

**MINUTES #17
TIBURON DESIGN REVIEW BOARD
MEETING OF NOVEMBER 4, 2010**

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

A. ROLL CALL

Present: Chair Tollini, Vice-Chair Kricensky (7:05 p.m.), Boardmembers Chong, Emberson and Weller

Absent: None

Ex-Officio: Planning Manager Watrous and Minutes Clerk Rusting

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING

Planning Manager Watrous announced that the item for 680 Hawthorne Drive was continued to the November 18, 2010 meeting. The annual Town Council/DRB Planning Workshop will be on Tuesday, November 9, 2010.

Chair Tollini announced that the item for 2312 Spanish Trail would be heard as the final item in tonight's meeting.

F. OLD BUSINESS

2. **680 HAWTHORNE DRIVE:** File No. 709044; Colleen Mahoney, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling. The applicants propose to construct a 1,072 square foot second story addition to add a larger master bedroom suite, two bedrooms, one bathroom, a laundry room, and a guest suite for the existing dwelling. Four new skylights would be installed. APN: 055-191-18
CONTINUED TO NOVEMBER 18, 2010

D. NEW BUSINESS

3. **211 ROUND HILL ROAD;** File No. 21018; Charles and Millie Froeb, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a variance for excess lot coverage. The applicants propose to construct a 1,054 square foot addition to the lower level of the house to create three bedrooms, two bathrooms, a family room, laundry room and wine room. As the maximum lot coverage in the RO-2 zone is fifteen percent (15.0%), a variance is required in order to construct addition that would expand the lot coverage on the site to 17.6%. APN: 058-111-21

The applicant is submitting a request to construct additions to an existing single-family dwelling, with a variance for excess lot coverage, on property located at 211 Round Hill Road. The existing dwelling is a two-story structure. The proposal would demolish the existing lower floor of the house, which currently contains two bedrooms and one bathroom, and construct a new lower floor containing 3 bedrooms, two bathrooms, a family room, laundry room and wine room. A new green deck and an expanded terrace

would be constructed on the upper level above the lower level addition and patio, and a new trellis would be constructed above the upper level terrace. A new bocce ball court and fire pit would be constructed adjacent to the lower level. The driveway turnaround area adjacent to the garage would be expanded and a new trash enclosure constructed. A variance for excess lot coverage has been requested.

Lorissa Kim, architect, noted that the project description did not include one room, stating that the project would include three bedrooms, one bathroom, family room, laundry room, wine room, and a guest room/office. She stated that dark wood siding would be added to make the house darker in color.

There were no public comments.

Boardmember Chong said that he visited the site and noted that the additions would be in the back of the home and fit well with the existing site. He agreed with the findings made by staff regarding the variance.

Boardmember Weller said that he also visited the site and agreed with Boardmember Chong that the addition would have no effect on anyone but the applicants. He stated that the variance was warranted.

Boardmember Emberson also agreed with the findings, but voiced concern about excessive outside lighting. Ms. Kim volunteered to review the lighting plan again and make possible changes.

Boardmember Weller concurred, stating that he would like to minimize the effect on the lighting on surrounding properties.

Chair Tollini agreed and pointed out the property below is relatively close. He was surprised that a good deal of the lawn was being built on. He agreed with staff's findings, particularly the hardship determination for the variance.

ACTION: It was M/S (Weller/Emberson) that the request for 211 Round Hill Road is exempt from the California Environmental Quality Act and approving the request, subject to the attached conditions of approval, with the additional requirement that staff review the lighting plan and work with the applicant to reduce the effect of lighting on surrounding properties. Vote: 4-0-1 (Kricensky abstained).

4. **12 APOLLO ROAD;** File No. 710116; John Zeitz and Susan Travis, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling. The applicants propose to construct an 814 square foot addition to the front of the house to add one bathroom and reconfigure the floor plan of the existing dwelling. The roof would be removed and replaced by with a new roofline that would increase the overall ridgeline height by 1 foot, 3 inches to a maximum height of 14 feet, 10 inches. APN: 034-271-06

The applicant is submitting a request to construct additions to an existing single-family dwelling on property located at 12 Apollo Road. The existing dwelling is a one-story structure. The proposal would expand the front of the house and reconfigure the existing house to provide additional space for all rooms of the dwelling and add one bathroom. The entry of the house would be moved to the center of the building and new windows would be added to all four sides of the house. The roof of the house would be removed and replaced with a new roof that would increase the height of the house by 1 foot, 3 inches to a maximum height of 14 feet, 10 inches. Several dormers would be added as part of the new roof.

