

**ACTION MINUTES #9**

**TIBURON DESIGN REVIEW BOARD  
THURSDAY, JUNE 4, 2009  
1505 TIBURON BOULEVARD**

---

**A. ROLL CALL:**       **Present:**     Chair Doyle, Boardmembers Chong, Kricensky, Tollini and Wilson  
                              **Absent:**       None  
                              **Ex-Officio:**  Planning Manager Watrous, Associate Planner Tyler, Assistant Planner Phillips and Minutes Clerk Levinson

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

**C. STAFF BRIEFING**

**D. CONSENT CALENDAR**

1.     1535 Tiburon Boulevard     Met. Life Ins. Signs **CONTINUED TO 6/18/09**

**E. NEW BUSINESS BEFORE THE BOARD**

2.     2026 Paradise Drive           Olson           Addition/Variances **APPROVED**  
3.     88 Hacienda Drive            Fried          Additions/Variances **CONTINUED TO 7/2/09**  
4.     1887 Centro West Street     Nicoll         New Dwelling/Variance **APPROVED**  
5.     604 Ridge Road                Cohan         Garage/Variance/Floor Area Exception **APPROVED**  
6.     Courtesy Review of Updated Zoning Ordinance           **DISCUSSION HELD**

**F. MINUTES #8 OF THE 5/21/09 DESIGN REVIEW BOARD MEETING – APPROVED**

**G. ADJOURNMENT – 9:25 PM**

**MINUTES #9  
TIBURON DESIGN REVIEW BOARD  
MEETING OF JUNE 4, 2009**

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

**A. ROLL CALL**

**Present:**     Chair Doyle, Vice-Chair Chong, Boardmembers Kricensky, Tollini and Wilson  
**Absent:**       None  
**Ex-Officio:**  Planning Manager Watrous, Associate Planner Tyler, Assistant Planner Phillips, and Minutes Clerk Rusting

**B. PUBLIC COMMENTS - None**

## **C. STAFF BRIEFING**

Planning Manager Watrous announced that the Town Council/DRB workshop is next Tuesday, June 9<sup>th</sup> at 6:30 p.m.

## **D. CONSENT CALENDAR**

- 1. 1535 TIBURON BOULEVARD MET. LIFE INSURANCE, SIGNS - CONTINUED TO 6/18/09**

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

- 2. 2026 PARADISE DRIVE OLSON, ADDITION/VARIANCES**

The applicant is requesting Design Review approval for the construction of an addition to an existing single-family dwelling on property located at 2026 Paradise Drive. The project would convert a lower level deck into living space for a closet and workout room adjacent to the existing master bedroom suite. A new spa with a surrounding glass and metal railing would be installed on the remaining portion of this deck. Variances are requested for reduced side and rear yard setbacks and excess lot coverage, along with a floor area exception.

Michael Heckmann, architect, reviewed the history of the home and the proposed project. He said that the proposed additions would add 169 square feet to the house to address the limited storage and closet space and to install exercise space. He said that the unused master deck was an ideal location to accommodate these functions. He distributed extra photos of the property. He stated that there is a practical difficult and unnecessary hardship with the existing configuration of the home. He said that they have the support of the adjacent neighbors and there would be no privacy or view impacts.

There was no public comment.

Boardmember Wilson said that the proposed addition could not be seen from the street and the neighbors are all in agreement. However, he stated that the homeowner bought the house knowing its limitations and most other houses do not come within 1 foot, 5 inches of the property line. He was not convinced that there was a hardship to support the requested variance and he did not support the requested floor area exception.

Vice-Chair Chong acknowledged Boardmember Wilson's position and noted that these lots are very small and cannot be built upon without coming close to neighboring homes. He wondered why the owner did not turn the location of the temporary closets into permanent closets and not affect the area of the house. He agreed that the neighbors would not be affected and that this is already an essentially enclosed area. He agrees the impact would be little, but he also had difficulty finding a hardship to support the requested variance.

Boardmember Tollini supported the idea of the addition but had difficulty making the hardship determination because it is self-created. He said that the project did not represent a fundamental over-building of the property, as the small lot size skews the lot coverage and floor area ratio numbers.

