



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

Action and Approved Minutes - Regular Meeting  
Design Review Board  
May 6, 2010  
7:00 P.M.

## ACTION MINUTES #6 TIBURON DESIGN REVIEW BOARD

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

Present: Chairman Chong, Vice Chairman Tollini and Boardmember Kricensky  
Absent: Boardmember Weller

### NEW BUSINESS

1. **669 HAWTHORNE DRIVE:** File No. 710015; Daryl Smith, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling with a floor area exception. The applicant proposes to convert 869 square feet of unexcavated area and a utility/storage area at the lower level of the home into living space. As the existing structure currently exceeds the maximum gross floor area, a floor area exception has been requested. APN 055-191-11 **Approved 3-0**
2. **1980 CENTRO WEST STREET:** File No. 21002; James and Mona Miller, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling with variances for reduced front and side yard setbacks. The applicants propose to construct a master bedroom suite addition and a new attached two-car garage, along with several arbors and minor exterior alterations to the existing house. The additions would extend to within 6 feet, 9 inches of the front property line and 3 feet of the left (southern) side property line, in lieu of the required 15 foot front yard setback and 8 foot side yard setback. APN 059-122-14 **Continued to 6/3/10 meeting 3-0**
3. **1490 VISTAZO WEST STREET:** File No. 21003; Danuta Shadduck, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling, with variances for reduced side yard setback and excess building height. The new structure would have a reduced side yard setback of 3 feet, 2 inches in lieu of the minimum 8 feet, and would have a building height of 37 feet, 9 1/8 inches in lieu of the maximum 30 feet. APN: 058-223-14 **Continued to 6/3/10 meeting 3-0**

### MINUTES

4. Regular Meeting of April 15, 2010 **Approved as amended 3-0**

ADJOURNMENT    8:55 PM

**MINUTES #6  
TIBURON DESIGN REVIEW BOARD  
MEETING OF MAY 6, 2010**

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

**A.     ROLL CALL**

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

**B.     PUBLIC COMMENTS - None**

**C.     STAFF BRIEFING - None**

**D.     NEW BUSINESS BEFORE THE BOARD**

1.        669 HAWTHORNE DRIVE: File No. 710015; Daryl Smith, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling with a floor area exception. The applicant proposes to convert 869 square feet of unexcavated area and a utility/storage area at the lower level of the home into living space. As the existing structure currently exceeds the maximum gross floor area, a floor area exception has been requested. APN 055-191-11.

The applicant is proposing additions to an existing single-family dwelling with a floor area exception, located at 669 Hawthorne Drive. Currently the property is improved with a two-story dwelling that contains unexcavated area at the lower level of the home. The proposal would convert one of the utility/storage areas and unexcavated space at the lower level of the structure, located behind the existing secondary dwelling unit, into two bedrooms, a bathroom and a media room.

The proposed additions would not result in increased lot coverage, as the area of the additions is within the existing building footprint. The current dwelling has an existing lot coverage of 3,471 square feet (30.0%) which is the maximum permitted lot coverage in the R-1 zoning district. The proposed structure would result in a gross floor area of 4,026 square feet, which exceeds the maximum permitted floor area for a parcel of this size (3,157.1 sq. ft.). A floor area exception has therefore been requested.

Ricardo Royo, designer, described the project design. He said that they intend to build within the existing footprint, are increasing the square footage by 869 square feet, and will excavate under the existing structure about 9 feet to the existing floor joist and underpin it with retaining walls.

Boardmember Kricensky asked when the house was originally built. Mr. Royo replied that the house was originally built in September of 2002. Boardmember Kricensky questioned and confirmed that the house was previously owned by another homeowner.

There were no public comments.

Vice-Chair Tollini said that the expanded floor area could change the character of the structure and impact the neighborhood. However, because so much of the construction is subterranean, he supported the project.

Boardmember Kricensky agreed with Vice-Chair Tollini, but questioned exceeding the maximum allowable floor area by 28%. However, because the new floor area would have no windows and look essentially like a basement, he supported the project.

