



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

Action and Approved Minutes - Regular Meeting
Design Review Board
December 15, 2011
7:00 P.M.

ACTION MINUTES #18 TIBURON DESIGN REVIEW BOARD

CALL TO ORDER AND ROLL CALL At 7:00 PM

Present: Chairman Kricensky, Vice Chair Emberson and Boardmembers Chong and Tollini
Absent: Boardmember Johnson
Ex-Officio: Planning Manager Watrous, Associate Planner Tyler and Minutes Clerk Rusting

CONSENT CALENDAR

1. **8 WILKINS COURT:** File No. 21103; Randall Doctor, Owner; Adoption of resolution denying Site Plan and Architectural Review for construction of deck additions, with a Variance for reduced side yard setback. On November 3, 2011, the Design Review Board directed Town staff to prepare a resolution denying this application, for adoption at the December 1, 2011 meeting. Assessor's Parcel No. 039-032-10. **Revised Application Approved (4-0)**
2. **1599 TIBURON BOULEVARD:** File No. 51110; Zelinsky Properties LLC, Owners; Armstrong Development Properties LLC, Applicant; Sign Permit for installation of exterior signs for a drug store and pharmacy (CVS/pharmacy). The project would include a 61.38 square foot, indirectly-illuminated under marquee sign; one 3.19 square foot non-illuminated under marquee sign, and three 4.60 square foot non-illuminated window signs. Assessor's Parcel Nos. 058-171-88 & 89. **Continued to 1/19/12**

PUBLIC HEARINGS AND NEW BUSINESS

3. **91 SUGAR LOAF DRIVE:** File No. 711085; Pari and Lopa Choksi, Owner; Site Plan and Architectural Review for construction of a new two-story single-family dwelling, with a Floor Area Exception. The applicants propose to demolish more than 50% of an existing two-story dwelling and construct a new dwelling. The new dwelling would result in a total floor area of 4,900 square feet, which would exceed the floor area ratio of 4,548 square feet for a lot of this size. Assessor's Parcel No. 058-282-04. **Continued to 1/19/12**

4. **290 CECILIA WAY:** File No. 21108; Candace and Jason Washing, Owners; Site Plan and Architectural Review for construction of a new one-story single-family dwelling, with Variances for reduced rear yard setback and excess lot coverage. The applicants propose to demolish more than 50% of an existing one-story dwelling and construct a new one-story dwelling. The new dwelling would be increased in size by 1,274 square feet, resulting in a total floor area of 2,854 square feet. The house would extend to within 6 feet of the rear property line, which would be less than the 23 foot rear yard setback required in the R-1-BA zone. The proposed lot coverage of 3,454 square feet (40.5%) would be greater than the 30.0% maximum lot coverage permitted in the R-1-BA zone. The house would Assessor's Parcel No. 058-282-04. **Approved (4-0)**

5. **4 MCCART COURT:** File No. 711022; Bruce Lavine and Lisa Zimmerman, Owners; Site Plan and Architectural Review for construction of a new single-family dwelling, with a Floor Area Exception. The applicants propose to demolish more than 50% of an existing two-story dwelling and construct a new two-story dwelling. The house would have the same size and dimensions of previously approved additions to the existing single-family dwelling on the site and would increase the total floor area to 3,592 square feet, which exceeds the maximum floor area ratio of 3,408 square feet. Assessor's Parcel No. 055-171-22. **Approved (4-0)**

MINUTES

6. Regular Meeting of December 3, 2011 **Approved (4-0)**

ADJOURNMENT **At 9:30 PM**

**APPROVED MINUTES #18
TIBURON DESIGN REVIEW BOARD
MEETING OF DECEMBER 15, 2011**

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

A. ROLL CALL

Present: Chair Kricensky, Vice-Chair Emberson, Boardmembers Chong and Tollini
Absent: Boardmember Johnson
Ex-Officio: Planning Manager Watrous, Associate Planner Tyler and Minutes Clerk Rusting

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING

Planning Manager Watrous announced that the January 5, 2011 Design Review Board meeting was canceled because of the holidays and the next DRB meeting will be on January 19, 2012.

D. CONSENT CALENDAR

Chair Kricensky requested removing both items from the consent calendar due to speakers on both items.

1. **8 WILKINS COURT:** File No. 21103; Randall Doctor, Owner; Adoption of resolution denying Site Plan and Architectural Review for construction of deck additions, with a Variance for reduced side yard setback. On November 3, 2011, the Design Review Board directed Town staff to prepare a resolution denying this application, for adoption at the December 1, 2011 meeting. Assessor's Parcel No. 039-032-10.