Boardmember Kricensky said he visited the site also and saw it as an existing condition because the area of the addition is already essentially enclosed and therefore the reduced setback already exists. He said that this is an odd place for a deck and is currently unusable. He thought that this addition would be a better use of the space and does not impact neighbors, but thought that there probably is not a demonstrated hardship. He agreed that the lot coverage is skewed in this case and the determination to grant the floor area exception should be done on a case-by-case basis.

Chair Doyle said he tries to focus on whether a project affects the neighbors or sets a precedent that someone will try to take advantage of at a later date and on the spirit of the Town's guidelines. He was unsure about whether there was a hardship, but the space is already being used.

Vice-Chair Chong said he agreed with Boardmember Kricensky that the space is already there and it makes sense to turn it into useful space. It was the consensus of the Board that the inability to properly utilize an area that was already essentially enclosed would constitute an unnecessary hardship on the applicant.

**ACTION:** It was M/S (Kricensky/Chong) that the request for 2026 Paradise Drive is exempt from the California Environmental Quality Act, and approved the project subject to the attached conditions of approval. Vote: 4-1 (Wilson opposed).

### **3. 88 HACIENDA DRIVE FRIED, ADDITIONS/VARIANCES**

The applicant is requesting Design Review approval for the construction of additions and alterations to an existing single-family dwelling located at 88 Hacienda Drive. The project would include expanding the main level living space onto an area where a large deck currently exists. The roof would also be expanded and revised to include new dormers and other architectural features. A portion of the lower level crawlspace would be converted into living space and expanded underneath the proposed main level addition. A new chimney would be added along the southern end of the roof and two small decks would be attached to the additions. Variances are requested for reduced side and rear yard setbacks.

Greg Johnson, architect, reported on the history of the project. He said that the site is challenging to work with and there are existing setback encroachments. They tried to minimize intrusion into other areas of the site. He stated that the revised plan would keep the garage and bedrooms, expand two bedrooms on the lower level, rotate the kitchen and push the dining area out to the area of the existing deck. He noted that the large deck in the backyard already encroaches on the setback. He stated that a neighbor had voiced concern about privacy issues with the bay window of the master bathroom, but this window is well-screened by trees.

Boardmember Wilson questioned who owns the trees that block the bay window. Mr. Johnson answered the trees are on the applicants' property.

Chair Doyle questioned if there is any record of why the lot line was moved to the current location. Planning Manager Watrous said at some time the owners agreed that that was the appropriate location. Mr. Johnson said that the lot line adjustment was done in 1968.

David Fried, owner, said when they bought the house in 2002 they knew they were buying a dated house and they now want to address issues that they have realized since living in the house. He said that the bedroom over the garage does not connect to the house, they cannot really use the deck, and they want to make the house more livable. He said that they considered a number of alternatives and thought the current plan is the best alternative after talking to all of their neighbors.

The public hearing was opened.

Paul Blickman said that he lives directly behind the site. He has looked at the drawings and thought that this would improve both their and his properties and enhance the neighborhood, and he voiced full support of the project.

Jeff Houston said he wrote the letter about the privacy issue of the bay window. He was concerned about the

size of the window because if the trees were removed they would lose privacy in their dining area.

The public hearing was closed.

Boardmember Wilson said he visited the house and neighbors' houses and agreed that the project would not impact the downhill neighbor at all. He also believed that the owner will keep the trees to maintain privacy in the bathroom. He stated that the addition would go too far into the setback and he felt there were other design solutions possible. He said that if the garage was moved forward to the flat area of the driveway it would impact no one and make more livable floor space. He believed there were ways to add onto this house without pushing the dining room out into the setback.

Vice-Chair Chong said he also visited the site and this is a relatively generous lot. He said that the additions are being pushed out in the wrong direction. He said that the reduced side yard was not a concern, but he could not support going so deep into the rear yard setback. He said that there are other design options available, including moving the garage, that would not affect the neighbors.

Boardmember Tollini said he loved the design but had the same issue with the setback. He said that the project would build a full structure that goes beyond the position of the current deck and that most of the addition would be on the wrong side of the setback. He said that the project proposes a very large dining room and family room and that the applicant should try to fit the additions into the existing building footprint.

Boardmember Kricensky said that this is a well-designed house and floor plan and the size of the bay window on the bathroom was a little deceiving. He agreed with Boardmember Wilson that no one would want to remove the trees in front of that window. He agreed with the other Boardmembers that the project would go too far into the setback and would bring a lot of windows that much closer to other homes to the rear. He felt that the project would work well if it complied with the setbacks.