Chair Chong agreed with the other Boardmembers, noting that since the house was built by a different owner this addition would not seem like a gradually creeping increase in floor area.

**ACTION:** It was M/S (Kricensky/Tollini) that the request for 669 Hawthorne Drive is exempt from the California Environmental Quality Act and approving the request, subject to the attached conditions of approval. Vote: 3-0.

2. 1980 CENTRO WEST STREET: File No. 21002; James and Mona Miller, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling with variances for reduced front and side yard setbacks. The applicants propose to construct a master bedroom suite addition and a new attached two-car garage, along with several arbors and minor exterior alterations to the existing house. The additions would extend to within 6 feet, 9 inches of the front property line and 3 feet of the left (southern) side property line, in lieu of the required 15 foot front yard setback and 8 foot side yard setback. APN 059-122-14.

The applicant is requesting Design Review approval for the construction of additions to an existing two-story single-family dwelling on property located at 1980 Centro West Street. A new master bedroom suite would be added to the left side and rear of the house, with a deck extending toward the middle of the site. A new two-car garage would be attached to the front of the building. A new parapet and decorative cupola would be constructed above the roofline at the front of the house, and a new pedestrian access gate would be installed at the left front corner of the lot. A new arbor would be constructed above the lower deck of the house. Additional windows would be installed at various locations around the building. A detached arbor would be constructed along the right side of the rear of the site, with a new set of exterior stairs leading down toward the rear of the property.

The proposed additions would increase the lot coverage of the site by 1,521 square feet to a total of 4,969 square feet (34.8%), which would be less than the 35.0% maximum lot coverage permitted in the R-2 zone. The proposed project would increase the calculated floor area of the house by 836 square feet to a total of 3,388 square feet, which is less than the 3,429 square foot floor area ratio for a lot of this size. Variances are requested for reduced front and side yard setbacks.

Jef Pedersen, architect, noted for the record that the lower floor of the building is the second unit of an existing duplex and the existing one-car garage is to be used for the lower unit. The new two-car garage would be used for the larger upper floor unit. He stated that it is their intention to keep all of the living area on the same level because the owners will be using the property as their retirement home. He said that they tried to keep the proposed bedroom, master bath, and closet as far to the side of the property to maintain the view corridor for neighboring properties. He stated that the side yard setback variance request would allow for a decent sized bedroom and covered deck area.

Vice-Chair Tollini asked about other potential locations for the addition and questioned why the unit was expanded in that direction. Mr. Pedersen said the reason for its position was to allow for the bedroom and bath to be on the same level.

The public hearing was opened.

Nonie Greene said she has lived across from the property for 17 years and looks directly over the roofline. She said that the building has been a single-family dwelling for all of that time. She said that the proposed architectural details were not her preference for the neighborhood, as she believed that the neighborhood is more of a California Beach neighborhood. She stated that the roof would be massive.

Todd Werby stated that no one approached them about the project before they saw the story poles erected and received the notice in the mail. He was uncomfortable because he was not given the chance to work with the neighbors. He agreed with the staff report that there are other ways to accomplish the goals of the project without impacting the neighborhood so much and he did not feel that the character of the structure fit the neighborhood. He also felt that it would set a bad precedent to have the side yard so close to the neighboring property. He did not like the bell in the roof structure because it may create a noise nuisance and that lighting should point down. He thought that there was a lot of potential in the project with some changes.

Mr. Pedersen said that the architecture was chosen as the owner's preference. He remodeled the house next door in Mediterranean style, and they are planning a Spanish revival design on the subject property. He noted that they are proposing to put a roof over an existing two-car parking space and are not building beyond the existing retaining wall. He said that there would be no bell, and the top detail is actually a finial.

Chair Chong asked what other options were explored to minimize neighbors' privacy concerns. Mr. Pedersen said that the product they came up with took a lot of time and energy to develop, and they felt this was the solution that would be best for the neighbors and the neighborhood. He stated that if the addition was pushed into the middle of the site it would impact the neighbors' views. He stated that the neighbor to the south would actually gain more of a view of the bay with the addition as proposed.