On November 3, 2011, the Design Review Board held a public hearing for a Site Plan and Architectural Review application for the construction of deck additions to an existing single-family dwelling, with a Variance for reduced side yard setback, on property located at 8 Wilkins Court. At that meeting, the Design Review Board voted (5-0) to direct Staff to prepare a resolution denying the application. The draft resolution was prepared and presented at the December 1, 2011 Design Review Board meeting.

At that meeting, several Boardmembers stated that they had visited the site since the November 3rd meeting and discussed the possibility of whether there should be additional discussion regarding whether the necessary findings could be made to support the requested variance. The Design Review Board voted to continue discussion regarding the draft resolution to the December 15, 2011 meeting.

Miles Berger, architect, thanked the Board for a chance to reconsider the proposal. He said that the proposal was to extend the deck, and the property is an unusual shape that necessitates the variance for the setback. He said that a portion of the house is within the side yard setback, and there is no way to do any work in the side yard without going into the setback. He said that they have support from the neighbors and there are other variances in the neighborhood. He presented a modified version of the project in which they reduced the bumped out semicircular portion of the deck so that it would be no closer to the side yard setback than the originally approved deck extension. He said that the practical hardship was the extreme angle of the setback, making it impossible to furnish the deck without blocking the view. He thought that they now can make made all four of the findings necessary to support the variance.

Randall Doctor, owner, said that the revised plan would eliminate some of the square footage of the side yard variance that was originally granted.

Boardmember Tollini asked if the stairs going down would be within the house itself, and Mr. Berger said that the stairs are separate and there is a space between them and the house.

Boardmember Tollini asked if the lower staircase could be brought into the setback. Mr. Berger said that it could be done, but he liked the angle of the stairs.

There were no public comments.

Boardmember Tollini said that he visited the site again and saw the view from the inside the house. He said that what was presented last time was an add-on to the originally approved project. He said that he was satisfied with a modification of what was originally approved, but not an expansion. He noted that the current plan would not encroach into the setback any more than the original plan. He said that if the stairs could be brought in line then he would be inclined to support the project.

Vice-Chair Emberson agreed with Boardmember Tollini and said that she could support the project now because it would not encroach more into the setback than the originally approved plan.

Boardmember Chong agreed with the other Boardmembers. He said that the issue with the previous application was that it did not respect the setbacks as much as was necessary. He said that this proposal was now more in line with the setback variance approved in the original project.

Chair Kricensky agreed and said that the impact from the road below would be lessened. He also noted that the alignment of the stairs may appear unusual at first glance, but at-grade stairs are allowed to encroach in the setback. Boardmember Chong said that he was fine with the stairs as proposed.

ACTION: It was M/S (Chong/Emberson) that the request for 8 Wilkins Court is exempt from the California Environmental Quality Act and approved the request, subject to the attached conditions of approval and the additional condition of approval that the project follows the revised plans received this evening. Vote: 4-0.

2. **1599 TIBURON BOULEVARD:** File No. 51110; Zelinsky Properties LLC, Owners; Armstrong Development Properties LLC, Applicant; Sign Permit for installation of exterior signs for a drug store and pharmacy (CVS/pharmacy). The project would include a 61.38 square foot, indirectly-illuminated under marquee sign; one 3.19 square foot non-illuminated under marquee sign, and three 4.60 square foot non-illuminated window signs. Assessor's Parcel Nos. 058-171-88 & 89.

The applicant is requesting approval of a sign permit for the installation of signage for the soon-to-be-opened drug store and pharmacy (CVS/pharmacy) at 1599 Tiburon Boulevard. The proposal includes the following signs:

- A 61.38 square foot, indirectly-illuminated under marquee sign above the store entrance. The sign would consist of red plastic letters with the words "CVS/pharmacy" mounted on a white rectangular background. The sign would utilize individual letters, with LED halo-lit illumination.
- A 3.19 square foot non-illuminated under marquee sign mounted below the canopy of the drive-through pharmacy. The sign would consist of red acrylic letters with the word "Drive-thru" on a white rectangular background.
- Three 4.60 square foot non-illuminated signs in the storefront windows. Each sign would consist of red vinyl film mounted on the window with the words "CVS/pharmacy."

Planning Manager Watrous stated that sign ordinance laws are unique, and there are more limitations in the discretion the Town has in approval of signs. He said that the Town consulted attorneys in drafting the sign ordinance so that it is consistent with free speech protections and the way entitlements are treated. He stated that sign ordinances are much less subjective and state that if one complies with the sign ordinance requirements, then one is entitled to what is allowed. He noted that the sign ordinance allows for illuminated signs and it allows for a certain area. He referred to Section 16A-515 which states that if a project complies with all aspects of the ordinance, rules, and regulations then the project shall be approved and issued within the time limit specified. He added that the section of the ordinance that includes the design principles encourages signs to employ the following principles of design: that it should be physically compatible with buildings and surroundings, that high quality and durable materials should be used, and that it should be compatible with the downtown design guidebook. He stated that the Town cannot require that a sign not be illuminated, but they can suggest or recommend that to the applicant. He said that there is some limited ability to deal with color, but there is uncertainty as to

whether one's corporate colors can be changed. He noted that the three previous occupants of this building all had red-letter signs on the building. He stated that the Board has some discretion about the background color of the sign, the color of the LEDs on the back sides of the sign, and whether the sign is turned off when store is not opened.