Chair Doyle agreed with the other Boardmembers. He loved the design, but there was too much of the building that would encroach into the setback. He said that the project would not feel as big if it did not go so far into the setback.

ACTION: It was M/S (Wilson/Doyle) to continue the application for 88 Hacienda Drive to the July 2, 2009 meeting. Vote: 5-0.
---

#### **4. 1887 CENTRO WEST STREET NICOLL, NEW DWELLING/VARIANCE**

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 1887 Centro West Street. The existing house would be demolished as part of this project. The main level of the proposed house would include a living room, dining room, kitchen, den, laundry room, one bedroom and 1½ bathrooms. The lower level of the house would include two bedrooms, one bathroom, an entry and a two-car garage. A variance is requested for reduced front yard setback.

Andrew Davis, architect, described the house as a one-story ranch house with a pass-through garage underneath. He said that the owners would like more living and functional space, to update the general appearance of the building, and to connect interior and exterior spaces. He said that they are trying to keep as much of the existing house as possible and would change the dwelling from a 2-bedroom, 2-bath house to a 3-bedroom, 2½-bath house. He said that the 2-car tandem garage would be changed to a 2-car side-by-side garage. He stated that they are trying to accomplish these changes with only minor increases in the height of the house. He said that the house would comply with all setbacks except in the front where they are asking for a variance in for the garage. He said that they have explored various design options and this version of the

project would reduce the amount of excavation and increase the distance from the paving to the garage by 6 feet, thereby decreasing the amount of the requested variance.

The public hearing was opened.

Stephanie Regan said she has been a resident of Centro West Street for more than 30 years, and believed the project will be a danger to vehicular and pedestrian traffic. She described the narrowness of the street and a blind corner at this property. She also said construction parking would be an issue if the street is blocked by construction equipment. She expressed concern that Old Tiburon is losing some of its character and felt that the design of the home did not fit the character of the neighborhood.

Brooke Halsey said his property would probably be most affected by this building as the roof would come within 10 feet of his deck. He supported the applicant, who came to him early with the design and said the traffic issues are the same as they have always been on Centro West Street.

Bob Hamer said he lives directly behind this project on the uphill side and supported the project. He thought the applicant has done a good job and have mitigated any issues. He felt that the applicant is sensitive to the traffic issues and will do a good job managing the construction.

Chair Doyle asked about the location of the garden roof section. Mr. Davis said that was in the original design and had been removed. Chair Doyle asked about the reason for the location of the garage. Mr. Davis responded that it was to limit the amount of excavation needed. Mr. Davis noted that construction vehicles would use the existing driveway and the contractor is very willing to shuttle people from off site.

The public hearing was closed.

Boardmember Kricensky said that the applicant had done a good job on site planning and could have requested more encroachment into the setback, and he thought the house had been pushed back as far as feasible. He noted that there are numerous houses on the uphill side of a street that have dealt with the same issues. He said that the issues have been addressed in a modest way in terms of the floor plan. He said that he liked the house and the materials and his only issue was the blue door. Mr. Davis said that the door would not be blue but aluminum, and the blue color was just a reflection of the sky.

Boardmember Tollini said that he liked the design and the renderings helped quite a bit. He said that he was very familiar with Centro West Street, which is an inherently treacherous street, but he noted that a lot of residences do not even have driveway aprons on this street. He also noted that the property line is set back some distance from the edge of the street and he felt that the project design would be as safe as any other approach on this street. Boardmember Kricensky noted that the actual setback from the curb would be almost 20 feet.

Vice-Chair Chong agreed that Centro West Street is a treacherous street, but felt that the problem is more because of the drivers on the street than people pulling out of driveways. He said that there are a variety of architectural styles on the street which makes it a beautiful area. He liked the design and agreed that the setback is a reasonable option because it would be a hardship to dig further into the hillside.

Boardmember Wilson said that the house would have no impact on the neighbors and this is a challenging site. He said that he liked the floor plan but thought that the exterior design was inconsistent with the neighborhood.

Chair Doyle said that the architect showed a lot of concern for the street in the design. He felt that the building materials would help the house blend in and would be less impactful than it appears in the plans. He was

satisfied that the Building Division would handle the construction issues on the street.

