



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

Action and Approved Minutes - Regular Meeting
Design Review Board
March 17, 2011
7:00 P.M.

ACTION MINUTES #4

TIBURON DESIGN REVIEW BOARD

CALL TO ORDER AND ROLL CALL At 7:00 PM

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

NEW BUSINESS

1. **65 REED RANCH ROAD:** File No. 711011; James Parsons & Andrea Hong, Owners; Site Plan and Architectural Review for construction of an addition to an existing single-family dwelling. The applicants propose to construct a 953 square foot addition including a new garage, laundry room, bathroom, & storage loft. APN 038-301-35
Continued to 4/21/11

PUBLIC HEARING

2. **112 HOWARD DRIVE:** File No. 21102; Rob Mickel & Marilyn Zimmerman, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with Variances for reduced front yard setback and excess lot coverage and a Floor Area Exception. The applicants propose to add 390 square feet to the home by expanding the garage and front entry of the home, and incorporate a larger kitchen at the rear of the home. The additions would increase the FAR for a total floor area of 3,387 sq. ft. which exceeds the maximum FAR permitted of 3,323 sq. ft. The additions would result in a lot coverage of 24.6% which exceeds the maximum permitted in the RO-2 zone (15.0%). The expansion at the front entry would further encroach into the front yard setback, for a total reduced front yard setback of 23'4" in lieu of the minimum 30' required in the RO-2 zone. APN 039-141-01 Continued to 4/7/11

MINUTES

3. Regular Meeting of March 3, 2011 Approved

ADJOURNMENT At 9:10 PM

**MINUTES #4
TIBURON DESIGN REVIEW BOARD
MEETING OF MARCH 17, 2011**

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

A. ROLL CALL

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

Absent: Boardmember Chong

Ex-Officio: Planning Manager Watrous, Associate Planner Tyler and Minutes Clerk Rusting

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING - None

D. NEW BUSINESS

1. **65 REED RANCH ROAD:** File No. 711011; James Parsons & Andrea Hong, Owners; Site Plan and Architectural Review for construction of an addition to an existing single family dwelling. The applicants propose to construct a 953 square foot addition including a new garage, laundry room, bathroom, & storage loft. APN 038-301-35

The applicant is requesting Design Review approval for the construction of an addition to an existing single-family dwelling on property located at 65 Reed Ranch Road. A new garage is proposed to be attached to the existing house and would include a laundry room and bathroom. A second story storage loft is also proposed with a new entry deck and stairs to connect the second story loft to the front of the home. Currently the property has an existing detached garage, which would be partially demolished and reconstructed with a new angled roofline. A wooden fence would extend along a portion of the western side property line adjacent to the new garage addition. A series of small trees on the western side of the lot would be removed to accommodate the proposed addition.

The proposed additions would increase the lot coverage on the site by 664 square feet for a total lot coverage of 2,794 square feet (14.9%), which would be 15 square feet less than the 15.0% maximum lot coverage for a lot of this size (2,809 sq. ft.).

James Parsons, owner, said that they plan to live in this house long-term and the project is therefore meaningful to them. He discussed changes made to the plans after their original submittal, including lowering the front of the addition, reducing the roof mass and remodeling the existing garage. They felt that the recommendations in the staff report went further than expected and they cannot accept them because it would require removal of an integral part of the project.

Mr. Parsons said that they take great pride that the current landscaping provides screening, and they will make that same commitment to the new structure. He distributed photographs taken that morning from the east side of their house looking toward the uphill neighbor and looking down the east side of the property as an example of the level of landscaping they would provide in screening the new construction.

Mr. Parsons said that the primary purpose of the addition is the storage loft and garage. He said that the

storage loft would be located at the back upper floor of the garage and provide storage for his N scale trains. He said that they currently do not have enough room to store vehicles, and having an additional garage would allow them to park in a more secure location. He said that he is also a woodworker and needs the garage for that hobby. He reassured the Board that his focus has always been the utilization of hand tools and he does not run larger power tools. He said that he personally experiences the noise and dust of those tools more than others in the neighborhood, and it was therefore in his own interest to manage the level of noise. He stated that this has never created a problem with a neighbor regarding noise and dust.

