



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

Action and Approved Minutes - Regular Meeting
Design Review Board
March 18, 2010
7:00 P.M.

ACTION MINUTES #4 TIBURON DESIGN REVIEW BOARD

CALL TO ORDER AND ROLL CALL 7:00PM

Chairman Chong, Vice Chairman Tollini, Boardmembers Kricensky & Weller

ORAL COMMUNICATIONS

Ms. Vivian Jacobs addressed the Board with concerns regarding 20 Sonora Court, which is adjacent to her property at 169 Stewart Drive, and her dissatisfaction with the DRB process.

NEW BUSINESS

1. **280 LOMA AVENUE:** File No. 709140; John & Kathleen Goodhart, Owner; Additions with Variances for Reduced Rear and Side Yard Setbacks and a Floor Area Exception; The applicant proposes to construct a 500 sq. ft addition, and a 569.3 sq. ft. basement addition to the existing single-family dwelling. A portion of the addition would encroach 4 feet 3 inches into the required 25 foot rear yard setback and 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] *Approved 4-0*

MINUTES

2. Regular Meeting of March 4, 2010 *Approved as Drafted 3-0*

ADJOURNMENT 7:30

**APPROVED MINUTES #4
TIBURON DESIGN REVIEW BOARD
MEETING OF MARCH 18, 2010**

The meeting was opened at 7:05 p.m. by Chair Chong.

A. ROLL CALL

Present: Chair Chong, Vice-Chair Tollini, Boardmembers Kricensky and Weller

Absent: None

Ex-Officio: Associate Planner Tyler and Minutes Clerk Rusting

B. PUBLIC COMMENTS

Vivian Jacobs stated she has attended several DRB meetings because the house in front of her was sold with Design Review Board approval and it has been an on-going problem. She thinks the system is broken because of the loss of six staff members and Boardmembers over the past year. She corrected the information in *Tiburon Talk* stating that she was accused of being at an event that she did not attend. She expressed dissatisfaction with the property next to hers and voiced opposition to the DRB process.

C. STAFF BRIEFING

Associate Planner Tyler welcomed new Boardmember Lou Weller to the Design Review Board, and announced that the April 1, 2010 meeting may be canceled.

D. OLD BUSINESS BEFORE THE BOARD - None

E. NEW BUSINESS BEFORE THE BOARD

1. **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 569.3 sq. ft. basement addition to the existing single-family dwelling. A portion of the addition would encroach 4 feet 3 inches into the required 25 foot rear yard setback and 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**

The applicant is proposing additions to an existing single-family dwelling with variances for reduced rear and side yard setbacks and a floor area exception, on property located at 280 Loma Avenue. Currently the property is improved with a two-story dwelling, with unexcavated area beneath the home.

The main level of the home includes a living room, dining room, kitchen, guest bedroom and bathroom, storage room and a one-car garage. The upper level of the home includes the master bedroom suite and study. A deck extends off the main level of the home at the rear of the dwelling.

The proposal would convert the unexcavated space beneath the existing home into additional living area in the form of a family room, bedroom, bathroom, laundry area and storage. The site plan also indicates a

retaining wall and glass guardrail to be installed at the rear of the property, in order to create a level backyard area.

The proposed additions would not result in increased lot coverage, as the areas of additions are within the existing building footprint. The current dwelling has an existing lot coverage of 2,168 square feet (34.2%) which exceeds the maximum permitted lot coverage in the R-1 zoning district (30.0%). The proposed structure would result in a gross floor area of 2,885 square feet, which exceeds the maximum permitted floor area for a parcel of this size (2,213.4 sq. ft.). A floor area exception has been requested.

In order for the addition of floor area beneath the home to have a more functional square room, a small portion of the room would encroach four feet, three inches (4'3") into the rear yard setback. A small portion of the addition would also encroach six feet, one inch (6'1") into the right side yard setback. As the required rear yard and side yard setbacks in the R-1 zone are twenty-five feet (25') and eight feet (8'), variances for both reduced rear and side yard setbacks have been requested.

