



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

Action Minutes - Regular Meeting
Design Review Board
May 19, 2011
7:00 P.M.

ACTION MINUTES #8 TIBURON DESIGN REVIEW BOARD

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

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

OLD 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 demolish an existing detached garage and construct a new 1,436 square foot, two-story addition including a new three-car garage, a workshop, guest bedroom and a train hobby room. APN 038-301-35. *Approved 5-0*

PUBLIC HEARINGS AND NEW BUSINESS

2. **19 APOLLO ROAD:** File No. 21105; Michael and Catherine Soper, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for excess lot coverage. The applicant proposes to construct additions to add a family room to the rear of the house and expand the garage to the front of the house to accommodate a new laundry room. The additions would increase the lot coverage on the site to 33.1%, which would be greater than the 30.0% maximum lot coverage allowed in the R-1 zone. Assessor's Parcel No. 034-262-22. *Approved 5-0*
3. **110 LYFORD DRIVE:** File No. 711046; Elizabeth and Brian Wilhelm, Owners; Site Plan and Architectural Review for construction of an addition to an existing single-family dwelling. The applicant proposes to convert 600 square feet of existing garage space and remodel 405 square feet of existing garage/storage area on the lower level of the house, into two bedrooms, one bathroom and a playroom. Assessor's Parcel No. 058-232-04. *Approved 5-0*

DISCUSSION ITEM

4. STUDY SESSION ON VARIANCES AND FINDINGS *Discussion held; direction given to Staff*

MINUTES

5. Regular Meeting of May 5, 2011 *Approved 5-0*

ADJOURNMENT *At 8:30 PM*

**MINUTES #8
TIBURON DESIGN REVIEW BOARD
MEETING OF MAY 19, 2011**

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

A. ROLL CALL

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

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

On March 17, 2011 the Design Review Board reviewed an application for construction of an addition to an existing single-family dwelling on property located at 65 Reed Ranch Road. The project proposed to construct a new garage to be attached to the existing house and include a laundry room and bathroom. A second story storage loft was also proposed with a new entry deck and stairs to connect the second story loft to the front of the home. At that meeting, the owners of the adjacent home to the west at 67 Reed Ranch Road raised objections to the proposed project. They were concerned about the proximity and visual mass and bulk of the proposed addition, along with potential noise and privacy impacts.

The Design Review Board shared many of these concerns, particularly regarding the visual mass of the building and its proximity to the home at 67 Reed Ranch Road. The Board suggested that the height of the addition possibly be reduced, that the applicant consider other less sensitive locations for the addition, and more be done to properly attach the addition to the main building. The Board continued the application to the April 21, 2011 meeting to allow the applicant time to redesign the proposed addition.

At the April 21, 2011 meeting the Design Review Board reviewed revised plans for the project. The proposed addition was moved to the east, away from 67 Reed Ranch Road. The existing detached garage at the northeast corner of the lot was to be demolished and replaced with a new three-car garage, with a workshop space at the rear of the garage. The upper floor of the addition would include a guest bedroom and a model train room. The upper level of the addition would be situated at the same level as the existing deck in front of the house. The upper level would connect to the interior of the main level of the house at the family room, with an interior stairway leading down to the lower level of the addition. The workshop space would be separated from the western side of the addition by a doorway and hallway area. It was the consensus of the Board that the project was generally responsive to the previously raised concerns. However, the Board still had issues with the overall height and visual mass of the proposed addition, particularly the “monitor” section above the upper floor addition, and the amount and/or pattern of windows. The Board gave direction to the applicant on modifications that could possibly address these concerns and continued the application to the May 5, 2011 meeting to allow the applicant time to once again redesign the proposed addition. Revised plans have now been submitted.

Jeffrey Wong, architect, thanked the Board for their general support and encouragement. He said that the revised plan reduced the height and width of the monitor, reduced the glazing, and streamlined the connection between the monitor and the house. He said that the hobby space had been reduced by 10 square feet and they added the area to the garage. He said that the total floor area of the proposal had not changed and the project was still fully conforming to the zoning requirements. He said that the monitor and the structure below were narrowed in width by 10%. He added that they had lowered the monitor by 6 inches and removed 6 inches of daylight openings. He said that the current design proposed shorter windows, reducing the total daylight openings by 40%. He felt that this would address the nighttime light emissions from the monitor. Mr. Wong distributed photographs of the interior of the house to show the height of the ceilings and existing interior space. He said that by integrating the monitor over the family room they would be able to protect the existing interior style of the house. Mr. Wong distributed a drawing of the structure showing the level changes of the windows on the structure.

