



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

Action and Approved Minutes - Regular Meeting  
Design Review Board  
June 3, 2010  
7:00 P.M.

## ACTION MINUTES #8 TIBURON DESIGN REVIEW BOARD

### CALL TO ORDER AND ROLL CALL

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

### ORAL COMMUNICATIONS

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

1. **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 *Continued to 7/1/10*

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 *Approved 4-0*
  
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 *Approved 4-0*

#### NEW BUSINESS

4. **698 HAWTHORNE DRIVE:** File No. 710036; Antoine and Bedryl Saleh, Owners; Site Plan and Architectural Review for construction of a 497 square foot addition to an existing single-family dwelling. APN: 055-213-04 *Approved 4-0*
  
5. **490 RIDGE ROAD:** File No. 21007; Daniel Dunphy, Owner; Site Plan and Architectural Review for construction of a new detached garage, with variances for reduced front yard setback and excess lot coverage. The new garage would have a reduced side yard setback of 4 feet, 4 inches in lieu of the minimum 30 feet, and would have a lot coverage of 15.6% in lieu of the maximum 15.0%. APN: 059-082-06 *Approved 4-0*

#### MINUTES

6. Regular Meeting of May 20, 2010 *Approved 4-0*

#### ADJOURNMENT 8:25 PM

**APPROVED MINUTES #8  
TIBURON DESIGN REVIEW BOARD  
MEETING OF JUNE 3, 2010**

The meeting was opened at 7:08 p.m. by Chair Chong.

**A. ROLL CALL**

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

**B. PUBLIC COMMENTS - None**

**C. STAFF BRIEFING - None**

**D. OLD BUSINESS BEFORE THE BOARD**

1. 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.

Vice-Chair Tollini recused himself from the item.

The applicant is submitting a request to construct a new single-family dwelling and remodel an existing detached two-car garage and guest cottage, with a floor area exception, on property located at 1801 Mar West Street. Currently the property is improved with a two-family dwelling, and two accessory structures that have previously included nonconforming dwelling units.

This application was first reviewed at the April 15, 2010 Design Review Board meeting. At that meeting, several neighboring property owners raised concerns about potential view and privacy impacts from the roof deck of the proposed house and concerns about the overall mass and scale of the proposed house. The Design Review Board shared these concerns, finding that the proposed house design was too massive and boxy and that the proposed roof deck would result in view and privacy impacts for several neighboring uphill residences. The Board encouraged the applicant to work with the neighboring property owners to come up with a more appropriate house design.

The applicant asked the Board to deny the application, indicating that he would then work with the neighbors while awaiting the appeal hearing before the Town Council. After Staff indicated that the Town Council would respond to that approach by remanding the application back to the Design Review Board, the applicant agreed to a continuance to a future meeting. The Board continued the application to the June 3, 2010 meeting. The applicant subsequently agreed to a 90 day extension to the Permit Streamlining Act deadlines for this application.

Since that time, the applicant has not submitted revised plans for the project. He has indicated his desire to either negotiate with the neighbors at the June 3 meeting or have the Design Review Board simply vote to either approve or deny the project as originally designed. The applicant has refused to submit additional copies of the previously submitted plans for the project.

Ronald Sires, applicant, proposed a compromise that would reduce the height of the house and eliminate the roof deck. He asked that the floor area exception be granted, and said it was justified based on the lot size. He stated that he would ask his architect to revise the plans if the Board agreed to grant the floor area exception.

Chair Chong said the Design Review Board is not meant to be a workshop, and they need to see the revised plans before being able to discuss and agree upon a revision.

Mr. Sires explained he does not want to keep incurring architectural fees, and since those were the areas that were complained about, he would like to receive approval before having his architect revise the plans.

Chair Chong said that the DRB cannot make a decision without plans or revised story poles, and he asked for revised drawings to review.

Mr. Sires said that his proposal would affect the upper portion of the structure only and would not change the footprint, and the DRB has plans showing that footprint. Chair Chong said that the revised drawings are needed so the DRB and the neighbors can review them. Mr. Sires stated that he did not want a denial of his application that would force him to appeal to the Town Council, but felt that if he did not receive approval for the floor area exception, he did not want to spend the funds to revise the proposal.

Boardmember Weller said the Board cannot go further than telling him their concerns about the project, including issues with the roof deck and the bulk of the structure. He said that if all of the problems were mitigated by changes proposed by Mr. Sires, he felt that the Board would probably favorably consider the application.

Boardmember Kricensky stated that the design process by a competent architect starts with what the applicant wants, and then takes into account political influences, design guidelines meant to protect the community, and the influence of the project on the neighbors. He said that if that process had been handled correctly, then the applicant would probably not be in this position.