Josh Eisenhut, representing Armstrong Development, said that the materials of the letters on the sign would be aluminum, which is industry standard. He said that the sign is proposed to have halo illumination, and he presented a photo as an example of a similar sign from the CVS in San Rafael. He said that the sign itself would not be illuminated, but instead the lighting would be behind it as a halo and produce a glowing effect. He said that the proposed sign package adheres to all sign requirements. He noted that there was a recommendation to modify the color of the panel on which the sign is installed, and he said that they had no objection to that change. He suggested a "minced onion" color for the background to match the color of the rest of the building.

Boardmember Chong asked if the wattage on the photo was the same as the wattage that would be used on the proposed sign, and Mr. Eisenhut said it is the same wattage. He also said that the letters in "Pharmacy" are a smaller size than the letters in "CVS".

Vice-Chair Emberson asked if there was any interest in installing a wood sign instead of the proposed sign. Mr. Eisenhut said that wood would not be good from a maintenance perspective. Vice-Chair Emberson pointed out that there is a wood sign across the street and that most of the people in the audience object to an illuminated sign. Mr. Eisenhut said that they proposed an indirect lighting source which is toned down.

Boardmember Tollini asked if it was possible to do a backlight halo sign substituting wood materials instead of aluminum. Mr. Eisenhut said that he was not a professional sign consultant and out of all of the signs they have placed in the country they have never used those materials. Boardmember Tollini asked if everything viewable on the sign was aluminum. Mr. Eisenhut said that the main identifier would be all aluminum. He said that the back and all of the letters would be made of aluminum.

The public hearing was opened.

Marcia McGovern said the application needed to be denied to make CVS design a sign that is consistent with the sign ordinance. She said that she would like to use this situation as a learning experience for future similar decisions. She said that the vision of the Town of Tiburon includes buildings that are right up to the sidewalk with parking lots in the back and small attractive deciduous trees lining the sidewalk. She said that instead of implementation of that vision, all of the trees lining Tiburon Boulevard were removed. She said that she had 230 signatures on a petition opposing the sign permit for this project. She said that the people of the community do not want a huge glowing red sign. She said that there has never in the history of Tiburon or Belvedere been such opposition to a project. She said that the project violates provisions to enhance property value, views of open space, aesthetics of Tiburon, and does not promote the purpose of the General Plan. She said that the location and placement of under marquee signs are not supposed to exceed 10 square feet in area, and the CVS sign would be five times the allowed square footage. She said that CVS added three frontages together to arrive at that allowed size and pointed out that a sign exception is therefore required. She said that CVS currently has more construction signs than they are allowed. She recommended the application for the sign permit be denied and that the Board direct CVS to reapply for a sign permit that conforms to the sign ordinance, and to submit a revised plan for landscaping to replace the removed trees.

Tom Bauch said he and his wife have been residents of the Tiburon peninsula since 1981 and he owns property in both Belvedere and Tiburon overlooking the site of development. He said that illuminating the

sign would be inappropriate for the Town and for the site. He said that the sign was more appropriate for a strip mall, which was the basis for his objection.

Ken Gerstman thanked Ms. McGovern and Mr. Bauch for their opposition to the signage and wished to add his voice to that opposition. He said that his property would be affected by the signage and that the lighting would affect his children whose bedroom faces the property.

Barbara Patten said that the community has not changed radically until CVS, a big box store, has come to a small town. She said that she and a group of women considered boycotting CVS. She discussed all of the fighting that had to be done over a small sign for a hairdresser sign recently. She said that CVS should not be allowed to come in and change the feeling of their whole community.

Chris Dennison said that she opposed the signs. She said that the view toward St. Hilary's is one of the main reasons they purchased their home and that the red lit sign would mar that view. She did not see a need for a large lit sign to find the stores where she will shop. She understood the need for a pharmacy but she did not want CVS to mar the character of their community.

Bobby Buich said that she shopped twice at the CVS store in Marin City. She said that there is no lighted sign in that location and she asked for something to be done that is subtle. She said that the halo lighting would ruin the character of the Town.

Vera Guerta said that she would like to see an article in the Ark for all of the people who could not make it to the meeting tonight. She would like to understand why there was a fight regarding the signage for the hairdresser while CVS's sign is not an issue.