Chair Tollini asked if the original submission documents included a landscape plan, and whether the plan had changed to accommodate the changes in the design. Mr. Wong answered that there is a landscaping plan and that none of the landscaping on the western side of the lot will be affected. He said that the fencing proposed in the original submission had been removed from the current proposal. He stated that one of the cherry trees by the walkway near the street would remain, and the other would be transplanted by the new wall. He said that small Japanese maples would also be planted. He stated that there would be some changes in the interior of the landscape plan, but no change on the western side and periphery of the site. He said that the driveway would be narrowed, which would increase the possibility of additional screening in that area. In response to a question from Chair Tollini, Mr. Wong stated that the mature elm trees would remain.

Boardmember Chong asked if the coast live oak would be removed, and asked if it would be possible to retain this tree. Mr. Wong said that the oak tree was proposed to be removed because of the new walkway in that area, but the tree could be retained.

Vice-Chair Kricensky asked for clarification of where the grading will be, given the new driveway and walkway. Mr. Wong said that they would grade as possible in the vicinity of the existing trees along the western property line.

There was no public comment.

Chair Tollini said one of the items of concern discussed in the last meeting was the orientation of the stairway leading to the front entry and the neighbors' concerns with privacy. Mr. Wong stated that the new entrance deck would be in the same location as the current entrance. He said that the location where the stairway would attach to the entry deck looks into the neighbors' backyard. He stated that in order to see into the neighbor's master bedroom and bathroom windows, one would have to be almost all the way up the stairs and turned around.

Chair Tollini asked if the coast live oak tree that is currently there proposed for removal would be replaced with another plant or tree to block the view of the neighbor's master bedroom and bathroom. Mr. Wong said that his client had worked very hard in the past several years to plant landscaping that protects privacy, and it would be in their own interest to replace the tree with a large specimen tree to protect their own privacy. He said that they had no issue with planting mature trees.

Chair Tollini questioned and confirmed with Mr. Wong that the applicant would be amenable to a 24 or 36 inch box tree as a condition of approval.

Boardmember Chong asked if it was possible to keep the coast live oak, as it provides screening of the higher portion of the deck. Mr. Wong answered that their preference would be to replace it with a mature tree.

The public hearing was closed.

Boardmember Weller commended the applicant for making changes that satisfied the concerns about lighting and integration of the addition to the existing house. He favored adding a condition of approval requiring that a mature tree be planted to shield the house to the south from the stairway. He characterized the project as an improvement and did not think that the design would create any kind of a precedent for the neighborhood.

Boardmember Chong stated that the redesign addressed most of his concerns. He said that he visited the house at 67 Reed Ranch Road and felt that privacy is a relative issue. He suggested rather than reorienting the stairway the live oak should be replaced with one or more large mature trees.

Vice-Chair Kricensky said he was still concerned about the grading and the landscaping. He also voiced concern that the allowable floor area ratio on this lot was inflated because it included what used to be a separate lot. He said that the building massing was exaggerated by the tall ceiling plate at the front of the garage. He was unsure whether the addition would be compatible with the surrounding neighborhood. He said that new screening trees would help, but the project would represent a change in the openness of the front deck that might create a privacy problem. He found the design to be a pleasant change, even if it did not necessarily match the existing house.

Chair Tollini shared some of Vice-Chair Kricensky's concerns. He agreed that the floor area ratio for this property was tricky because the entire building area was near the street, but did not think that this was an abuse of the FAR. He did not think that the project was necessarily inconsistent with the neighborhood, stating that this is a neighborhood with homes that have significant street presence. He said that he spent a lot of time on the deck gauging the potential impact of the planned stairs on the neighbors' privacy. He said the amount of vegetation in that area and the significant distance between the proposed stairs and the neighbor's home are factors in limiting the privacy impacts. He felt that the privacy issue could be solved with landscaping. He did not think that the stairway needed to be reoriented, but recommended a condition of approval requiring that landscaping must be planted in that area to protect privacy. He acknowledged that both neighbors value privacy and he wanted to minimize the grading near the walkway.

Boardmember Emberson said that she found houses with significant visual presence on the street. She thought that the design would improve what is seen from the street and she did not think that the addition would look out of place. She was concerned about the grading, and she hoped that that could be a condition of approval along with requiring a specimen of live oak tree to be planted along the stairway. She noted that the location of the entry deck was not proposed to change.

Chair Tollini was uncertain whether one could purchase a three-foot box coast live oak. Planning Manager Watrous said the 15 gallon oak trees tend to grow faster even though they are smaller when they start, and larger trees might grow slower. Chair Tollini suggested that the coast live oak may not grow as fast. Planning Manager Watrous said a 36 inch box coast live oak is a fairly large tree. Boardmember Emberson said she would like to see a native species of tree.