Colors and materials of the addition would match the existing structure. The only visible change to the structure would be the new lower level elevation, below the existing main level deck. This new elevation would include new windows, doors, and additional siding painted yellow to match the rest of the dwelling.

Mark Swanson, General Contractor, represented the owner, John Goodhart. He has been working with the Goodhart's on what he thinks is a straight-forward project for about nine months. The house has an older foundation and they would like to strengthen the existing foundation and excavate the area beneath to create additional living space. The Goodhart's have three children and the house is not large enough. The strategy with the least impact is to expand the house underneath the existing footprint of the house, level out the rear lawn area so the family can enjoy their property over the years to come, stay within the deck area, and believe that the addition will not be noticeable without walking up to the house at the rear. They are requesting permission to extend a small portion of the side and rear into the allowable setbacks because without that it would create a zigzag pattern in the house as opposed to creating a square room. It would also allow some sunlight into the space and allow for solar gain. From a construction standpoint, having lineal walls and foundation would create better structural integrity and would reduce the amount of waterproofing details that need to go into the project. None of the adjacent neighbors have had any concerns, mainly because it cannot be seen.

Boardmember Kricensky questioned when the original house was built. Mr. Swanson replied that he believes it was in the late 1950's.

Boardmember Weller questioned whether the deck was built at the time of the original property or added later. Mr. Swanson said earlier drawings indicate the deck always existed, though there were some modifications to the upper floor of the house.

There was no public comment.

Vice-Chair Tollini said Ms. Goodhart is a partner of the firm he works for, but it is a 1,000 person law firm with 300-400 partners, and therefore minimal conflict of interest. He thinks the arguments offered by the applicant for practical difficulty are valid and satisfy the findings, and he voiced support for the project.

Boardmember Kricensky agreed, and noted the addition will not influence anyone while at the same time make the house more comfortable for a larger family. However, he is struggling with justifying the practical difficulty.

Boardmember Weller agreed the structure will not create a visual problem for the neighbors and is prepared to support staff's recommendation to grant the variance. Adding the retaining wall will change the character of the hillside and he has some concerns about that. He suggested doing everything possible to limit the effect of the new grade on the topography.

Chair Chong said he visited the project today and it is very obvious that this is an older home looking to improve. He would much rather see the addition go below the house than above where it could impact neighbors. He thinks it is a hardship from an engineering perspective to have to design zigzag walls to comply with a variance. There is a home next door with a similar flattened landscape and he is therefore not as concerned with the flattening of the yard.

Boardmember Kricensky said there could be better landscaping at the back side of the retaining wall to cover the scarred area from the excavation. Mr. Swanson pointed out the area is very short and the wall on the uphill side will be very minimal. It rises on the southeast side of the property to about 5 feet and they would like to plant grass so the yard is usable. The path behind it is unmaintained area and bushes and wild blackberries will grow up to it.

Boardmember Kricensky voiced concern about the scar left over from building the retaining wall. Vice-Chair Tollini said there is a lot of screening; it looks very dense and he is comfortable with leaving it. Mr. Swanson said the area where the wall will be located is very densely vegetated and he suggested that if anything were planted there it would probably not survive.

ACTION: It was M/S (Tollini/Kricensky) that the request for 280 Loma Avenue is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, and is approved, subject to the attached conditions of approval. The age of the house, size of the lot, and engineering difficulties are sufficient to support the unnecessary hardship finding, and the variances for floor area ratio and setbacks are granted. Vote: 4-0.

F. APPROVAL OF MINUTES #3 OF THE 3/4/10 DESIGN REVIEW BOARD MEETING

ACTION: It was M/S (Kricensky/Tollini) to approve Minutes #3 of the March 4, 2010 meeting, as written. Vote: 4-0.

G. ADJOURNMENT

The meeting was adjourned at 7:30 p.m.