal of any trees from the Hilarita. He thinks it is important for the DRB to narrow their focus on the problem at hand, which is the height reduction of the trees. The three diseased pines at the entrance to Hilarita need to be removed and Crape myrtle trees should be planted in their place and reviewed after five years as a "demonstration project" to allow the residents of Hilarita and the citizens of Tiburon to see if those trees would be an asset to the community and are successful replacements.

Jim Mallot said he lives adjacent to the Hilarita on the uphill side. He commended the Board for taking a long look at this because it is a serious issue. The Hilarita is a large building and screening is important because of scale, cars, and light. The trees provide shade and have an aesthetic beauty along Tiburon Boulevard. He said they do not need an area of "fancy" non-native trees in this quiet area. This area has an elementary school, day care center, police station, and the Hilarita all in that area. Oak trees would be the native tree of choice, as well as madrones and toyons. These have the advantage of putting on their growth at a lower level and they are easy to prune. The Hilarita has selectively cut down almost every cluster of trees around the building. There are no shady areas left around the Hilarita because they have not planted the trees in clusters. He thinks Cal Trans would be happy to allow them to plant trees in the area. The cutting that is being done to the eucalyptus trees is turning them into a hedge. He suggested that an aesthetically-minded tree company could take advantage of certain eucalyptus tree growth characteristics to create a more interesting screen through future pruning. If native trees are planted now, those trees would be more than adequate to provide a screen within 20 years.

Victoria Tuorto said she is here to save the Blue Gum Eucalyptus trees. A certified master arborist from Bartlett's Tree Service said the [heavily pruned and topped] trees would grow back. These trees were identified as healthy before their alteration. Although they are non-native, they are drought tolerant requiring no water, and they have a life span of 150 years. She questioned whether the project is exempt from CEQA. This project is not a minor project because it is part of a larger plan to replace all of the eucalyptus trees at the Hilarita. If the trees were properly maintained they would provide a beautiful screen. She said CEQA prohibits piecemeal projects and that is exactly what is happening by removing the trees in this project. The CEQA checklist helps to determine whether there are environmental impacts to consider and the project will affect minority, low income, elderly and disabled, which is one of the items on the checklist. Already, because of the severe pruning, the cars on Tiburon Boulevard are louder, lights are brighter, and they are breathing more carbon dioxide. The removal of these trees will affect the health and peace of mind of the residents and may be seen as neglect. The cost associated with the maintenance of these trees is reasonable. The more screening that is removed, the more the poor quality of the buildings will be exposed to the Town of Tiburon. There must be an obligation to respect the rights of low income, minorities, and elderly residents.

Chair Chong asked if it has been determined whether this project is exempt from CEQA. Director Anderson responded that staff has preliminarily determined that the project is categorically exempt from CEQA, and stands by that determination.

D.J. Johns, Landscape Architect, said the plan was designed to address the comments of the Board at the January meeting. He reminded everyone the plan shows the removal and replacement of each of the six trees with three new trees. The Board had asked them to develop a plan for the future that is flexible enough to account for the health of the eucalyptus row.

Ms. Tilton said the trees ended up looking like they were a hedge, but they did in fact address each tree individually. The re-growth of the trees is weak, and they question whether it is a good idea to continue to try to control the height of the trees through extensive pruning.

Tony Goard, maintenance supervisor, said his view has been improved. They have never removed a tree from the Hilarita that was not damaged or required to be removed by the fire department. All of the residents had the ability to go to the meetings of the board and grounds committee they did not attend those meetings. They have chosen to use the Design Review Board venue to voice their concerns instead.

Vice-Chair Tollini asked about the selection of replacement trees. Mr. Johns said the replacement trees were chosen based on how well they would grow in the area given the constraints. The replanting will include soil amendment, and after one year if a tree is not healthy, it will be replaced. There are some natives included in the plan, but since there were very specific requirements for these plants they chose those that would grow best in the conditions.

The public hearing was closed.