Mr. Parsons said that their dogs are not left in the yard when they are not home, and no part of their yard ever has been or ever will be a dog run and that he took personal offense as the suggestion that they are creating a dog run. He said that they plan to put in a 6-foot fence backed with mature trees between the properties.

Jeffrey Wong, architect, said that they have addressed several issues in the staff report. First, they have agreed to replace the doors on the side of the garage with fixed glazing. Second, they will install pre-oxidized copper sheen roofing to eliminate any potential glare problems. He noted that the existing house is a two-story structure with a large street façade, and the stepped construction would improve the visual impact of the structure.

Mr. Wong stated that the visual impact on the community would be nominal, and what they are proposing is infilling and within the height of the existing structure. He noted that the addition was designed to be much lower than the existing house. He stated that the neighboring house was originally built as a single story home and underwent significant expansion in 2002 and now has excess floor area, lot coverage, and front and side yard setback encroachments. He said that more than one eighth of that house is located within the side yard setback. He said that the proposed project would be more than 23 feet from the neighboring house. He felt that any issue with the proposed project design being too large has more to do with other structure's proximity to the property line. He believed that they have applied the guiding principles and are presenting a good design.

Mr. Wong said that before and after the expansion project on the neighboring house, its primary views are to the south and west, away from the current project. He said that if the current project is completed as proposed, the neighboring windows would still look into landscaping. He stated that both the guest bedroom and side office windows of the adjacent home are beyond the façade of the storage loft and there would be no visual change from those windows.

Boardmember Weller asked how the driveway would access the new garage. Mr. Wong said that they proposed a second new driveway that will enter from the street 8 feet from the side property line.

Chair Tollini asked if the front of the proposed structure would be two stories, and Mr. Wong answered yes. He said that the plate height in the front would be 15 feet and it would be 8 feet above that to the low side of the loft. Chair Tollini questioned and confirmed that the plate height was proposed at 15 feet in order to provide enough space for his client to bring in wood to the garage, resulting in 10 to 11 feet of clearance.

Chair Tollini asked the reason for the additions to be built separately, rather than clustered more closely together. Mr. Wong said that they were trying to attain a softer look and the proposed design would allow them to nestle the additions into the contours of the site.

The public hearing was opened.

Dan Mihalovich said the east elevation of their house faces the proposed structure, have lived in the neighborhood for 23 years, and feel the proposed project is out of character with the neighborhood. The driveway, walkway, and second driveway covering the front of the house are not replicated by any other

house in the neighborhood. He said his property is most affected, with impacts of light, views, privacy, and decrease in the value of their own property. He presented photos from their house and from the Parsons' site toward their home showing the views that will be completely blocked by the new structure. The new structure is only 8 yards away from their property. The staff report suggests alleviating their concerns by relocating the west facing doors to the south side of the building. However, these entry doors and garage door will be only 8 yards from their house, and he voiced concern about the noise from the Parsons' dogs and wood shop.

Mr. Parsons said the photos taken from his house show an existing condition because of the way the houses step down the hill in the neighborhood. He questioned it being out of character when the building is within the building envelope. He said they are attempting to curve the driveways, and the majority of the driveways will be behind landscaping and not viewable from the street.

The public hearing was closed.

Vice-Chair Kricensky said that he understood the desire to have a wood shop and he also liked the design of the project. However, he was concerned about the fit of the project with its surroundings. He said that this is really an 11,000 square foot lot with a portion of the old railroad property to the rear, and with that effective size the addition would have 25% lot coverage and would be 700 square feet over the lot coverage. He agreed with staff regarding the massing of the addition. He said that the taller addition on the downhill side of the lot would interrupt the flow of the buildings going up the slope. He felt that the addition could easily be brought up and the brought roof down. He understood having a hobby, but said that this is a residential neighborhood and the project should be kept at a residential scale. He said that the issues had more to do with the scale of the addition than with any potential view impacts.

Boardmember Weller agreed and said that he also understood the interest in a hobby, but the hobby should not drive the design of a project. His concern was that the addition would look like just a box added to the house. He thought that the massing was also a concern. He was familiar with the neighborhood and was concerned that adding this mass at the street would be inconsistent with the setbacks of the other properties in the area. He said that the combination of the height and placement of the structure forward on the site would be inconsistent with the surrounding area and with the Town's design guidelines.