The public hearing was closed.

Bill McDermott, representing Armstrong Development, said that the process for this store involved many public hearings and a lot of direction to work with neighbors and listen to design standards. He said that they listened and met with members of the Pt. Tiburon Marsh Homeowners Association. He said that certain standards are allowed by the sign ordinance, and he felt that they were well within those standards. He said that the sign would not be lit up because the way it is illuminated would make it look like it is not illuminated. He said that this was something they had spent a lot of time on and they were confident that the building will blend well into surroundings. He said that the aluminum material is durable and will not wear over the years. He said that they spent a great deal of money improving the building and the parking lot to ensure it will be a safe attractive place for years to come. He said that they are willing to change the color of the background of the sign to taupe or onion. He pointed out the photograph of the San Rafael sign and said that it looked clean and sharp and the lighting is only on the front of the building.

Vice-Chair Emberson asked if CVS in Marin City is not lit. Mr. McDermott said that it was a former Longs Drugs and he was not familiar with that project. He said that he had done one project in Napa without letters being directly lit. He said that that sign had a light shining down on it and created a brighter effect than the halo design. He said that the halo design does not have glare and spots of bright light. Vice-Chair Emberson asked if the Napa sign has the same metal letters, and Mr. McDermott said that does, but with lighting from the front.

Chair Kricensky questioned how the sign would be attached to the building. Mr. McDermott said that the rear assembly hangs below the eave and the letters project out from that. Planner Manager Watrous asked and confirmed with Mr. McDermott that the sign is attached to the post and would not be suspended from the eave.

Boardmember Chong applauded working with the neighbors, but asked if the applicant worked with residents on Corinthian Island and other communities facing the sign. Mr. McDermott said that they worked with neighbors directly adjacent to the store and not with neighbors further away facing the sign.

Chair Kricensky pointed out that both Guaymas and US Bank have similar signs that are backlit and asked if this sign would have similar wattage. Brian Durkin, Durkin Sign and Graphics, said that the halo effect can be reduced by using fewer LED lights, but that would leave hot spots instead of a halo effect.

Boardmember Chong asked why they chose not to go with a more traditional sign with lights in the front. Mr. McDermott said that a more traditional sign would include lighting interior to the letters which would be brighter. Boardmember Chong asked about a wood sign with lights to illuminate the sign. Mr. McDermott said that that would be similar to what they did in Napa, with lights shining down on individual letters and he felt that it looked cluttered. He said that they felt the halo sign is much cleaner.

Vice-Chair Emberson asked if the people in Napa are happy with the sign. Mr. McDermott responded that he was unsure if they would ever be happy and noted that it took five years to approve that building. In his opinion, the proposed sign would have looked better backlit.

Chair Kricensky asked if there are lights in the drive-through, and Mr. McDermott said that there are downlights. Chair Kricensky asked for explanation of the vinyl letters on windows. Mr. McDermott said that the code requires windows to not be completely clear, and they have included historic photographs of Tiburon with the CVS logo in between. He said that there is shelving in those areas, and the vinyl graphics will cover the view of the back of that shelving. Planning Manager Watrous clarified that those are shelves that are behind the checkout counters.

Boardmember Tollini asked for additional explanation of the lighting on the Napa store. Mr. McDermott said that it uses gooseneck lighting, with one individual light fixture for every letter. Boardmember Tollini said that one light would not be needed on every letter, and fewer could be used if the gooseneck lights were large enough to illuminate the sign. Mr. McDermott said that architecturally the light would come off of the flat roof and stand out. Boardmember Tollini believed that people would rather look at the back of the light than the sign and it would look charming. Mr. McDermott said that he could not imagine the flat roof of the building with that type of lighting on top.

Vice-Chair Emberson said that Tiburon has a certain aesthetic they want to maintain. She hoped that there can be more give and take on this sign, especially since people across from it with a view were not consulted on the design. She stated that signage that works in San Rafael may not work in a small town like Tiburon. Mr. McDermott said that he has spent a good deal of time in Tiburon and they have tried to create something that would be appealing and meets the needs of clients, and also breaks the mold of what they normally do. He said that they came in with a modified package that was set up to try to appeal to this community.

Planning Manager Watrous clarified the definition of an under marquee sign, and pointed out that the current sign does not meet the definition of an under marquee sign because it would be attached to the posts. He also said that there were several construction signs in violation of the sign ordinance that have now been removed and the remaining signs are construction safety signs and comply with the requirements for construction signs. Planning Manager Watrous said that the issue of frontages is correct and an exception is required in adding frontages together. He recommended that the application be continued to another meeting so it can be noticed that the exception as required. He suggested that the Board deliberate on the current sign proposal to see if there are other actions the Board would like the applicant to address before the continued meeting.