Susan Travis, owner, said that they have lived in their home for 15 years and it is very small. She said that they would like to make it more comfortable by adding a new roof that is three inches higher and a bathroom. She said that the neighbors were relieved to find out the addition did not include a second story and are supportive of the project.

There were no public comments.

Boardmember Emberson said that she visited the site and noted that there is a house across the street that has had similar modifications, which she believed was the correct way to design the increase floor area. She was glad that there were no objections from neighbors.

Boardmember Weller agreed and said that this was a sensitive application. He had no objections to the proposal and thought that it was consistent with the neighborhood.

Boardmember Chong said that it was nice to see a well-done one-story addition in this neighborhood.

Vice-Chair Kricensky agreed with the other boardmembers that this was a modest, well-done proposal. Although the roof would rise a little, he felt that this was necessary for the modifications of the house and did not affect any of the neighbors.

Chair Tollini agreed and said that the project was an easy one to get behind because it was modest and there were no objections from neighbors.

ACTION: It was M/S (Chong/Weller) that the request for 12 Apollo Road is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, and the approving the request, subject to the attached conditions of approval. Vote: 5-0.

E. APPROVAL OF MINUTES #17 OF THE 10/7/10 DESIGN REVIEW BOARD MEETING

ACTION: It was M/S (Emberson/Weller) to approve the minutes of the October 7, 2010 meeting as written. Vote: 3-0-2 (Kricensky and Chong abstained).

F. OLD BUSINESS

1. **2312 SPANISH TRAIL:** File No. 710021; Bill and Joy Norris, Owners; Site Plan and Architectural Review for construction of a detached two-family dwelling, with a detached two-family exception and a variance for reduced front yard setback. The applicants propose to construct a 1,180 square foot detached dwelling below the existing house on the site, along with a new two-car garage and a new parking deck. The parking deck would extend beyond the front property line into the Spanish Trail right-of-way, which would not comply with the 15 foot minimum front yard setback in the R-2 zone. APN: 059-201-32

The applicant is requesting Design Review approval for the construction of a new detached two-family dwelling and two parking structures on property located at 2312 Spanish Trail. A detached Two-Family Dwelling Exception and a variance for reduced front yard setback are also requested. The property is currently developed with a single-family dwelling, a parking structure and two detached storage sheds, one of which would be removed as part of this project.

This application was first reviewed at the July 15, 2010 Design Review Board meeting. At that meeting, several neighboring property owners raised concerns about potential view and privacy impacts from the proposed house, parking impacts on the surrounding neighborhood and whether the application was consistent with the guidelines for detached two-family dwelling units. The Design Review Board shared some of these concerns, but did not rule out the possibility of a detached two-family dwelling on this site. It was the consensus of the Board that a more modestly proportioned house moved further up the hill

might be acceptable. The application was continued to allow the applicant time to redesign the proposed dwelling.

The applicant subsequently submitted revised plans for the project that included the following changes that were reviewed by the Design Review Board at the October 7, 2010 meeting. At that meeting, several neighbors again objected to the proposed project and felt that the application would be inconsistent with the guidelines for detached two-family dwelling units and incompatible with the character of the surrounding neighborhood. The consensus of the Design Review Board was that, as designed, the project did not meet the criteria for a detached two-family dwelling exception. The Board suggested that the proposed dwelling needed to be better articulated, possibly stepped into the hillside and/or moved uphill on the site. The applicant proposed eliminating the garage structure on Vista Del Mar and the Board felt that that would help reduce the visual mass of the project. The application was again continued to allow the applicant time to further redesign the project.

The applicant has now submitted revised plans for the proposed project. The roof of the front porch had been removed from the proposed second dwelling and the entry stairway leading up from Vista Del Mar has been relocated to the eastern side. The previously proposed two-car garage along Vista Del Mar had been eliminated and replaced with a two-car parking pad. With the exception of the aforementioned modifications, the floor area, height and location of the dwelling on the site remain unchanged. The new two-car parking deck was still proposed to be constructed within the street right-of-way at the front of the site accessed from Spanish Trail.