Boardmember Emberson agreed that she liked the design, but felt that the addition could be moved to the other side of the site without a problem. She said that the mass and bulk facing the adjacent neighbor would be significant and would create a dark corridor. She pointed out the removal of many trees and she questioned if they planned to replant trees. Mr. Parsons said that they had removed 10 trees and moved them to the backyard. Boardmember Emberson voiced concern that the trees would not be replaced and she confirmed with Mr. Parsons that they would be planted.

Boardmember Weller asked staff if the Board can adopt a condition of approval that trees are replaced with mature trees. Planning Manager Watrous said the Board can specify the size of the trees. Vice-Chair Kricensky suggested the requirement of a landscape plan.

Chair Tollini said the new structure would really be a 2½- story structure on the most sensitive part of the property. He said that the project would overbuild on the most visible part of the property and he agreed with Boardmember Emberson that the other side of the property would be less sensitive. He said that staff's recommendation to remove the loft would not completely address his concerns about the height. He felt that the addition needed to be dramatically reduced in scale. He said that the impact on 67 Reed Ranch Road would be incredible and affect the entire lower floor. He said that the separated buildings created an artificially low lot coverage, but thought that the additions might as well be connected as far as mass goes since the separation cannot be seen and it would appear more built out. He said that he would still not be in support of the project if it came back as a one-story structure because of the issues mentioned.

Boardmember Emberson agreed that reducing the structure to one story would not change her lack of support for the project. Vice-Chair Kricensky agreed that the lot felt overbuilt.

Chair Tollini said that it appeared that the Board was in agreement regarding a continuance, and suggested that the height be reduced and other less sensitive locations should be considered. He said that he would also like to see more attached buildings. He said that he liked the design and understood what the applicant was trying to do, and he would like to see a revision that the Board could get behind.

Boardmember Weller said that there have been problems in the past with separate structures and it might be better to have continuous structures to decrease coverage and density.

ACTION: It was M/S (Weller/Kricensky) to continue the application for 65 Reed Ranch Road to the April 21, 2011 meeting. Vote: 4-0.

E. PUBLIC HEARING

2. **112 HOWARD DRIVE:** File No. 21102; Rob Mickel & Marilyn Zimmerman, Owners; Site Plan and Architectural Review for construction of additions to an existing single family dwelling, with Variances for reduced front yard setback and excess lot coverage and a Floor Area Exception. The applicants propose to add 390 square feet to the home by expanding the garage and front entry of the home, and incorporate a larger kitchen at the rear of the home. The additions would increase the FAR for a total floor area of 3,387 sq. ft. which exceeds the maximum FAR permitted of 3,323 sq. ft. The additions would result in a lot coverage of 24.6% which exceeds the maximum permitted in the RO-2 zone (15.0%). The expansion at the front entry would further encroach into the front yard setback, for a total reduced front yard setback of 23'4" in lieu of the minimum 30' required in the RO-2 zone. APN 039-141-01

The applicant is proposing to construct additions to an existing single-family dwelling, with variances for reduced front yard setback and excess lot coverage, with a floor area exception, on property located at 112 Howard Drive. The proposal would incorporate a larger kitchen area between the existing cabana and dining/living rooms at the rear of the home, as well as increase the depth of the garage, family room and entry area at the front of the home.

The proposed additions would increase the floor area by 390 square feet, for a total gross floor area of 3,387 square feet. As the maximum permitted gross floor area for the property is 3,323 square feet, a floor area exception has been requested. The proposed addition would also increase the lot coverage by 378 square feet, for total lot coverage of 3,262 square feet (24.6%). As the maximum lot coverage in the RO-2 zone is 15.0%, a variance for excess lot coverage has been requested.

The existing dwelling is currently located 4.2 feet within the front yard setback, for a reduced front yard setback of 25.8 feet. The proposed expansion at the front of the home would further encroach into the front yard setback a distance of 2.4 feet, for a new total reduced front yard setback of 23'4". As the minimum front yard setback in the RO-2 zone is 30', a variance for reduced front yard setback has been requested.