Mr. Sires stated that the DRB was violating California law regarding what the Town can consider in reviewing applications. Chair Chong noted that the DRB is not a court of law, and that the Board consists of volunteers who look at how a project impacts the Town, neighbors, and the architectural design. He said that the Board had problems with the project design in all three of those areas. He stated that a Board meeting is not intended to be a workshop.

Mr. Sires stated that he would revise his plans and he hoped that the Board would allow the project to move forward.

Chair Chong stated that the Board has no revised plans upon which to make a decision tonight, and since Mr. Sires has said he will resubmit revised plans, he asked for public comments to be held until the next meeting when the revised proposal is reviewed.

ACTION: It was M/S (Kricensky/Weller) to continue the application for 1801 Mar West Street to the July 1, 2010 meeting. Vote: 3-0-1 (Tollini recused).
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Vice-Chair Tollini returned to the meeting.

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, two-family dwelling on property located at 1980 Centro West Street. Variances are requested for reduced front and side yard setbacks. This application was first reviewed by the Design Review Board on May 6, 2010. At that meeting, the Board indicated that the placement of the garage and other improvements at the front of the property were appropriate and that findings could be made for the front and side yard setback variances for the garage. However, the Board felt that the master bedroom suite addition was too close to the neighboring home at 1990 Centro West Street and that findings could not be made for the variance for reduced side yard setback for that addition. The Board continued the application to the June 3, 2010 meeting, with direction to the applicant to attempt to pull the proposed addition out of the required setback.

Since that time, the applicant has submitted revised plans for the project. The master bedroom suite has been pulled back from the side property line and moved adjacent to the existing living room, eliminating the previously proposed exterior deck between the addition and the living room. The general dimensions of the addition remain the same, but the adjoining hallway has increased in size. The addition would comply with the side yard setback requirement, as only a portion of a proposed chimney would extend into the required setback. As a result, a side yard setback variance would no longer be required for this portion of the project.

Jef Pedersen, architect, said they have revised the plans to move the master bedroom suite from the side property and eliminated the previously proposed exterior deck.

There were no public comments.

Vice-Chair Tollini thought that the new floor plan would work well, and this was a simple solution to the only concern he had regarding the project.

Boardmember Kricensky agreed and said that this was a good solution to the problem. He said that it was hard to envision a one-car garage at the front of the site and the height of the additions was not a problem.

Boardmember Weller agreed and commended the applicant for coming up with a compromise that satisfied the Board's concerns.

Chair Chong said that his biggest concern was the side yard setback for the bedroom addition. He thought that the height would not be quite as overwhelming as the story poles appeared and felt that the applicant did a good job addressing the Board's concerns.

**ACTION:** It was M/S (Tollini/Kricensky) that the request for 1980 Centro West Street is exempt from the California Environmental Quality Act and approved the project, subject to the attached conditions of approval. Vote: 4-0.

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.

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. This application was first reviewed at the May 6, 2010 Design Review Board meeting. At that meeting, several neighboring property owners raised concerns about potential privacy issues and the visual and structural effects of separating the subject house from the adjoining home. The Board found the design of the proposed house to be generally acceptable, but requested additional information on the appearance of the currently adjoining house once the subject dwelling has been separated from it. The Board also recommended that the applicant more fully explore the structural aspects of the proposed project to ensure that necessary structural elements would not result in changes to the appearance of the building. The Board continued the application to the June 3, 2010 meeting to allow the applicant time to address these issues.

The applicant has now submitted revised plans for the project. The revised plans include exterior elevation drawings for the adjoining house at 1486 Vistazo West Street, indicating that the resulting side of that residence would be finished with materials matching the existing exterior materials of the building.

Carrie Shores, architect, said they have worked with the adjoining neighbors and documented their walls and windows on the abutting property, showing plans for the existing elevation, where it is attached and where it will be revised. She said the challenge with this project is that there are a lot of structural details to resolve in how to support the adjoining house. She said that those are pieces that would be addressed when the structure is built. She noted that they would not encroach or obstruct any of the neighbors' views.

The public hearing was opened.

Steve Sears, owner of the adjoining residence, said he still thought the cart was being put before the horse because not enough engineering had been done. He noted that the staff report recommended a condition of approval requiring that the applicant fully explore structural aspects of the project, but he said that there has been virtually no engineering done since the last meeting.

He said that he was still concerned about what the exterior of this house would look like after the subject house is demolished. He said that there was no detail showing what his roof would look like and he asked that the applicant do more engineering before the design is approved.

Carl Straub wanted to clear up some issues regarding mature trees on the site. He described a discussion with the Tiburon Fire District about branches below the roofline that need to be removed, which would impact his privacy. He said that the plans show planting one tree that, at maturity, will reach 45 feet, but do not specify the size of the tree when planted. He said that the foundation of the building would be within two feet of an 80-foot pine tree and foundation would impact those roots. He questioned the soil stability with the tree removals. He said that he would love to see a new structure, but not one that faces all of the windows of his house or removes all of the trees that provide privacy. He was unsure if the project requires review by the Corps of Engineer because of the creek that runs around their house and feeds the marsh behind the building.