Chair Kricensky asked for clarification of internally illuminated signs. Planning Manager Watrous said that internally illuminated and “box” signs are prohibited by the sign ordinance. He said that many cities allow internally illuminated channel letters, and those are also strictly prohibited by the sign ordinance.

Vice-Chair Emberson asked if there was any way to help people who have to look down on the roof. Planning Manager Watrous said that that is not part of the application, and pointed out that the roof is not the “minced onion” color. He said that it is a light beige color required by state building codes and they are looking into whether the roof color can be changed. He said that the beige color is the darkest he has seen that meets the code requirements; they are often white or silver.

Boardmember Tollini asked where the IGA sign was located on the previous building in this location. Planning Manager Watrous showed illustrations from old files depicting the location of the sign. Boardmember Tollini said he thought that the CVS proposed sign was better because the previous sign was internally lit. Chair Kricensky said that it would be less impact to have a halo-lit sign. Planning Manager Watrous said that the previous sign was 32 square feet, and the Bell Market sign was 100 square feet. Boardmember Tollini pointed out if they are not able to make the exception for combining frontages the approximate size that would be allowed would be between the columns.

Boardmember Tollini asked about the scope of the Board’s discretion on the illumination of the sign. Planning Manager Watrous said that the Board can look at some of the aspects of the illumination, but they cannot say it cannot be illuminated. Boardmember Tollini asked if the size is an entitlement and whether the Board can mandate the sign be shrunk. Planning Manager Watrous said they cannot mandate shrinking it below the minimum that is permitted. Boardmember Tollini pointed out if they cannot make the finding for the exception then the minimum would be smaller than if they can make the finding.

Boardmember Tollini acknowledged there has been a good deal of uproar to the signage on this project. He said that the things that people were most upset about were things the Board cannot mandate—the size and whether it is lit. He said that he was ecstatic that CVS is coming to the location. He pointed out that signs are needed in Town for various things. He said that he spent a good deal of time with the downtown design handbook and his opinion is the halo look is not particularly suited to downtown Tiburon. He said that the problem was not that it would be bright but that it would not be charming. He said that the downtown handbook encouraged striving for a charming appearance for signs and this project was consistent with that. He said that he would personally prefer to see a more traditionally painted wood sign with gooseneck lighting that would be more in keeping with the downtown handbook. He did not think that one light would be needed for each letter.

Boardmember Chong pointed out that in Hilton Head, South Carolina, even McDonalds has been able to design their building and signage to conform to the look of the town. He thought that a large corporation such as CVS should be able to conform to the downtown guidelines. He said that his home would be impacted even though it is over 500 feet away. He said that he would much prefer a nice classic wood sign. He said that the Town has guidelines because they do not want downtown to look like a strip mall. He said that effort could be put forth to create a sign more fitting with the community.

Vice-Chair Emberson said that she would like to see an effort made to bring in more aesthetically pleasing elements to the sign. She said that CVS had helped its neighbors with other issues and it can do likewise with the sign. She said that there was more that could be done creatively to make the community happy.

Chair Kricensky said he realized a certain amount of sign area is allowed. He said that the sign would have no relation to the architecture of the building at all. He said that adding lighting with the flat roof would look contrived and he did not think that outside lighting would work with that design. He

suggested placing the sign in between the columns and integrating it with the architecture, with some creative connections to the columns. He thought that the backlit lettering was better than lighting the letters themselves, and the DRB cannot change the logo. He said that signs with the shadow effect are influenced by the background. He noted that the background of the US Bank sign is dark and disappears, and he thought that would look more elegant. Chair Kricensky believed that many people will use the CVS, including visitors to the town.

Chair Tollini suggested moving the sign under the eave and between the posts so that people in Belvedere would not see it. He said that he would like to see two alternatives, one for if the findings for the exception are made and one for if the exception is not approved. He said that he would also like to see a wood alternative with lighting, so they can compare options. Vice-Chair Emberson and Chair Kricensky agreed that they would also like to see those alternatives.

<p>ACTION: It was M/S (Emberson/Tollini) to continue the application for 1599 Tiburon Boulevard to the January 19, 2012 meeting. Vote: 4-0.</p>
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E. PUBLIC HEARINGS AND NEW BUSINESS

- 91 SUGAR LOAF DRIVE:** File No. 711085; Amalfi West, LLC, Owner; Site Plan and Architectural Review for construction of a new two-story single-family dwelling, with a Floor Area Exception. The applicants propose to demolish more than 50% of an existing two-story dwelling and construct a new dwelling. The new dwelling would result in a total floor area of 4,900 square feet, which would exceed the floor area ratio of 4,548 square feet for a lot of this size. Assessor's Parcel No. 058-282-04.