The public hearing was closed.

Boardmember Kricensky said that his feelings about the architecture are subjective, but having drastically alternating styles becomes undesirable. He said that the mass of the garage would be more noticeable as one drives around the corner. He noted that the garage location is used for parking cars right now, and he did not mind the setback in that location. He understood the desire to have everything on one floor, but the master bedroom and bath would go right up to the deck next door. He suggested moving the location of the master bedroom and bath back. He does not like the style of the changes at the front of the house, but these changes would not block any views.

Vice-Chair Tollini agreed with Boardmember Kricensky's comments. He did not necessarily like the architectural style, but thought it could work. He said that from 200 Diviso Street the additions would amount to more of a change than a real view impact, as the master bedroom would protrude slightly into a panoramic view. He noted that the garage location is currently a paved driveway and walls, and he did not think anything would be lost by enclosing the garage. He said that the master bedroom extension protrudes and he agreed with staff's recommendations on the findings for the variance request. He said that it is difficult to make the finding for special circumstances because there are many places to move the addition, even keeping the rooms all on the same level. He said that the south neighbor's deck is so close that the neighboring addition could almost be touched from it. He felt that the extension of the master bedroom wing would be too close to the property line and did not have to be so close. He said that he would like to see a redesign of the project.

Chair Chong agreed with the other Boardmembers. He suggested working on lowering the garage addition a bit and eliminating the bell. He stated that the homes in that neighborhood are close together, and the Board therefore cannot be as generous regarding setbacks and variances. He felt that some redesign of the location of the bedroom could be done without impacting the neighbors.

Mr. Pedersen said that every house to the north of this house has a 3 foot setback or less. He said that this is a unique lot with a triangular shape.

Chair Chong summarized that the Board could support the variance for the garage, but more work could be done on the tower to minimize the impact, and the bedroom addition should be moved back to eliminate the intrusion into the side yard setback. Boardmember Kricensky said even 3 feet would make a difference.

Mr. Pedersen said they worked very closely with the neighbor to the south who was completely in favor of the project and the reduced setback. Mr. Pedersen stated that the reason they brought the project closer to the side property line was to increase his view over the project.

Chair Chong said the purpose of the DRB is to look at the long term impact of the project on the neighborhood. Vice-Chair Tollini said it would be helpful to hear from the next-door neighbor if he has an opinion to present.

<p><b>ACTION:</b> It was M/S (Tollini/Kricensky) to continue the application for 1980 Centro West Street to the June 3, 2010 meeting. Vote 3-0.</p>
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3. 1490 VISTAZO WEST STREET: File No. 21003; Danuta Shadduck, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling, with variances for reduced side yard setback and excess building height. The new structure would have a reduced side yard setback of 3 feet, 2 inches in lieu of the minimum 8 feet, and would have a building height of 37 feet, 9 1/8 inches in lieu of the maximum 30 feet. APN: 058-223-14.

The applicant is proposing to construct a new three-story single-family dwelling, with variances for reduced side yard setback and excess building height, on property located at 1490 Vistazo West Street. Currently the property is improved with a two-story dwelling that is structurally attached to the adjacent dwelling at 1486 Vistazo West Street. The existing residence would be demolished as part of this project. The main level of the home would include a living room, dining room, kitchen, breakfast nook and a two-car garage. The lower level would be a large office and bathroom. The upper level would include the master bedroom suite, a laundry room, and an additional bedroom and bathroom. Decks would extend off all three levels in the south east corner, and wrap around the east side (left) of the structure, and would incorporate glass safety railings.

The proposed structure would result in a lot coverage of 2,215 square feet (11.1%) which is below the maximum permitted lot coverage in the R-1 zoning district (30.0%). The proposed structure would create a gross floor area of 3,921 square feet, which is below the maximum permitted gross floor area for a parcel of this size (3,989 sq. ft.).

