



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

Action and Approved Minutes - Regular Meeting
Design Review Board
April 15, 2010
7:00 P.M.

ACTION MINUTES #5 TIBURON DESIGN REVIEW BOARD

CALL TO ORDER AND ROLL CALL *At 7:00 PM*

Present: Chairman Chong, Vice Chairman Tollini, Boardmembers Kricensky & Weller

ORAL COMMUNICATIONS *There Were None*

Persons wishing to address the Design Review Board on any subject not on the agenda may do so under this portion of the agenda. Please note that the Design Review Board is not able to undertake extended discussion, or take action on, items that do not appear on this agenda. Matters requiring action will be referred to Town Staff for consideration and/or placed on a future Design Review Board agenda. Please limit your comments to no more than three (3) minutes. Any communications regarding an item not on the agenda will not be considered part of the administrative record for that item.

STAFF BRIEFING (if any)

OLD BUSINESS

NEW BUSINESS

1. **80 RED HILL CIRCLE:** File No. 21004; David and Beverlee Kell, Owner; Site Plan and Architectural Review for construction of a remodel and deck extension with variances for reduced side yard setbacks. The applicant proposes to extend an existing upper level deck, a distance of six feet, six inches (6'6"). As the existing deck is currently located within the minimum 8' side yard setbacks, the deck extension would continue the 0' setback for both side yards. APN 058-212-22 [LT] *Approved 4-0*
2. **1801 MAR WEST STREET:** File No. 710026; Ron Sires, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling with a floor area exception. The applicant proposes to demolish the existing dwelling and reconstruct a new dwelling, as well as remodel the existing detached garage

and guest house. The proposed gross floor area is 3,825 square feet, which exceeds the maximum gross FAR of 3,084.5 square feet, by 740.5 square feet. APN 059-061-21 [LT] Continued to 6/3/10

MINUTES

3. Regular Meeting of March 18, 2010 Approved 4-0

ADJOURNMENT At 8:5 PM

**APPROVED MINUTES #5
TIBURON DESIGN REVIEW BOARD
MEETING OF APRIL 15, 2010**

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

A. ROLL CALL

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

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING

Planning Manager Watrous announced the delivery of the new zoning ordinance, which goes into effect tomorrow. He said that most of the details are similar to those of the current ordinance, but it has been reorganized for clarity, and any questions should be directed to staff.

Boardmember Weller stated that he will not be able to attend the May 6th meeting. Planning Manager Watrous confirmed no other boardmembers plan to be absent from that meeting.

Chair Chong welcomed back Planning Manager Watrous to the Design Review Board.

D. OLD BUSINESS BEFORE THE BOARD - None

E. NEW BUSINESS BEFORE THE BOARD

1. 80 RED HILL CIRCLE: File No. 21004; David and Beverlee Kell, Owner; Site Plan and Architectural Review for construction of a remodel and deck extension with variances for reduced side yard setbacks. The applicant proposes to extend an existing upper level deck, a distance of six feet, six inches (6'6"). As the existing deck is currently located

within the minimum 8' side yard setbacks, the deck extension would continue the 0' setback for both side yards.

The applicant is requesting to expand an existing upper level deck at the rear of the home as part of an overall remodel project. The proposed deck expansion would be located within the required side yard setbacks, up to the property lines, in lieu of the required eight foot (8') side yard setback. In order to expand a non-conforming condition, a variance is required. The applicant has therefore requested variances for reduced side yard setbacks.

David Kell, owner, said they have lived at the property since 1994 and are applying to make long-needed repairs and alterations to their home. They are requesting side variances in order to repair the deck attached to their bedroom. He said that the decks are built right up to the side property lines on many houses in the neighborhood. He stated that the upper deck off the master bedroom is 3 feet long and 22 feet wide, and the main floor deck below it is 10 feet by 22 feet long. He said that both decks are enclosed on both ends by wing walls.

He said that in the late 1970s, the original owners had an addition built on the lower deck, turning it into a sunroom which was not well-constructed and they have had problems with rainwater entry for many years. They plan to reframe the sub-wall, put in new windows and sliding doors, remove the sloping glass roof and extend a horizontal deck 6 feet 6 inches past the original deck. He said that the extended deck would be 9 feet, 6 inches by 22 feet and stays within the limits of the building. He believed that the project would not adversely affect neighbors' views or privacy and noted that similar variances have been granted to other owners on Red Hill Circle. They would like to replace skylights in their roof and add two more, replace the doors on the front side of the house, and remove the privacy gate and stucco entry on the street side of the house and restore it to its original look.

There were no public comments.