The applicant is requesting to construct a new single-family dwelling with a floor area exception, located at 91 Sugar Loaf Drive. Currently the property is improved with a two-story dwelling. As more than 50% of the existing perimeter walls of the dwelling will be demolished, the application has been deemed a new single-family dwelling. The new lower level of the home would include three bedrooms, two bathrooms, an exercise room, laundry room, mechanical room, and a three-car garage. A deck would extend off one of the bedrooms at the rear of the dwelling. The upper floor would include the master bedroom suite, the family room, living room, dining room, kitchen, guest bedroom and bathroom, wine storage, a powder room and two terraces. An elevator and interior stairwell would service both floors.

The proposal would result in lot coverage of 3,705 square feet (14.54%) which is below the maximum permitted lot coverage in the RO-2 zoning district (15.0%). The proposal would result in a gross floor area of 4,900 square feet, which exceeds the maximum permitted floor area ratio by 352 square feet, for a parcel of this size (4,548 sq. ft.). Therefore a floor area exception has been requested.

Jarrod Polsky, architect, said that his client has lived at the property for 20 years and they want to convert the property into their dream contemporary home. He said that they wish to entirely rebuild the upper floor to include a living room, dining room, powder room, master suite to achieve one-floor living. They intend to use stucco and the front wall would use stone, the garage door and front door would be stained wood. He said that the railings would be clear glass with a small aluminum cap. He said that the size of the proposed house was slightly over the FAR because of cantilevers at the corners. He said that they visited neighbors to discuss the project, and there were a few objections from the neighbors once the story poles went up. He presented an aerial view of the neighborhood and pointed out the affected properties. He noted that after the neighbor built her kitchen addition she asked the owners of the current proposal to remove a tree. He provided a view of where that tree would have been to show that the tree would have blocked the view of the proposed addition. He said that the owners should not be penalized for being

good neighbors. He presented photographs showing the view from the neighbor's window showing the story poles. He said that the story poles show that the house would take out a small portion of water view of Richardson Bay, but it would not be centered in the view and would not take out any major significant features or come close to the horizon. He believed that the house was consistent with the principles of the hillside design guidelines.

Mr. Polsky said that there was also some concern expressed by the neighbors at 95 Sugar Loaf Drive. He said that when the owners visited those neighbors they felt their project had no impact, but after the story poles went up, they did have concerns. He pointed out that the story pole that can be viewed would be at the corner of the glass railing. He said that the neighbors felt that it would block the edge of the Bay Bridge, however, he did not feel that this would be a major view blockage. He presented more photographs of the view from that neighbor's house showing a minimal view blockage. He thought that this would be a huge architectural improvement and a credit to the neighborhood. He said that he would like to see a balance between property rights and neighbors' views. He said that they worked hard to provide a sensitive design that follows the hillside guidelines and would be very sensitive to neighbors.

Boardmember Chong asked what other siting or alternative options they considered to minimize the impact on 89 Sugar Loaf Drive. Mr. Polsky said that they did not see the impact until later in the process. He said that it would not work to put the master bedroom downstairs because they wanted to have one-level living. He felt that nothing significant could be done to mitigate views, and the house would not create significant view blockage.

Lopa Choksi, owner, said that they have lived at the address for 20 years and would like to create a contemporary home. She said that they took the neighbors' concerns seriously and sent them all letters. She said that they have been good neighbors and would not obstruct any views. She said that she met the Wongs and took photos from their main living areas and they agreed there would be no impacts on their views. She said that she met with April Rox and there would only be a minor impairment of the view from her kitchen window. She said that Ms. Rox did not have the view when she moved into her house and only gained it when the Choksi's removed a tree on their property. She said that the house would not block any significant view. She said that she wants to be a good neighbor but did not want to be a victim of the removal of that tree. She said that they met the neighbors at 97 Sugar Loaf Drive and they mentioned that they had some concerns about the view from their deck. She said that they had taken great pains to sensitively design the home.

The public hearing was opened.

Colin Wong said that they have lived in their home for 38 years and over that time they have seen houses built around them and their panoramic view has been compromised. He said that both 95 and 91 Sugar Loaf Drive are on the street level, while 93 Sugar Loaf Drive is below street level and was not impacted. However, as he looks toward San Francisco, the proposed house would be directly in their view. He said that they have no objection to the design of the house but they object to the deck. He said that at the early stage of the project they had no idea how the project would affect his property, but once the story poles went up they could see the obstruction of the view. He said that if the deck is expanded to accommodate a fire pit it would obstruct his living room view of Angel Island, the Bay Bridge, and the Embarcadero. He said that the kitchen view would not be impacted, but the living room view would be severely impacted. He said that there was no way that they could see through glass to see those landmarks and would have no problem with the design if the deck could be brought within its existing boundaries. He said that they were only asking for a small modification on the deck.