Chair Tollini requested the applicant and the public limit comments to what had changed since the last meeting. He also noted that there was an argument after the October 7th meeting, and requested the discussion remain civil tonight.

Roger Hartley, designer, said he hoped the Board was willing to consider the detached unit because of the size of the structure that would be needed to make it an attached unit. He said that they have previously moved the building four feet into the hillside and now have removed a portion of the roof structure of the porch area and the previously proposed garage structure. He stated that removing the existing garage represented a 30% reduction of mass compared to the previous proposals. He said that by removing the parking structure and leaving it as an existing flat space with a wall behind it, they had essentially moved the project up the hill approximately 30 feet. He stated that eliminating the porch roof had the effect of moving the structure another nine feet up the hill. He said that the corner of the building would now be in line with neighboring houses.

Boardmember Emberson asked what substantive changes had been made to the structure besides the removal of the garage, as the only change she saw was the removal of the roof over the porch. Mr. Hartley said that they had not changed the floor plan and cannot do much more unless they change the building to a one-bedroom cottage.

The public hearing was opened.

Jerome Bernal said that he lives next-door to the site and could empathize with the applicants because his house was the most recent addition in the neighborhood. He said that when he did his remodel, he had to dig into the hillside to protect privacy of neighbors and safety in the neighborhood. He thought that the building would be extremely tall and he hoped that the Board would be consistent with the decisions of previous Boards. He said that Spanish Trail is a very narrow street and he sees cars constantly having to back up to get out of the way of traffic going the other way. He would like to see the character of Old Tiburon retained. He felt that adding a detached unit would add density to an already dense area.

Richard Wodehouse said that he was concerned with the criteria the Board needed to evaluate to approve the exception for the detached building. He said that he is a builder and knows the dangers of setting a precedent for an exception. He said that the closer the new building moves to the existing house, the more it would impact his own house. He said that right now he views mostly vegetation, but if the house is moved up the hill it would block part of his view of the bay and possibly affect his privacy. He said that his living room is in an unusual location and the project would impact him more than the neighbors whose back yards are impacted by the project.

Dennis Schwakopf referred to the staff report and said that he agreed with its conclusions.

Shelley Brown said that she also agreed with the last three staff reports that this project should be denied and the exception not be granted.

Celia DeMartini, representing Ann DeMartini, said that she also agreed with the staff report and did not think that the exception should be granted. She did not believe that the building had been moved back enough to be truly in line with her mother's building.

Robin Moore said she concurred wholeheartedly with the staff report.

Phil Bartlett said he has been on review boards like the DRB and he knows how to look at story poles and drawings. He described the elevation changes on the site and felt that where there is this much of a change and a through lot with two street frontages, there was no other choice but to build two separate houses. He characterized the 1,100 square foot structure as a very small house and felt that attaching a second unit to the existing house would create a much larger structure and impact views and privacy more. He said that the Aureguy project is right across the street from him and is very similar to this project, and he felt that it is very beautiful.

Sue Zimmerman said that she completed a study of 20 homes in the area including 11 duplexes. She was concerned about the precedent that would be created by allowing the building of the detached dwelling. She stated that several of the duplexes are in need of being torn down and if those are replaced by detached homes there would be up 9 lots so developed in the area. She stated that the Board must be absolutely truthful to the findings to avoid this change in the neighborhood, asked not to set a precedent for future, similar requests, and believed the problem to be one of neighborhood character.

Boardmember Emberson asked Ms. Zimmerman if she would approve of the project if the addition was attached, and Ms. Zimmerman said she would support the project if it were attached to the existing building.

Gene Aureguy said that the ordinance allows two buildings and good planning dictates that use of the land. He said that it does not make sense to attach the building to the existing structure the project as proposed would add to the value of all of the properties in the neighborhood. He said that his buildings were approved by the DRB and the Town Council because it was seen as more beneficial to build two buildings instead of adding to the existing one. He felt that small building design was more in line with the texture of the Old Tiburon neighborhood.