Vice-Chair Tollini said this is an easy, clear case because no one is affected by it, it would be consistent with the pattern of development, and without the variances an unusable area would result.

Boardmember Kricensky agreed, and felt the project and request for variances were very reasonable. He commended staff for the analysis of the findings.

Boardmember Weller and Chair Chong agreed with fellow Boardmembers.

<p>ACTION: It was M/S (Kricensky/Tollini) that the request for 80 Red Hill Circle is exempt from the California Environmental Quality Act and approved the project, subject to the attached conditions of approval. Vote: 4-0.</p>

Boardmember Tollini recused himself from the meeting because he lives in the vicinity of the next project.

2. 1801 MAR WEST STREET: File No. 710026; Ron Sires, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling with a floor area exception. The applicant proposes to demolish the existing dwelling and reconstruct a new dwelling, as well as remodel the existing detached garage and guest house. The

proposed gross floor area is 3,825 square feet, which exceeds the maximum gross Floor Area Ratio of 3,084.5 square feet, by 740.5 square feet.

The applicant is requesting to construct a new single-family dwelling and remodel an existing detached two-car garage and guest cottage. The project would increase the floor area beyond the floor area ratio for a lot of this size and therefore a floor area exception is requested.

Ronald Sires, applicant, discussed the height of the proposed house, noting that this is the main issue of disagreement among neighbors. He said there is no protection for views in California and cited court cases and ordinances consistent with that opinion. He said that the view ordinance in Tiburon is very clearly written and upholds view protection and he cited Section 16.5.66 which limits the height of structures to 30 feet. Mr. Sires stated the Hillside Design Guidelines are not an ordinance, and the Municipal Code does not confer view rights. He noted that in 2008 the concept of a "borrowed view" was added to the guidelines, which states that a homeowner does not have protected views. He applauded Tiburon for coming up with that phrase but said its applicability is not limited to vacant lots and one-story structures.

Mr. Sires said he moved to Tiburon to raise a family and has 27 signatures from neighbors supporting the project, with only 2 neighbors objecting to the project. When he asked one of the neighbors why they object to the project, they responded that they have been there longer. He did not believe that this is legal and requested the Board to abide by the laws of the State.

Boardmember Weller noted that the design includes a rooftop deck and asked Mr. Sires to discuss his intentions for the deck. Mr. Sires said that he has a right to have a view deck. He said that he agreed to give away his right to put up umbrellas or other structures on the deck to appease neighbors.

Chair Chong asked if Mr. Sires took into consideration the uniqueness of the street during the design process. Mr. Sires said the current application is not the house he originally wanted. He said that his original intention was to preserve the look of the house, but he said that Town Staff encouraged him to tear down the structure. He felt that he has bent over backwards to comply with the Town.

The public hearing was opened.

Marty Lasden said that he lives directly behind Mr. Sires' property. He felt that the applicant could build the house along the sloping roofline of the existing structure and would still have a lovely view of the Point Tiburon lagoon without impacting their view of the lagoon. He said that the proposed house would be both higher and wider than the existing structure and have a flat roof instead of a sloping roof, and this would obliterate the view from their living room. He presented photographs taken from his den showing the impact of the higher roof on his view of the lagoon. He thought that it was unreasonable to expect that they would be happy with the blockage of their lagoon view by the new house. He also expressed dissatisfaction with the roof deck because it would impact their privacy. He mentioned a previous DRB application nearby where a neighbor strongly to a proposal that would have blocked his view of the lagoon and the DRB concluded that he had a legitimate issue and accommodated his objections.

Mr. Lasden said he appreciated the applicant's desire to maximize the square footage of his property, but he felt that that should not be done at the expense of their lagoon view. He requested the rooftop deck be eliminated and the outline and height of his roof conform to that of the existing structure.

Jack Bridges said he agreed with everything said by Mr. Lasden. He objected to the height of the structure and requested they keep the present roofline if at all possible because the proposed house would block their view of the lagoon.

Seantelle Carlin, representing her father, objected to the height as well because it would impact their view of the lagoon and she believed that views are one of the best reasons to live in Tiburon.

Mike Tollini said that he was excited about the development of the site, which he characterized as long overdue. He said that he has some reservations about the project and previously spoke with the applicant. He said that he had no issue with view blockage or privacy since the house is distant from where he lives. However, he thought that the house would be large for the neighborhood because Mar West is filled with smaller Victorian bungalows. He felt that it was inappropriate to max out the height to 30 feet and that the house does not need to be as tall as it is proposed. He said that there is consistency to that neighborhood that would be potentially lost with a house of this scale.