Silvana Wong said that in addition to the beauty of Angel Island it has special meaning to her because her great aunt was detained at Angel Island and whenever relatives came to her house she would point to the

island and tell the story. She said that they had not been able to stop the building of the other houses around her property, and some of the view had been taken away. She said that they can still see Angel Island from their bedroom, but this view would be removed if this house is approved and she would not be able to tell her grandchildren the story of her late great aunt.

April Hopkins Rox said that she purchased the property with her late husband in 1983 and she has lived there for 23 years. She said that the Choksi's are the closest neighbors to her west. She said that her two letters summarize her concerns and thanked the members of the Board for visiting her property. She said that her kitchen is a primary living area, and she is now single and spends most of her time in the kitchen. She said that the kitchen has a good view and she enjoys the view over the kitchen sink. She said that she loves the expanse of that view and was concerned about the view impact of the proposed residence. She said that she was also concerned about the density of the structure and pointed out that the properties are uncomfortably close together. She hoped that extra consideration would be given to the request for the floor area exception and its impact on neighbors. She agreed with staff's recommendation to move the master bedroom to the lower level to mitigate view blockage.

Pari Choksi thanked the Board and pointed out that he has been a good neighbor. He said that he had enhanced the view of Ms. Rox by removing a tree. He said he would like to take some of the view back and not be punished for a good neighborly act. He said they will work on it if the DRB feels it is a significant blockage of the view. However, they would like to live on one level and that requires the master bedroom to be upstairs.

The public hearing was closed.

Boardmember Chong said that the house design was architecturally beautiful and he liked the mixed use of materials and oversized eaves on the top floor. He said that he was concerned about the view impacts. He believed that the findings could be made for the floor area exception. He said that the view of the window above the sink is as primary as any other part of the house since people spend a good deal of time in that location. He also felt that there would be a significant water view blockage in that location. He said that there are ways the house could be built down the hill, and asked if there was a way that the house could be sited on the lot and not impact neighbors' views. He thought that there was a lot that could be worked with, and the house's location on top of the hill was inconsistent with the hillside guidelines.

Vice-Chair Emberson agreed with Boardmember Chong that the kitchen window view is a primary view. She thought that the design was beautiful and hoped that there was a way to minimize its impact on neighbors.

Boardmember Chong added that the project was bumping right up against the maximum lot coverage and he thought that he would be able to make findings for a lot coverage variance if they were to flatten out the structure and move it on the lot.

Boardmember Tollini said that he liked the design but it was in conflict with the slope of the lot. He said that he would be able to support the cantilevering and top-heaviness of the house if it did not affect neighbors so much. He said that such house designs tend to work only in isolated locations that do not affect neighbors. He said that the design was conflict with the hillside guidelines and would affect neighboring views. He said that the tree could have died or been removed at some point, and that did not matter to him because trees come and go. He said that the Board does not allow people to build a house and fill up the space behind a tree anyway, and so he rejected the argument that the applicants should be allowed to block the view because they removed the tree. He said he visited both neighbors and the intrusion on the view from the Wong's house would be de minimis. However, the kitchen is defined as

primary living space and the extraordinary view in Ms. Rox's home would be fundamentally affected because the house would completely block the view of Richardson Bay from the kitchen.

Chair Kricensky agreed with Boardmember Tollini and said that building upon the edge and massing the cantilevering goes against hillside guidelines. He said that in its proper place, this would be a dramatic house. He agreed with Boardmember Tollini's take on the tree issue. He said that the proposed house would result in a major interruption of a water view from the kitchen. Boardmember Tollini added that it was true that the horizon view would be unaffected but the water view would be completely wiped out.

<p>ACTION: It was M/S (Tollini/Emberson) to continue 91 Sugar Loaf Drive to the January 19, 2012 meeting. Vote: 4-0.</p>

4. **290 CECILIA WAY:** File No. 21108; Candace and Jason Washing, Owners; Site Plan and Architectural Review for construction of a new one-story single-family dwelling, with Variances for reduced rear yard setback and excess lot coverage. The applicants propose to demolish more than 50% of an existing one-story dwelling and construct a new one-story dwelling. The new dwelling would be increased in size by 1,274 square feet, resulting in a total floor area of 2,854 square feet. The house would extend to within 6 feet of the rear property line, which would be less than the 23 foot rear yard setback required in the R-1-BA zone. The proposed lot coverage of 3,454 square feet (40.5%) would be greater than the 30.0% maximum lot coverage permitted in the R-1-BA zone. The house would Assessor's Parcel No. 058-282-04.