John Shadduck, owner, said the chief objective of the project is to upgrade their house. He said that the house is a single-family home approved by the county with common platforms. He stated that this type of house often fails in an earthquake and the purpose of the project is to make their home safer. He described how the steel beams connect this house and the neighboring homes and the problem with constructing a new house with these constraints. He stated that the neighbors have concern about drainage and he assured the Board that they will put a new culvert within the easement. He felt this plan is the only feasible way to build their house so it is earthquake safe and he felt that other houses built like this should be upgraded in this way. He wanted to make every effort to maintain neighbors' views and privacy. He stated that the house is behind some trees and there is not much glass on the side facing neighbors.

Carrie Shores, architect, said that they wanted to be sure the massing of the project was in scale with neighbors' houses. She said that a stucco finish and horizontal wood siding are intended to break down the scale and give depth to the elevation. It is a challenging site and they reoriented the house to try to maximize its functionality.

Boardmember Kricensky asked for clarification of the drainage easement. Mr. Shadduck said the street was dedicated and accepted by the town, and all of the other easements are private and he is responsible for the culvert.

Vice-Chair Tollini asked if an engineering solution has been explored for detaching from the adjoining house as well as putting up the new structure. Ms. Shores said the steel beam that connects the structures would remain in place. Mr. Shadduck said that there is no other solution and that they have explored all of the possible options.

Boardmember Kricensky asked if the neighbor will be able to tie in to the steel beam in the future. Mr. Shadduck said yes, that could be done.

Boardmember Kricensky said there are some areas that will be separated, and he asked if that will affect the roof and drainage of the neighbor's house. Mr. Shadduck said that would be a part of the project.

The public hearing was opened.

Steve Sears said that he lives in the unit with the common wall to the subject house. He stated that the residence appears to have been abandoned for the past 4-5 years and appears to be totally uninhabitable. He said that the house is full of mold and dry rot and needs to be torn down. Since the home is attached to his house with common walls upstairs and downstairs with a common roof and structural beams he is concerned about issues that will be created by tearing down the unit. He wanted to know what will happen to the structural integrity of his house when the attached portion is removed. He questioned why the applicant is proposing to now spend millions of dollars on this project and suggested perhaps there is an ulterior motive. He noted that the other neighbor is currently in Europe, and he said their biggest concern is that windows would face their house and affect their privacy. He said that there is a common agreement that does not allow anyone to build on the drainage easement. His hope is that the house is torn down with the least possible disruption to his home and that any damage is repaired in an acceptable manner.

Charles Reite said that the whole street is composed of single-family residences starting with the end unit on the downhill side of the street. He felt that the reorientation of the building would create privacy issues with the neighbor's deck and entertainment area. He suggested the structural integrity could be improved without the reorientation. He was happy to see the area improved, but felt that this project would totally change the character of the development on the street. He said there is a lot of water running through the culvert and he wondered how the Town Engineer would comment on this. He was concerned that this would change the overall engineering structure of the other two units and questioned whether a better plan could be devised.

Ms. Shores clarified that the three major pine trees on the site that provide screening would remain. They would also add one new tree to match the new trees the neighbors recently planted. She said that the project attempts to strike a balance and stay within the footprint so as not to encroach on the neighbors.

Mr. Shadduck said that the plan is totally engineering-based and that they cannot seismically upgrade the house without removing the building. He noted they are the first to figure out an engineering solution and it is difficult to be the first one. He said that they attempted to retain the existing structure and put in the frame for a new house but the only solution that would create a structurally sound house is for a new structure. He pointed out that a previous neighbor cut down a lot of trees and they should therefore not be

concerned about privacy. He did not think that there was a huge privacy issue and the remaining trees give quite a bit of privacy.

Boardmember Kricensky asked if the applicant spoke with someone at the Town about the culvert. Mr. Shadduck said they talked to the Town Engineer about moving the easement and putting in a new culvert.