Mr. Sires said that Mr. Tollini's house has a grand view and stands out a lot more than his house. With respect to the neighborhood, the house to the left was built within the last few years and everyone in the neighborhood questions how it was approved. He stated that his design fits the neighborhood more than that house, and if he has a roof deck, he would be looking forward and not backwards. He did not think he would spend much time on the deck but he felt that he still has a right to build it.

Boardmember Weller questioned why the front of the house is 3 feet higher than the back. Roger Hartley, designer, said that it is essentially a flat lot and the structure has a sloping roof in all directions and is truncated at the top to accommodate the roof deck.

Boardmember Kricensky asked about the rationale for raising the first floor three feet higher than it is currently. Mr. Hartley said that the rear yard is private and lush, and in order to access it reasonably from the main floor and use the central part of the lot, they needed to raise the floor as much as possible. Otherwise, they would need a lot of excavation or stairs to access the pool area.

Boardmember Kricensky questioned and confirmed that the utility room does not run the full length of the house and is in the existing location of the basement of the old house.

Mr. Sires said that he does not want to fight. He said that he made an effort to contact the neighbors and was told by them that it was a waste of time.

The public hearing was closed.

Boardmember Kricensky said there were two story poles that should have been put up but were not, showing the limits of the upper deck. He wanted to be sure the Board members were aware of where the deck would extend. He stated that the massing of the structure is an issue, as the house seems like a big box at the maximum building height. He said that the roof deck would contribute to this effect, and the dormers on the side of the house would create a horizontal line approaching the 30 foot limit. He noted that the dormers would be over a laundry room and a walk-in closet and are proposed just to create a sloping roof. He thought that the flat roof and the remainder of the house design would create a visual wall that, combined with the requested floor area exception, does not work on the site. He appreciated the applicant's arguments, but he felt that the size of the structure could be reduced by working with the land. He said that the house

would be very massive and boxy and would feel very large on both Mar West and to the neighbors behind it. He also suggested that the 10-foot ceilings contribute to the volume of the house.

Boardmember Weller shared Boardmember Kricensky's concerns, stating that the proposal goes further than makes sense for this particular lot. He was not as concerned about the width of the house, but he felt that the combination of the mass created by the height and the impact on uphill neighbors suggests the project should be changed. He encouraged the affected parties to meet and discuss and try to come to a conclusion. He acknowledged that neighbors have no god-given rights to views, but there is a Town-given right to consider and protect views, and the Town may respond to the concerns of the affected parties. He stated that the roof deck would affect privacy and effectively creates additional livable space. He encouraged additional thought to the design to see if they can still take advantage of views without affecting the uphill neighbors' views.

Chair Chong said that he is not against roof decks in general, but other such decks that have been approved while he was on the Board had no effects on neighbors. He said that this deck would feel like it was in the face of the uphill neighbors, with the home at 180 Centro West Street more affected. His biggest concern was how the height and mass would impact the neighbors behind it. He acknowledged that the Town embraces many different house styles, but the bigger concern is that the size and height of this house would be pushing the envelope. He felt that there are ways the home could be lowered to minimize its impact on neighbors, including changes to the roofline and ceiling heights. He stated that views are very subjective, but in the past the DRB has looked at whether the impact is on a sliver of a larger view or an impact on a specific thing such as water. He said that this project would affect one of the main features of the views for the uphill neighbors.

Boardmember Kricensky said that there are numerous ways architecturally to address these concerns, including possible changes to the roofline and ceilings. He did not think that the deck was functional and all of the neighbors will look down onto it. He felt that the dormers do nothing except create view blockage. He wanted to promote a design that would be more sensitive to the neighbors.

Boardmember Weller applauded the applicant for the cottage style of the building instead of choosing a more modern style. He would like to see an effort to respond to the concerns of neighbors and the Board's concerns about mass and height and he encouraged the neighbors to work with the applicant.

Mr. Sires said that he would like the Board to deny the application and that he would then work with the neighbors while awaiting the appeal hearing before the Town Council. Planning Manager Watrous said that the Town Council would respond to that approach by remanding the application back to the DRB. Mr. Sires agreed to a continuance to a future meeting.

<p>ACTION: It was M/S (Weller/Kricensky) to continue the application to the June 3, 2010 meeting. Vote: 3-0-1 (Tollini recused).</p>
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Boardmember Tollini returned to the meeting.

F. APPROVAL OF MINUTES #4 OF THE 3/18/10 DESIGN REVIEW BOARD MEETING

ACTION: It was M/S (Weller/Kricensky) to approve Minutes #4 of the March 18, 2010 meeting as written. Vote: 4-0.

G. ADJOURNMENT

The meeting was adjourned at 8:05 p.m.