Bill Norris, applicant, said that this has been a long process and he thought that the project had come a long way and they have addressed the issues that concerned staff. He said that they would construct an off-street parking deck requiring a variance, but he thought that it would help Spanish Trail to have another off-street parking area. He said that they had lowered the roof and reduced the project by 900 square feet. He stated that he has experience restoring older homes and has gone before Boards such as the DRB in other communities and that all of his previous projects increased neighbors' property values

immensely. He stated that the new 1,100 square foot cottage would be much better to look at from neighboring properties than his older garage.

The public hearing was closed.

Boardmember Emberson said she did not think the question was whether the cottage was a nice design, but whether the Board can make the criteria to grant the exception for two separate units. She said that the lot is an adequate size to support two separate units. She believed that there are physical conditions on the lot that make it difficult to attach the unit to the older house, because an attached unit would feel like a bunker with hills on either side of it. She felt that it would be impractical to place a second unit next to the existing house at the narrowest part of the lot. She hoped that the house would not be so rectangular and could somehow be more articulated so that there would be less mass visible at the street level. She said that the current design did not address the prior direction of the Board to lessen the visual mass of the house. She thought that it was possible to meet the criteria for two separate detached units, but she was unsure whether the proposed unit was the right detached unit for this lot.

Boardmember Weller said that he could not find that there was a practical difficulty for attaching a second unit, but he thought that the applicant could demonstrate the site planning superiority of the detached dwelling unit. He understood the importance of precedent, but the narrowness of the lot and the fact that it spans two streets is a different circumstance than some other lot with access from only one street. He did not think that this would set a precedent for lots that do not span two streets. He noted that the Board did not have an alternative design for an attached unit and he could only speculate as to what might be possible with a one structure solution. He said that an attached unit might affect views somewhat for the uphill neighbor, but added that simply looking at a rooftop was not the end of the world. He disagreed with Boardmember Emberson that nothing had been done to change the proposal since the last meeting. He commended the applicant for having heard what the DRB said regarding the mass and bulk and eliminating the garage. He said that the Board also suggested that moving the structure back would mitigate the effects on the neighbors and he was disappointed this was not done. He said that he could not conclude that two detached units would reduce visual impacts compared to two attached units and he could not support this particular proposal.

Vice-Chair Kricensky said there were a series of individual issues to be addressed. One was analyzing the site with existing residences around it and how they would be impacted by the structures. Another was the design of the structure, and another was the parking issue. He said that there are physical conditions existing on the lot that make it impractical or difficult to build an attached unit, as there would be no access or windows for the existing lower floor of the house. He said that the views of the neighbors on both sides create a whole matrix of influences that create the potential for the site to be a candidate for two buildings. He felt that if the existing house was demolished, a new structure likely would be built on the lower portion of the lot. However, he felt that the applicant had not clearly demonstrated to the Boardmembers or the neighbors of the property what would happen with alternative attached building designs that could appease some of the neighbors. He said that the site lends itself to two units, but he said he could not approve it without a clear argument showing why it does not work to connect the units.

Boardmember Chong suggested looking at the exception first before looking at the project design. If the lot was a blank slate and they were comparing two dwellings versus one, he felt that there were three places where a dwelling could be placed. One would be down by the garage which would create a large street presence, a second would be a house squeezed into the existing residence, and a third would be somewhere in the center. He stated that the uphill neighbor would be most impacted by far by any change to this lot which could sit directly in that neighbor's view of the Golden Gate Bridge. In comparing the three single-structure options to the two-structure option, he thought that the two-structure option made sense and would impact neighbors the least. He said that the street presence of the project improved

without the garage. He liked the porch roof of the cottage, but he understood that some compromises needed to be made. He felt that two structures seemed appropriate for this lot and that he could find reasons for each of the criteria to support the exception.

Chair Tollini said that the parking deck on Spanish Trail was a good solution for the property. He thought that removing the garage was a significant positive step. However, he said that he had the same issue with the project as before, which was seeing way too much house on a site where two structures are discouraged by the Town's ordinance. He noted that the criteria for a detached two-family dwelling exception talk about visual impacts and not just view impacts. He said that the proposed house still appears to be very wide and tall and he did not understand why it had to look this big for a 1,100 square foot house. He stated that there still needed to be a substantial redesign of the house to make it less impactful. He agreed with Vice-Chair Kricensky about the potential for a second detached unit on the property. He said that he understood the potential of setting a precedent, but felt that this type of project could be permitted on difficult lots in the neighborhood.