Planning Manager Watrous announced that prior to the meeting but after the notices were sent out, staff determined that a portion of the project would project into the side yard setback. As no side yard variance was requested in the project, the DRB cannot act on it. He said that the project will be re-noticed for the April 7, 2011 meeting. He stated that the Board can comment on other aspects of the project at this meeting, but they cannot discuss the aspect of the side yard setback, in particular, because it has not been noticed for this meeting.

Rob Mickel, owner, said that the home is in need of remodeling and that the interior flow problems that resulted from the last remodel have been the impetus for the current project. He said that there have been flow problems with two living rooms and a cabana in the back that is not used much. He said that they

also have a very small garage space and no room for storage. He said that they hope to have minimal impact on the neighborhood. He described the changes on the front as modest and intended to break up the front so it is not so monolithic. He said that having the kitchen in the back would bring the flow of the home together. He said that there is a 5-step difference between the downstairs and intermediate levels and having the kitchen at the intermediate level would bring better flow to the house.

Mr. Mickel stated that the roofline change would be very modest, 8-10 inches higher than the present roof, and well below the neighbor's view of the bay. He said that the main issues relate to the small lot and the variances this project necessitates. He said that they are concerned about privacy and views of neighbors into their backyard, living room, and bedroom. He said that part of this project began when their south side fence blew over in a windstorm. They had planned trees across there and they have not been installed; they want to mitigate any concerns about views and have been talking to neighbors about this issue.

Michael Heckmann, architect, said that they have been working diligently with the downhill neighbor to resolve issues. He stated that the house was built in 1963 and the Town was incorporated in 1964, and the zoning difference between the County and the Town resulted in houses in the neighborhood that did not comply with the zoning requirements.

Mr. Heckmann said that they wanted to change the house from its suburban look into something more contemporary. He said that the vertical entry canopy would break up the long horizontal roof and give the entry more significance. He said that they would add a courtyard off of the family room. He found an example in Terra Linda of this design and shared a photograph of a similar enclosure.

Mr. Heckmann explained that they have had discussions with the adjacent neighbor and are working to resolve the issues they have raised. He said that the neighbors mentioned the guard rail on the south side of the balcony, and they intend to retain the solid railing that exists from the previous remodel, thus ensuring privacy. He said that they have also addressed privacy issues by working on a landscape scheme, and he presented a sketch showing a row of trees to separate the two properties. He said that they also want to install trees along the separating property line adjacent to the fence. He said that he has talked to the Fire Marshal about positioning trees and the Fire Marshal approved these locations. He said that they would plant strawberry trees that would reach 10 to 12 feet in height and provide privacy between the two properties. He said that they hoped to install the trees very soon after receiving a response from the DRB so the trees can start growing before proceeding with other parts of the project.

Chair Tollini said that he understood the hardship regarding the garage, but asked for clarification of the hardship for the family room and courtyard additions. Mr. Heckmann said that the plane of the building is continuous for 85 to 90 feet, and the building needed something to resolve that tedium. He felt that that was an important design element to address.

Boardmember Weller asked if there were any other hardships that would be remedied. Mr. Mickel answered that most of the time their cars are on the street and it would be nice to have some storage so they could get cars into the garage. He said that there was a hardship regarding the functionality and flow of the front room. He said that the kitchen space is moderately sized; both he and his wife are avid cooks and they are tripping over each other in the current space. He said that the additional floor area would really enhance the functionality of the home.

Vice-Chair Kricensky asked if the railing glass would be opaque, and Mr. Heckman said it would be and one would not be able to see through it at all.

The public hearing was opened.

Joan Hess said she that said she understood that the Board cannot discuss the addition into the side yard setback that would face her property, the Board's decision would affect her property value and privacy. She thought that the overall design would be a significant improvement to the home, but she did not approve of the second story windows. She referred to a photo showing that her home has three bedroom

windows on that side of the house. She stated that the Town had previously required a privacy wall on the upper deck of the subject house as well as minimum windows on that side of the house to protect the privacy of her residence. She said that her privacy in the middle bedroom would be compromised. She said that she and her neighbors are so close they can see each other in bathrooms and bedrooms, and they need to preserve the privacy between the two houses. She also felt that light pollution from the proposed window would affect her bedroom. She said that the trees required by the Fire District would have to be directly on the property line. She said that these trees would decrease the natural light and sky view for all three of her bedrooms and be detrimental to the vegetation on her property line.