Chair Chong asked if the DRB evaluates impacts on drainage. Planning Manager Watrous said that constructing a house is a two-step process including a design review phase and a building permit phase. The building permit phase will include structural, drainage and soil stability issues that must be resolved before a permit can be issued, but those issues are not under the authority of the Design Review Board. He stated that any structural solutions that would result in exterior changes to the building would require further design review approval. He noted that the draft conditions of approval state that if the Board approves this project, the applicant will be required to conduct a complete engineering assessment of the adjoining homes and determine what needs to be done and when in the process it will occur before a permit is issued. Planning Manager Watrous said that the DRB specifically requested information as to what Mr. Sears' house would look like when this project is complete, and it is up to the Board to determine whether the applicant has provided enough information to make an informed decision.

Ms. Shores said that their intention is to allow the roof for Mr. Sears' home to hang over Mr. Shadduck's property. She said that they were hesitant to include all of the structural issues until the structural team is on board, but they could develop more detail about the overhang, if necessary.

John Shadduck, owner, said that they did not intend to remove the middle tree on the plans.

Chair Chong asked if he could walk the Board through the landscape plan as to what would be removed. Mr. Shadduck said the lowest tree would be removed. He said that the middle tree on the plans may need limbs removed. Ms. Shores stated that the willow tree would be removed, but they intend to keep the remaining trees and only two of the five trees would be removed. She said that only one tree would be added because of the Fire District requirements and the radius needed to separate from the trees that are already there.

Chair Chong asked for additional comments from Mr. Sears. Mr. Sears reiterated that he would like to see more detail, including what the roof would look like. He thought that the engineering of the project could easily result in architectural details that would be different from the presented plans. He did not think that there was enough engineering information to make a design review decision. He stated that there are gas and electrical lines, and the meters are all in the same place under his house, and he wanted to know what the utilities would look like.

Chair Chong asked about the process if the project engineering significantly changed the details of the structures. Planning Manager Watrous said that any exterior changes that are different from

the approved plan will need to come back through a design review process. He said that in many cases such changes can go through staff approval, but the Board may put in place a condition approval that any such changes must come back through the Board for review and approval.

The public hearing was closed.

Boardmember Weller said that this is a difficult project, but the Board is obligated to allow seismic upgrades. He stated that most of the concerns expressed by the neighbors are not within the DRB's purview. He was concerned about the structural and engineering issues, but the DRB is not the appropriate forum for those issues.

Vice-Chair Tollini shared those concerns and stated that going through the design review process is just the first step in a longer process. He said there are going to be issues that will come up as a result of geotechnical work, engineering, etc. and design approval merely signals the beginning of the process. He said that the project will have to go back through design review after any changes are made. He thought that the neighbors' concerns about structural and drainage issues were absolutely valid, but from a design, privacy and zoning standpoint, he could support the project.

Boardmember Kricensky said that he has faith that the Town Engineer will be sure the drainage and soil stability issues are handled sufficiently, and if that changes the design, the project would come back for review. He said that the Board should be focused on the privacy and screening issues, as well as the new orientation of the house.

Chair Chong said that the elevation drawings for Mr. Sears' house are simplistic, but acceptable. He trusted the Building and Planning Divisions to look for any changes to the exterior design, and he had confidence that significant changes would come back to the Board for review. He was comfortable with what vegetation is staying to provide a buffer. He thought the Board could add a condition of approval that if another tree is removed, the project would come back to design review.

Vice-Chair Tollini stated that the homes do not face each other, there was a substantial distance from the Straub house, and the glazing on the east side was not excessive. He did not think that the house would cause a substantial privacy impact other than on the neighbor's exterior deck. He said that the removal of the willow tree was immaterial as there would be few windows in that area of the house.

Boardmember Weller said that although there would be a change in the configuration between the two houses, he did not see a material change in the amount of visual access between the homes. He said that it would be difficult to solve the structural problems of the house without removing some trees.

Boardmember Weller said the question was raised about access under the house and he asked if there is a condition guaranteeing existing residents access under the existing remaining houses. Planning Manager Watrous said the neighbors go on their own property currently to access that space, so moving the new house will not make that situation worse. He said that the applicant must ensure that the structural aspects of the neighbors' houses be as good or better as a result of this construction.

**ACTION:** It was M/S (Weller/Kricensky) that the request for 1490 Vistazo West Street is exempt from the California Environmental Quality Act and approved the project, subject to the attached conditions of approval. Vote: 4-0.