**ACTION:** It was M/S (Chong/Tollini) that the request for 1887 Centro West Street is exempt from the California Environmental Quality Act and approved the project subject to the attached conditions of approval. Vote: 5-0.

## **5. 604 RIDGE ROAD COHAN, GARAGE/VARIANCE/FLOOR AREA EXCEPTION**

The applicant is submitting a request to retain an existing detached garage on property located at 604 Ridge Road. The detached garage is located on the lower portion of the site, adjacent to the driveway gate adjacent to Ridge Road. A single-family dwelling and an attached garage are situated on the upper portion of the site. The applicants are requesting a variance for excess lot coverage and a floor area exception. In addition, the applicant is seeking approval for the as-built installation of an exterior wine condenser unit that was installed without any planning approvals.

Jamie Cohan, owner, said that when they had approached the DRB for approval of their previous project they did not anticipate what their needs for storage would be as their children grew older. He said that they are using the detached garage to store materials used for maintenance on the house and they want to keep them in an area inaccessible to children. He said that due to the unusual shape of the property, the detached garage is the only place on the property where they can store these items. He felt that it would be wasteful to knock down an existing storage space. He said that the current structure is in keeping with the existing look and feel of the property and does not impact the surrounding area. He said that a temporary storage shed would not be as aesthetically appealing as keeping the existing garage for storage.

Carolyn Cohan, owner, said that the detached garage is virtually unseen by the neighbors and only one neighbor has complained about their variance request. She said that they also use the garage for disaster preparedness supplies. She said that some of the construction materials they are storing in the garage are roof tiles, custom molding, etc. and that there is not another place to store these items on their property. She feels it would be extremely wasteful to tear down the garage since it is useful and wanted.

The public hearing was opened.

Scott Woods said he supports the request, adding that the structure has been there forever and looks great. He said that he did not want to see an eyesore of temporary storage in the neighborhood.

Geoffrey Fletcher said the wine cellar cooling condenser is a noisy piece of equipment, and asked if that could be mitigated. He stated that the noise is very intrusive to them in their garden. He described conversations between himself and the Cohan's about having the condenser soundproofed. He said that he would like the condenser to be removed or, if it has to stay, he would like it soundproofed. He said that originally the Cohans had proposed to build a small wall around the condenser; and Mr. Fletcher asked that they could do that or install it inside the house altogether.

Thelma Taich stated that originally there had been controversy about whether this lot should have been built on at all. She said that through the years of changing ownerships the neighbors have always recognized the problems with this parcel and she saw no reason to destroy the garage building.

Jerry Riessen stated that every time he has come before the Design Review Board he has said, unless there is a really unique circumstance, a lot coverage variance and floor area ratio exception should not be allowed. He hoped that the Board will continue to adhere to that.

John Bryant, attorney, submitted a letter providing information as to why the variance should be allowed for this property and the findings that could be made to grant the variance. He said that the garage does not impact any of the neighbors and that many homes in this neighborhood have exceeded lot coverage more than requested by this application. He said that the places to locate storage for bulky items on the site are either remote from the house or used up by an existing garage and pool, or are below grade. He said that it is a practical difficulty to build a garage or storage space that is easily accessible on other portions of the property. He said that if the applicants had been aware of the need for storage due to their family size, they would have asked for the variance with their remodel in 2006. He cited two properties in the neighborhood that have been granted similar variances. He also provided photos showing detached garages in the neighborhood.

The public hearing was closed.

Boardmember Tollini said he thought that the fundamental problem is that the request was so far over the lot coverage and floor area ratio. He respected the fact that there are detached garages in the neighborhood, but the other garages are not so far from the house. He felt that the issue of “waste” was an argument of convenience since the removal of the garage was not an issue in the prior application. He said that the condenser was consistent with Town policy.

Boardmember Wilson said he loved what they have done with the landscaping, but the project feels piecemeal. He said that the applicants agreed to one thing and now they are changing their minds. He agreed with the findings in the staff report. He visited the Fletchers’ home and agreed that the wine condenser can be heard from the neighbor’s garden.

Vice-Chair Chong said that denial of the variance would mean that the garage would have to be removed and then prefabricated temporary sheds might be put up. He struggled with the decision because he did not want to eliminate something already built, but when looking back over the original application, he did not know whether or he would have required that the garage be removed. He said that he would like the applicants to explore other soundproofing for the wine condensing unit and he recommended that a condition of approval require additional sound measurements for the unit.