Chair Tollini summarized the issues and said that a condition of approval for minimizing grading was raised by three different Boardmembers. Vice-Chair Kricensky said he is concerned about the grading only on the west side from the existing house.

ACTION: It was M/S (Chong/Weller) that the request for 65 Reed Ranch Road is exempt from the California Environmental Quality Act and approving the request, subject to the attached conditions of approval, and the following additional conditions of approval: 1) grading shall be minimized to preserve the existing trees along the western side of the property, and 2) two (2) 36 inch box native trees shall be planted to screen the top of the entry walkway from the neighboring home at 67 Reed Ranch Road. Vote: 4-1 (Kricensky opposed).

E. PUBLIC HEARINGS AND NEW BUSINESS

2. **19 APOLLO ROAD:** File No. 21105; Michael and Catherine Soper, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for excess lot coverage. The applicant proposes to construct additions to add a family room to the rear of the house and expand the garage to the front of the house to accommodate a new laundry room. The additions would increase the lot coverage on the site to 33.1%, which would be greater than the 30.0% maximum lot coverage allowed in the R-1 zone. Assessor's Parcel No. 034-262-22.

The applicant is requesting Design Review approval for the construction of additions to an existing one-story single-family dwelling on property located at 19 Apollo Road. A new family room would be constructed to the rear of the existing kitchen. The existing two-car garage would be expanded toward the front to allow room for a new laundry room. A new covered entry would be added to the front of the house.

The proposed additions would increase the gross floor area of the house by 491 square feet to a total of 1,874 square feet, which is less than the floor area ratio for a lot of this size. The proposed additions would increase the calculated lot coverage on the site by 455 square feet to a total of 2,269 square feet (33.1%), which is greater than the 30.0% maximum lot coverage allowed in the R-1 zone. A variance is therefore requested for excess lot coverage.

David Holscher, architect, said that this was a standard Belveron addition. He said that they are requesting a lot coverage variance because in that neighborhood it is important to keep the structure low. He said that they have talked to all of the neighbors and have received only positive feedback.

There were no public comments.

Boardmember Emberson said that the project seemed like a great solution for this neighborhood and that many other houses in the immediate vicinity have gone over lot coverage. She said that because the property is smaller than the minimum lot size there is a special circumstance that necessitates the variance for lot coverage. She stated that numerous other properties in the area have been granted similar variances to avoid having a second story. She said that three percent was minimal excess lot coverage and she thought that the project as a whole would enhance the neighborhood.

All of the other Boardmembers agreed with Boardmember Emberson and with staff's findings. Chair Tollini said this type of project had been done numerous times in this neighborhood, and that building up on a substandard lot is often difficult.

<p>ACTION: It was M/S (Chong/Kricensky) that the request for 19 Apollo Road is exempt from the California Environmental Quality Act and approving the request, subject to the attached conditions of approval. Vote: 5-0.</p>
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3. **110 LYFORD DRIVE:** File No. 711046; Elizabeth and Brian Wilhelm, Owners; Site Plan and Architectural Review for construction of an addition to an existing single-family dwelling. The applicant proposes to convert 600 square feet of existing garage space and remodel 405 square feet of existing garage/storage area on the lower level of the house, into two bedrooms, one bathroom and a playroom. Assessor's Parcel No. 058-232-04.

The applicant is proposing to construct additions to the existing single-family dwelling located at 110 Lyford Drive by converting the existing garage into living space. Currently the property is improved with a two-story dwelling. As part of a remodel of the existing lower level storage areas, the 600 square foot garage would be converted into living space and incorporated into the remodel of the existing storage areas. The remodeled lower level would include two bedrooms, a playroom and a bathroom. A new covered porch would also be constructed at the lower level. No major improvements are proposed for the

main level of the home, with the exception of new windows and doors, a new gas fireplace in the den, and the installation of a cupola above the breakfast nook.

The proposed additions would increase the floor area by 600 square feet, for a total gross floor area of 4,472 square feet, which is below the maximum permitted gross floor area for the property (4,499.9 square feet). The proposed covered porch would increase the lot coverage by 200 square feet, for total lot coverage of 3,072 square feet (12.3%), which is below the maximum permitted lot coverage in the RO-2 zone (15.0%).

David Holscher, architect, said that this is a garage area that would be converted into a living area. He said that the house is currently a two-bedroom house with a large amount of garage space. He said that there would be a new chimney and they would make it as low as possible while keeping it within code.

Chair Tollini asked if any lighting was specified for the cupola. Mr. Holscher said that no lighting was planned for the cupola.