**E. NEW BUSINESS BEFORE THE BOARD**

4. 698 HAWTHORNE DRIVE: File No. 710036; Antoine and Bedryl Saleh, owners; Site Plan and Architectural Review for construction of a 497 square foot addition to an existing single family dwelling. APN: 055-213-04.

The applicant is requesting Design Review approval for the construction of an addition to an existing one-story single-family dwelling on property located at 698 Hawthorne Drive. A new master bedroom suite would be added to the left side and rear of the house, replacing a deck that currently extends across that portion of the site. The existing family room would be expanded. A 302 square foot basement would be constructed below the new master bedroom.

The proposed addition would increase the lot coverage of the site by 497 square feet to a total of 2,125 square feet (29.5%), which would be less than the 30.0% maximum lot coverage permitted in the R-1 zone. The proposed project would increase the calculated floor area of the house by 497 square feet to a total of 2,148 square feet, which is less than the 2,520 square foot floor area ratio for a lot of this size.

Beryl Saleh, owner, said they plan to put in a small addition to the back of the house. They are hoping for approval from the Board.

There was no public comment.

Boardmember Kricensky said it was nice to see a project come through with no variances. He said that the height of the addition was not significant and would barely rise above the existing tree line. He felt that this was a reasonable addition and he supported the project.

Boardmember Weller agreed and noted that the addition would not affect neighbors or be a substantial change to the house.

Vice-Chair Tollini agreed and said that this was an uncontroversial project that aligns well with the existing house. He said that the design was complementary and not overly elaborate.

Chair Chong agreed with the other Board members.

**ACTION:** It was M/S (Tollini/Weller) that the request for 698 Hawthorne Drive is exempt from the California Environmental Quality Act and approved the project, subject to the attached conditions of approval. Vote: 4-0.

5. 490 RIDGE ROAD: File No. 21007; Daniel Dunphy, owner; Site Plan and Architectural Review for construction of a new detached garage, with variances for reduced front yard setback and excess lot coverage. The new garage would have a reduced side yard setback of 4 feet, 4 inches in lieu of the minimum 30 feet, and would have a lot coverage of 15.6% in lieu of the maximum 15.0%. APN: 059-082-06.

The applicant is requesting Design Review approval for the construction of a detached garage on a site currently developed with a two-story single-family dwelling on property located at 490 Ridge Road. The detached garage would be situated in the same location as a previous carport on the property.

The proposed 500 square foot garage would not increase the calculated floor area of the property, as 600 square feet of garage space are allowed in addition to the floor area ratio for this site. The proposed garage would increase the previously approved lot coverage of the site by 180 square feet to a total of 3,368 square feet (15.6%), which would be greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Therefore a variance is requested for excess lot coverage. The proposed garage would extend to within 4 feet, 4 inches of the front property line. As a 30 foot front yard setback is required in the RO-2 zone, a variance is requested for reduced front yard setback.

Steve Schwartz, prospective owner, said they would like to put a garage on the property to keep cars off the street and protect them, in the same area where the carport previously existed.

The public hearing was opened.

James Bernhisel said that he had no issues with the project, but he wanted an understanding of the setbacks and variances and how that might affect future planning for his property.

Paul Bragstad, listing agent on the property, said that they discussed the project with many neighbors, and they submitted a list of neighbors approving of the project.

The public hearing was closed.

Boardmember Kricensky said that in assessing whether a variance is worthy of granting, the zoning ordinance has set out four findings that must be addressed and he summarized these requirements. He said that in his view this project all four of the findings could be made. He said that there was no other place for the garage because of the hillside. He said that the garage would not impact any views because of the vegetation and the change of grade, and he thought the applicants did a good job keeping it as a relatively small, low profile structure designed in a sensitive manner.

Boardmember Weller added that one of the ways people justify a variance request is to show it is consistent with neighbors. He agreed that there was no other place to build a garage on the site. He said that garage was consistent with other properties in the area, would not negatively impact neighbors, and he could make all the required findings.

Vice-Chair Tollini agreed and said that the house had a carport before and the new owner essentially wanted to convert it into a garage. He agreed that all of the findings could be made for the variances. He said that he usually did not like garages right next to the street, but it makes the most sense for this project.

Chair Chong agreed but brought up the issue of multiple standing structures addressed in the Hillside Guidelines. However, he noted that the area around the garage is very shielded by mature shrubs.

ACTION: It was M/S (Kricensky/Tollini) that the request for 490 Ridge Road is exempt from the California Environmental Quality Act and approved the project, subject to the attached conditions of approval. Vote: 4-0.

**F. APPROVAL OF MINUTES #7 OF THE 5/20/10 DESIGN REVIEW BOARD MEETING**

ACTION: It was M/S (Tollini/Weller) to approve the minutes of the May 20, 2010 meeting as written. Vote: 4-0.

**G. ADJOURNMENT**

The meeting was adjourned at 8:25 p.m.