Boardmember Kricensky said that he was also on the fence regarding the application. He said that the previous decision was made by the applicants to trade off the space in the detached garage, but they have now found another use for that building. He was not sure if this was trickery or if they really changed their mind. However, he noted that the garage is already there and the option of having empty blacktop or temporary storage is not as aesthetically pleasing. Regarding the condenser, he would like to see if there are ways to further reduce the sound and thought that there is room to try to muffle the sound more.

Boardmember Tollini said they did tests on the condenser that showed that it was well below the 65 decibel level approved by the Town. He felt strongly against asking them to muffle it further.

Chair Doyle said he did not hear the wine condenser when he visited the property but he would like to see the neighbors work that out. He remembered the previous application for this property and how the addition did not affect anyone. He felt that it would seem insane to demolish the garage, but he was not sure how to proceed in approving the variance. He hoped to take a common sense approach to the application.

Boardmember Tollini said during the review of the previous original proposal the Board would have likely required the applicants to reduce the lot coverage if they wanted to keep the garage. Vice-Chair Chong said that he thought that this was not necessarily a blatant attempt to circumvent the design review process or try to make a piecemeal project.

Planning Manager Watrous said if Boardmembers are in favor of keeping the garage, the onus is to determine what the hardship would be if they had to remove the garage. Vice-Chair Chong noted storage is definitely a hardship and there is the financial burden of removing a large quantity of construction material.

Boardmember Wilson said he would love to see the neighbors work it out on the condenser. However, he questioned the sound level test since the condenser fluctuates from low to high and the test may have been taken when it was on the low end of the generated sound.

Chair Doyle pointed out everybody has storage problems and so that cannot be the hardship. The garage does not bother him, but he would like to see the condenser removed or buffered.

Planning Manager Watrous reiterated that if the Board can find a hardship, then they can approve the variance, but if they cannot, then the variance cannot be approved.

Vice Chair Chong moved to find that the request for 604 Ridge Road is exempt from the California Environmental Quality Act (CEQA) and approving the request for the variance, with the unnecessary hardship of the need for additional storage on the site. The motion died for lack of a second.

Boardmember Tollini moved to direct Staff to prepare a resolution denying the requested variance and floor area exception, and approving the wine condenser as installed. The motion died for lack of a second. Chair Doyle said it is a big house and he is sure they could find storage somewhere. However, he doesn't think it makes sense to tear down a garage. He felt that perhaps there was no other appropriate location for storage on the site that had proper vehicular access.

**ACTION:** It was M/S (Doyle/Kricensky) that the request for 604 Ridge Road is exempt from the California Environmental Quality Act and approved the project, finding that it would be an unnecessary hardship to remove the garage as there were no other appropriate locations for storage on the site with proper vehicular access; and, with the additional condition of approval requiring that prior to issuance of final occupancy permit for the house on the site, sound measurements be taken of the wine condenser unit by a reputable acoustical consultant to determine compliance with Town policy regarding noise generating equipment, with the consultant to be hired by the Town of Tiburon and the applicant shall pay the Town in advance for the consultant's services, and if the noise levels from the wine condenser unit are found to not be in compliance with Town policy, the applicant shall install noise mitigation measures for the unit to the satisfaction of the acoustical consultant and Planning Division staff. Vote: 3-2 (Tollini and Wilson opposed).

## **6. COURTESY REVIEW OF UPDATED ZONING ORDINANCE**

Planning Manager Watrous reviewed the areas that are being updated and/or changed and said staff made efforts to reorganize it and make it easier to read. The Planning Commission will meet next week, and they want to know if the Board has any feedback to pass on prior to that meeting.

Vice-Chair Chong questioned if the summary included all of the changes and Planning Manager Watrous said those listed in the summary were the major changes and there were several smaller changes, but that most of the standards and processes are basically the same. He described the one process that would be added for over-the-counter approval for very minor design review projects.

**F. APPROVAL OF MINUTES #8 OF THE 5/21/09 DESIGN REVIEW BOARD MEETING**

ACTION: It was M/S (Chong/Wilson) to approve the minutes of the May 21, 2009 meeting as written. Vote: 5-0.

**G. ADJOURNMENT**

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