There were no public comments.

Boardmember Chong said he visited the site and it does have a lot of room for parking on the driveway. He said that the project was consistent with the Town's policy for garage and carport conversions and it would not affect any neighbors.

Vice-Chair Kricensky agreed with Boardmember Chong and with staff's findings for the variance. Boardmember Emberson said that this would be a great improvement and have barely any impact on views.

Boardmember Weller said that he agreed with everything said but that he planned to vote against the application because there would be no garage. He believed that in the future a garage will be requested to be constructed as a result of this garage conversion.

Chair Tollini said that he liked the design of the project. He said that his main concern was the intrusion into the viewshed for the home at 112 Lyford Drive, but he with that neighbor and she was very happy with the project. He said that it would be a subjective determination to state that this request would necessitate a garage in the future.

Boardmember Chong said that he could see Boardmember Weller's point about the garage and that it could set up a request for a variance to build a garage. He said that staff does an excellent job documenting projects and their history, and he was comfortable that staff will do a good job bringing these facts to the discussion if a garage is requested in the future.

<p>ACTION: It was M/S (Kricensky/Emberson) that the request for 110 Lyford Drive is exempt from the California Environmental Quality Act and approving the request, subject to the attached conditions of approval. Vote: 4-1 (Weller opposed).</p>
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F. STUDY SESSION ON VARIANCES AND FINDINGS

Planning Manager Watrous said that the Board has had recent training on variances and staff has brought this study session to the Board as a refresher. He summarized the staff report and information from the Town Attorney regarding variance findings. He emphasized that each finding is a statement that must be supported by objective evidence. He said that if the Board agrees with staff's findings on the variances, then they can simply state that; if not, then they would describe their rationale and disagreement. He said that the Board must focus on specific physical characteristics of the site and that sometimes the neighborhood characteristics can help justify the variance.

Boardmember Emberson requested clarification of the similarity of lots as justification. Planning Manager Watrous said that something unusual about the property must be used as evidence for granting

the variance. He said that if most of the homes in a particular neighborhood have the same situation, then that can be used as such evidence.

Planning Manager Watrous said that practical difficulty and hardship should not be made merely because other neighbors have bigger decks or rooms and it cannot be based on the applicant's desires at the time, but rather should focus on the characteristics of the property. He said that staff wants to see the Board continue to take this seriously and continue to wrestle with the findings when granting variances.

Boardmember Weller said it is important to distinguish between different areas of the Town. Planning Manager Watrous agreed and that this can depend on lot-by-lot scrutiny because the topography of the Tiburon varies so much across different areas. He said that the Town Council in some ways prefers the Board to review variance requests instead of changing the zoning requirements to allow the Board to scrutinize each lot and proposal on an individual basis.

Chair Tollini said that the zoning criteria itself should be reviewed because there are several neighborhoods that do not fit the type of zoning that was assigned to their lots. He said that it would be helpful if there were a gradient, such as an R1-A designation, to accommodate these differences. Planning Manager Watrous said that that was done in the Bel Aire neighborhood because of specific setbacks in that area. He said that having an understanding at the Board level of the development patterns of the individual neighborhoods allows the Board to make decisions on a lot-by-lot basis.

Boardmember Chong pointed out most of the projects in Belveron would have to come before the Board. Boardmember Emberson questioned why a variance is even necessary in that neighborhood when it is always the same variance request. Boardmember Weller responded that things can change and the building materials and design should be discussed.

Planning Manager Watrous said the Board in recent years has turned away more variances than previous Boards have in the past. He also noted that there are also a lot of inquiries about variances that never reach the Board because staff informs applicants that they cannot make the findings.

Chair Tollini said that the determination of hardship is usually the focus of a discussion whenever the Board reaches inconsistent results regarding a variance. He asked if there was any ability to create hardship guidelines to aid the Board in making such determinations. Planning Manager Watrous said they have not done that in the past but it was an intriguing idea as advisory guidelines.

Boardmember Weller suggested studying the history of findings made for variances and categorizing them as examples. Chair Tollini said he would like to see it be more than a survey, with descriptions of some hypothetical situations.

MOTION: It was M/S (Tollini/Weller) to direct staff to prepare a document describing guidelines for determination of hardship, including prior findings, definitions, and examples of what qualifies and does not qualify as evidence of hardship. Vote: 5-0.

G. APPROVAL OF MINUTES OF THE 5/5/11 DESIGN REVIEW BOARD MEETING

ACTION: It was M/S (Kricensky/Emberson) to approve the minutes of the May 5, 2011 meeting as written. Vote: 5-0.
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H. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.