Mr. Heckmann said it is difficult to resolve issues raised by the neighbor when they cannot discuss issues related to the side yard setback variance, and he suggested the bay portion of the window was not as important as the window itself. He said that they could remove the bay window and just have windows on that side of the house.

Planning Manager Watrous said they can discuss the windows if the bay window is removed from the application, therefore eliminating the need for the variance.

Mr. Heckmann said that their objective was to make this a productive meeting, and therefore, they removed the request for the bay window and left only the window portion in their application. Chair Tollini confirmed that the bay window portion of the application had been removed.

Rob Hess said that he was very disturbed by this project and felt like they were being rushed through this process. He said that they had only recently received plans for the project and he suggested any consideration of the window wait until next week after they have had a chance to discuss this project with the owners. He said that they would like to work out a solution, but he felt that the proposal would have a significant impact on their house.

Boardmember Weller said that he had personally been involved in negotiating with a neighbor regarding improvements and he detected a neighborly sense between the two parties. He suggested that the applicant and Board be willing to continue this hearing entirely until the April 7, 2011 meeting so the neighbors can come to some agreement on a mutually satisfying solution. Planning Manager Watrous said that there may be other issues related to the project design that the Board may want to address at this time so the applicant could address them before the April 7, 2011 meeting.

Mr. Mickel said that they have been neighbors a long time and he would like to resolve this issue.

The public hearing was closed.

Boardmember Emberson supported continuance of the application. She thought that the front of the property would look much nicer. She suggested that skylights provide a good deal of light and may be a solution instead of a window in the bathroom. She said that it would be easier for her to get behind these variances because the project is more of an infill. She could see the hardship of needing a garage that can fit two cars and liked the plan, but appreciated that the neighbors have some issues with the side yard.

Boardmember Weller stated his preference for the parties to work out a solution on the window issue that satisfies both of them. He was concerned about privacy of the neighbors and suggested reducing the size of the bathroom window. He was not as concerned about the light issue, but more about privacy. If the neighbors cannot reach an agreement, he said that he would suggest reducing the size of the window or limiting the view through the window. He agreed with Boardmember Emberson that the lack of utility of the garage was a practical difficulty. He said that he had more trouble with the practical difficulty finding for the kitchen's modest size.

Vice-Chair Kricensky agreed with staff's comments that there was sufficient evidence to support the floor area exception. Regarding the excess lot coverage, he felt that the kitchen was very substandard for this

area and for this size of a house. He agreed that the small addition to the garage was necessary to make it more usable. He could make the hardship finding for lot coverage because the only other area to add on would be on a second story and that would not be an optimal solution. He said that placing the additions in the requested locations made more sense and would not impact anyone. He agreed with the applicant that the additions would make the house function better.

Chair Tollini said that the proposed bathroom window would probably not be a problem if the neighbors' windows were not bedroom windows. He suggested the window did not need to go as low as proposed and suggested other solutions. He encouraged direct dialogue between the neighbors to resolve the window issue before the next DRB meeting. He also said landscaping should already exist and suggested planting the trees. He agreed with Vice-Chair Kricensky on the floor area exception findings, agreed that the garage is very shallow and creates a hardship, and that the lot size creates a hardship for lot coverage. He said that he would still like more information to make a decision on the hardship findings for the other additions into the front yard setback.

ACTION: It was M/S (Weller/Kricensky) to continue the application for 112 Howard Drive to the April 7, 2011 meeting. Vote: 4-0.

F. APPROVAL OF MINUTES #3 OF THE 3/3/11 DESIGN REVIEW BOARD MEETING

ACTION: It was M/S (Kricensky/Emberson) to approve the minutes of the March 3, 2011 meeting as written. Vote: 4-0.

G. ADJOURNMENT

The meeting was adjourned at 9:10 p.m.