Dorinda Sears said that someone else built a new home on their street, and they promised to put in plantings to hide utility poles but now those plantings are all dead. She wanted to know what would be done if trees that are planted end up dying or do not fulfill expectations. She also asked to see plans that show what her house would look like after it is separated from the other house.

The public hearing was closed.

Vice-Chair Tollini said that he always noticed this property because there is a roaring brook underneath with a house built on top. He said that this project seemed to be theoretical in nature and there are a lot of details to sort out regarding its effects on the other houses. He was surprised that someone would undertake this project because even getting to a vacant site is going to cost a lot. He thought that separating the houses would be a good thing for everyone in the long run. There are some concerns like fire safety, but it would be easier to administer the houses if they are separated. He thought that this would be an improvement for everyone involved. He said that the house design does not follow the Hillside Guidelines too closely, but that is part of the existing condition. He felt that the building height and the setbacks are probably acceptable. He said that there would be some impact on the privacy of the neighboring property, but he also thought that there are some mitigating circumstances in that it is relatively distant and there are some trees in between. He said that the main privacy impacts would be on the outdoor areas and the indoor areas would not be as affected.

Boardmember Kricensky said that the project has an unusual history, with a building built on three separate lots with no set of covenants to work out issues. He stated that the house obviously needs to be upgraded and felt that all three homes are structurally deficient. He said that separating the homes would be difficult, but he did not see any other way to do the earthquake retrofit that the owner desires. He thought that some attention needs to be paid to the remaining side of the neighbors' house and needs to be addressed with as much care as the house that is being built because an exterior wall is being created by the separation. He was not concerned with the building height because the existing houses have the same height. He said that it would be helpful if the plans showed the floor plans of the adjacent houses. He thought that there needs to be some kind of security that ensures that the remaining neighboring wall will be as sound as it is currently. He liked the architectural style but did not understand the differences between the wood siding and the stucco. He thought that the drainage easement was being handled in a way that would not adversely affect the neighbors. He was concerned about the privacy of the neighbor facing the new windows because it would be a change from what is currently there. He did not want this house to become a precedent so that every home in the area should have to look like this project if they choose to do similar engineering upgrades.

Chair Chong said he first looked at this as a stand-alone project and that it took him a while to be comfortable with the design. He was concerned with the fine line between Design Review and building permit processes as far as the impact on the neighboring homes, as he had not seen a project where an attached home was detached from the adjoining residences. He agreed that he did not want to see a string of identical new homes along this street in the future.

Planning Manager Watrous said that the Town's building permit process requires one to construct the project in a way that will not damage a neighbor's property. In this case, the applicant would have to make sure through the building permit process that they are not creating structural or physical problems for the neighbors. The only design-related element would be the new elevation of the next door house when it becomes detached. He thought that it would be helpful to have drawings of what that would look

like. He said if it requires an application for design review for the adjacent house, the Town would likely waive the fee requirements and process it.

Boardmember Kricensky asked if the Board can request such drawings, and Planning Manager Watrous confirmed that the Board could request them.

Vice-Chair Tollini encouraged the owner to work with the neighbor and to show what the edge of his house would look like.

Boardmember Kricensky suggested a condition of approval requiring that the edge of the neighbor's house be properly finished. He also requested confirmation from an engineer indicating that the house would still be as structurally sound as it currently is.

Vice-Chair Tollini said he does not see any access in the narrow area between the homes such as railing and steps, and he would like to see that as part of the plan.

ACTION: It was M/S (Tollini/Kricensky) to continue the request for 1490 Vistazo West Street to the June 3, 2010 meeting. Vote: 3-0.
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**E. APPROVAL OF MINUTES #5 OF THE 4/15/10 DESIGN REVIEW BOARD MEETING**

Page 2, third paragraph, "...and without the variances would result in an unusable area" should be corrected to "Without the variance an unusable area would result."

ACTION: It was M/S (Kricensky/Tollini) to approve the minutes of the April 15, 2010 meeting as amended. Vote: 3-0.
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**F. ADJOURNMENT**

The meeting was adjourned at 8:55 p.m.