Boardmember Kricensky said this is a very difficult situation. He thought it would be better to have something more native, but that also provided the screening. It takes a long period of time for the trees to grow. He wondered if there was a way to start some trees now before removing all of the eucalyptus trees. He is concerned about the blue gum trees weakening and falling. Some way of phasing in the new trees over a long period of time would be his preference, so the newer trees could become more mature before removing the older ones.

Vice-Chair Tollini said the biggest concern at the last meeting was coming up with a detailed plan. He appreciates these are mature trees, but in his opinion these eucalyptus trees do not provide adequate screening. His view continues to be one of deference to the applicant to the extent they think this would be a better solution. He would like to see larger size boxed trees planted [as opposed to 15 gallon trees], as it would make a difference over the next five years.

Boardmember Wilson said he appreciated the work the applicant has done on the plan. The applicant has clearly indicated that they are not planning to remove any of the other eucalyptus trees, so he not concerned that other trees will be removed. Any time there is change it is difficult for people, but he also thinks there needs to be a mechanism within the management of the complex rather than having it come to the Design Review Board. He does not believe the trees are a hazard, but the applicant has worked hard to address the Board's concerns. He does not see how removing six trees and replacing them with a buffer will have as much of an effect.

Chair Chong agreed and said the applicant has provided them with a long term plan. This application is not to replace 40 trees, only six trees, and it provides a plan for replacement when the other eucalyptus trees come to the end of their life.

Boardmember Kricensky said the question is when they will replace the other trees. There would be a requirement to trim and maintain those trees. He talked to an arborist and the arborist felt the soil could be replaced and replacement trees would do quite well. In order for that to happen, the other trees need to be trimmed well and the droppings and leaves need to be kept off the ground. He thinks the new plan will be better than what exists currently there.

In response to a question from the Board, Mr. Anderson said the purpose of the tree ordinance is to regulate and require permits when people want to alter or remove trees. It is not geared toward making people keep trees that are not otherwise the subject of an application. It would be a benefit if the Board communicated as a condition of approval that the intent is to not have the other [compactus] trees removed unless necessary.

Chair Chong asked if future permits could be sent to the Design Review Board for action. Anderson responded that this could be a condition of approval.

Vice-Chair Tollini suggested that the Town also review whether the new trees have been successful before approving any new tree permits for the row.

Boardmember Kricensky supported the removal of the six Blue Gum Eucalyptus [globulus] trees and using them as a test to see how the replacements grow. He wants to be sure the compactus trees are not ignored and are maintained and pruned appropriately.

**ACTION:** It was M/S (Tollini/Kricensky) that the project be found categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304 of the CEQA Guidelines, and that the application be approved subject to the conditions in the resolution, and that additional conditions regarding: 1) confirmation of replacement trees being located on Hilarita property or Caltrans approval for replacements in state right-of-way, and 2) staff shall evaluate the success of replacement trees when reviewing any future tree permit applications for this row of trees. Motion carried 4-0.

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

3. 280 LOMA AVENUE: File No. 709140; John & Kathleen Goodhart, Owner; Additions with a Variance for Reduced Side Yard Setback and a Floor Area Exception; The applicant proposes to construct a 500 sq. ft addition, and a 408 sq. ft. basement addition to the existing single-family dwelling. A portion of the addition would encroach 6 feet 1 inch into the required 8 foot side yard setback. As the existing dwelling currently exceeds the maximum gross floor area, a Floor Area Exception has been requested. APN 059-132-03.

### **CONTINUED TO 3/18/10**

3. 949 TIBURON BOULEVARD: File No. 710008; 949 Tiburon Boulevard Development LLC, Owner; Modifications to a previously approved single-family dwelling. The applicant is proposing several modifications including but not limited to: rotating and shifting the home, and modifying the exterior colors/materials from Mediterranean to a California Craftsman architectural style. APN: 058-121-29.

The applicant has submitted a request for modifications to a previously approved single-family dwelling. Currently, the property is vacant. A single-family dwelling that once existed on the site has been demolished for some time.