The applicant is requesting Design Review approval for the construction of a new one-story single-family dwelling on property located at 290 Cecilia Way. The subject site is currently developed with an existing one-story dwelling and detached garage. The project would demolish most (over 50%) of the floor area of the existing building and completely reconfigure the interior of the house. The house would include a master bedroom suite, along with three additional bedrooms, two more bathrooms, a living room, kitchen, den and entry. The house would connect to a new two-car garage in the same general area as the existing detached garage, which will be demolished. Three new skylights would be installed. The ridgeline of the house would increase in height from the existing 12 feet, 8 inches to a new height of 14 feet, 8 inches.

The floor area of the proposed house would increase by 1,274 square feet to a total of 2,854 square feet, which is the maximum floor area for a lot of this size. The house would cover a total of 3,454 square feet (40.5%) of the site, which would be greater than the 30.0% maximum lot coverage permitted in the R-1-BA zone. A variance for excess lot coverage is therefore requested.

The house would be connected to the existing detached garage, which is situated 6 feet from the rear property line. By connecting to the house, the rear yard setback for the garage becomes the rear yard setback for the house, and would be less than the 23 foot rear yard setback required for this lot. A variance is therefore also requested for reduced rear yard setback.

Jason Washing, owner, said that this is a project they have been working on for years. He said that they are very close to the neighbors and they are all in support of the project. He said that they have tried hard to make this a simple, small-scale project and it is the result of the life needs of a growing family.

There were no public comments.

Vice-Chair Emberson said that a second story would likely never happen in this neighborhood and therefore they are limited to going into setbacks. She liked the design of the house and agreed with all of the findings made by staff. She did not think that this would grant special privileges because everyone in

the neighborhood has done the same thing. She said that the project would not be detrimental or injurious to the neighbors and she thought that it would be a nicer looking house.

Boardmember Chong said that the only concern he had was the height of the story poles on Harriet Way. However, upon looking closer he felt that they were in line with the design. He agreed with staff's findings for the variances.

Boardmember Tollini said that the house looked bigger and taller when he visited the site than he thought it would be. He said that the ceilings are 9 feet and the ridge is under 15 feet, and directly across Harriet there is a very similarly expanded house. He agreed with staff's findings and supported the project.

Chair Kricensky agreed with the other Boardmembers thought that the house expansion worked well.

ACTION: It was M/S (Chong/Emberson) that the request for 290 Cecilia Way is exempt from the California Environmental Quality Act and approved the request, subject to the attached conditions of approval. Vote: 4-0.

5. **4 MCCART COURT:** File No. 711022; Bruce Lavine and Lisa Zimmerman, Owners; Site Plan and Architectural Review for construction of a new single-family dwelling, with a Floor Area Exception. The applicants propose to demolish more than 50% of an existing two-story dwelling and construct a new two-story dwelling. The house would have the same size and dimensions of previously approved additions to the existing single-family dwelling on the site and would increase the total floor area to 3,592 square feet, which exceeds the maximum floor area ratio of 3,408 square feet. Assessor's Parcel No. 055-171-22.

The applicant previously received design review approval for construction of a major addition and remodel, including a floor area exception, to the property on May 5, 2011. During construction of the project, more than 50% of the existing perimeter walls were removed. Once more than 50% of the existing perimeter walls are removed, the applicant is required to resubmit the project as a new single-family dwelling for the Design Review Board to re-review and consider.

The applicant has now submitted plans which propose the construction of a new single-family dwelling with a floor area exception, located at 4 McCart Court. The property was previously improved with a two-story dwelling, which has now been demolished. The plans submitted do not indicate any modifications from the previous approval.

The proposal would result in a dwelling with a gross floor area of 3,592 square feet, which exceeds the maximum permitted floor area for a property of this size (3,409 sq. ft.). Therefore, a floor area exception has been requested. The proposal would also increase the lot coverage by 546 square feet, for total lot coverage of 2,218 square feet (16.0%), which is below the maximum permitted lot coverage in the R-1 zone (30%).

Phil Rossington, architect, said that the project was approved by the Board last May and they are before the Board again now because more than 50% of the walls were removed during construction. He said that the project was exactly the same as what was proposed and approved earlier.

Vice-Chair Emberson said that she trusted the previous review of this project by the Board and understood the circumstances of the demolition. Chair Kricensky and Boardmembers Chong and Tollini agreed that it was the same house as approved before and could support the request.

ACTION: It was M/S (Emberson/Tollini) that the request for 4 McCart Court is exempt from the California Environmental Quality Act and approved the request, subject to the attached conditions of approval. Vote: 4-0.

F. APPROVAL OF MINUTES #17 OF THE 12/01/11 DESIGN REVIEW BOARD MEETING

ACTION: It was M/S (Emberson/Tollini) to approve the minutes of the December 1, 2011 meeting, as written. Vote: 3-0-1 (Chong abstained).

G. ADJOURNMENT

The meeting was adjourned at 9:30 p.m.