Boardmember Emberson said that the 1,100 square foot building looked larger because of its rectangle shape.

Vice-Chair Kricensky said that removing the porch cover actually increased the mass of the building and a more stepped project design would look more like a cottage when viewed from the street. He emphasized that the applicant needed to demonstrate why an attached second unit would not work. He said that if the applicant successfully demonstrated that then the Board could look at the design of the second unit.

Boardmember Emberson pointed out it is difficult for the applicant to design a house and show how it does not work. Vice-Chair Kricensky noted that it was common to request an applicant to prepare alternative project designs.

Boardmember Weller said it is unfortunate but the ordinance requires the Board to make it difficult for the applicant and the Board is compelled to request information on why it would be difficult to build the attached unit.

Boardmember Chong said that he would rather see a house of this style in that area than a more modern design, which could result in another set of issues brought up by neighbors that would need to be addressed.

Chair Tollini stated that he would not want to see a tiny stucco house on this lot, but the house design needed to reflect the compromise necessary to build on this site. As much as he liked the style of the house in Old Tiburon, he felt that it did not work for this particular site. He noted that the last lot in the neighborhood is always the most difficult to be built upon.

Chair Tollini said that the Board appeared to be generally in consensus that it was possible to approve two separate dwellings on this site in terms of the ordinance requirements. Boardmember Emberson agreed that the project met the criteria for two detached homes. Vice-Chair Kricensky said that he could potentially support two structures but the applicant needed to demonstrate the difficulty of an attached structure. Boardmember Weller referred to the criteria which states that the applicant must demonstrate why an attached unit will not work and he said that the Board had not received sufficient information in order to draw such a conclusion.

Chair Tollini summarized that the Board was asking for additional information about an attached unit at the next meeting, as well as a redesign of the unit so that it would appear visually smaller.

Chair Tollini said that he would be in favor of restoring the porch roof because it would reduce the visual mass of the unit. Boardmember Weller said that the applicant needed to be cognizant of the neighbors who objected to the extension of that façade. Chair Tollini said he would like to see a reworking of the height and width seen from the street and he would strongly encourage moving the footprint of the building.

Planning Manager Watrous suggested having the applicant come forward to state whether they understood the request. He also noted this was the last chance to amend the project and it sounded like some substantial changes need to be made in order to make that successful.

Mr. Hartley stated that he understood what the Board was requesting, but he needed some time to discuss whether they are willing to do it with the applicant. He said that the Board appeared to be asking for a different house, but his client likes this house. He was concerned about Vice-Chair Kricensky's comments and felt that he was being asked to prove a negative that the attached house is a bad solution. He asked how many different bad solutions they needed to present.

Vice-Chair Kricensky replied that the Board was not necessarily requesting a design, but rather showing why it does not work. He said that it could be a disaster to create an attached structure on that site. Mr. Hartley said he could model another building but he was unsure what would be sufficient to prove that it is a bad design. Chair Tollini said this requirement is dictated by the ordinance, and in the absence of that requirement this was not something that the Board would need.

Mr. Hartley questioned what would be deemed as proof, and Boardmember Emberson suggested a three-dimensional drawing with more detail. Chair Tollini said that the drawing needed to be thoughtful and feasible and could include some sort of rendering or anything that would help the Board make its decision. He said that the Board appeared to agree that it would be possible to support two structures on the lot but they needed the information demonstrating why the attached unit would not work.

Boardmember Weller said that the Board needed something that would show a reasonable alternative to the two structures that would allow them to conclude that that alternative would pose a practical difficulty when compared to a two-structure design.

Vice-Chair Kricensky said that there is a set of existing factors on the site that would make it difficult to construct an attached unit, and he suggested that the applicant detail through those factors. Boardmember Weller said that he recognized the applicant had done this to some extent, but he suggested that the next proposal include a specific comparison to the single structure alternative. Mr. Hartley agreed to create a three-dimensional plan and provide more information about the alternative.

<p>ACTION: It was M/S (Chong/Emberson) to continue the application for 2312 Spanish Trail to the December 2, 2010 meeting. Vote: 5-0.</p>
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G. ADJOURNMENT

The meeting was adjourned at 8:45 p.m.