The single-family dwelling as proposed would remain a two-story structure. The main level of the home would include a two-car garage, three bedrooms and three bathrooms, a living room, dining room, family room, kitchen and laundry room. The upper level of the home would include the master bedroom suite and an additional bedroom and bathroom. A small deck would extend off the master bedroom at the rear of the dwelling. Both levels of the home would be serviced by an interior stairwell.

The proposed structure would result in a gross floor area of 3,980 square feet, which is near the maximum permitted floor area for a parcel of this size (3,990 sq. ft.). The proposed structure would result in a lot coverage of 3,388 square feet (17.0%) which is below the maximum permitted lot coverage in the R-1 zoning district (30.0%).

Colors and materials for the dwelling would be modified from the previously approved Mediterranean theme (beige stucco/red terra cotta roof tiles) to an updated California Craftsman style. The color palette would be natural with cedar shingle siding, a neutral colored cultured stone base, black window and fascia trim and a dark grey composition shingle roof. A color/materials board will be available at the meeting for review.

Jan Werner, owner, said he has lived in southern Marin for 17 years. He purchased the property on December 24, 2009 and before purchasing it, spoke with staff and all of the neighbors, including six of the parcels that surround Owlswood Lane. He expressed that he was not pleased with the design of the house and learned that his neighbors and staff were also not pleased. They have made an effort to stay within the parameters of the original approval regarding height, size, shape, and location of the house. They have changed the façade from Mediterranean stucco to contemporary craftsman, including a gentle, sloping roof, shingle siding, and base of stone. The movement of the house is now horizontal rather than vertical. They stepped the second story back away from Owlswood Lane and re-oriented the family room from north/south to east/west, which shielded the patio area and part of the backyard from the noise of Tiburon Boulevard. They have also asked to raise the house up one foot in its presentation on the land, allowing them to excavate less. Everything that is excavated in the upper side of the property will be used for fill on the lower part of the property. They have rotated the house slightly to gain a better view of the City and bring the garage further away from Owlswood Lane.

The public comment period was opened.

Public Comments:

Martin Perlmutter said they are the closest neighbor to this property and have lived in Tiburon for 35 years. He said this design is a vast improvement to what they have had to live near for the last 35 years. It was a concrete block with no amenities. They are very happy and grateful to Mr. Werner for the design he has proposed. Mr. Werner has also engaged the services of Pete Peterson, who has done some wonderful work and they are very pleased with that decision.

Mr. Werner said he showed his drawings to every neighbor and all neighbors have signed them indicating their approval.

The public comment period was closed.

Boardmember Wilson said he thinks the project is wonderful.

Vice-Chair Toillini voiced support for the new construction, noted no variances or floor area exceptions, and said he thinks it is an improvement from the previously approved project. He visited the property and sees no adverse effects on neighbors. The only possible concern he had is the darkness of the roof because that can produce heat.

Boardmember Kricensky said he thinks the Town and the neighborhood will benefit from this change and he is happy with it.

Chair Chong agreed with the other Boardmembers and said he definitely supports the new project, stating it is refreshing when an applicant comes in who has already spoken with neighbors.

**ACTION:** It was M/S (Tollini/Kricensky) to find that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines, and to approve the application subject to the attached conditions of approval set forth in the staff report. Motion carried 4-0.

5. 2051 VISTAZO EAST STREET: File No. 709147; Lowell & Jacqueline Strauss, Owner; Mark & Lynn Garay, Appellant; Appeal of Planning Division decision to approve an application for construction of a six foot (6') high wood and wire deer fence. APN 059-082-28. **WITHDRAWN**

**F. APPROVAL OF MINUTES #2 OF THE 2/4/10 DESIGN REVIEW BOARD MEETING**

Boardmember Kricensky requested the following change:

Bottom of page 3: "They have used over 52% of the building envelope." should be changed to "The view setback restricts use of 52% of the building envelope."

**ACTION:** It was M/S (Kricensky/Tollini) to approve the minutes of the February 4, 2010 meeting as amended. Motion carried 4-0.

**G. ADJOURNMENT**

The meeting was adjourned at 8:15 p.m.