



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

Action and Approved Minutes - Regular Meeting  
Design Review Board  
June 16, 2011  
7:00 P.M.

## ACTION MINUTES #10 TIBURON DESIGN REVIEW BOARD

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

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

### PUBLIC HEARINGS AND NEW BUSINESS

1. **2210 MAR EAST STREET:** File No. 711049; Stephen Brown, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Floor Area Exception. The applicant proposes to add a new living room, dining room, kitchen and entry to the existing house. The project would add 675 square feet of floor area, bringing the floor area of the house to 3,416 square feet, which is greater than the 2,881 square foot floor area ratio for this lot. Assessor's Parcel No. 059-181-81. *Approved 3-0*
2. **160 SOLANO STREET:** File No. 711054; Stephen Stroub, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling condominium unit, with a Floor Area Exception. The applicant proposes to convert an existing basement level into a one-car garage and a laundry and storage room. Existing space on the second level of the house would be expanded and reconfigured, with a bedroom and bathroom on this level. The project would add 504 square feet of floor area to the house, bringing the combined floor area for the subject resident and the adjacent condominium dwelling unit at 162 Solano Street to 3,314 square feet of living space and 926 square feet of garage space, which would be greater than the 3,142 square feet of living space and 600 square feet of garage space allowed for the combined area of the site. Assessor's Parcel No. 059-142-18. *Approved 3-0*
3. **151 LELAND WAY:** File No. 21109; Steven and Nicole Klopukh, 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 371 square foot addition to the rear of the house for a new study and an expanded great room. The project would result in lot coverage of 34.2%, which is greater than the 30.0% maximum lot coverage permitted in the R-1-BA zone. Assessor's Parcel No. 034-121-10. *Continued to 7/7/11*

### MINUTES

4. Regular Meeting of June 2, 2011 *Approved 3-0*

### ADJOURNMENT *At 8:50 PM*

**MINUTES #10  
TIBURON DESIGN REVIEW BOARD  
MEETING OF JUNE 16, 2011**

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

**A. ROLL CALL**

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

**B. PUBLIC COMMENTS - None**

**C. STAFF BRIEFING**

Planning Manager Watrous reminded the Board that the appeal for 65 Reed Ranch Road has been scheduled for the July 6<sup>th</sup> Town Council meeting and a DRB member is needed to attend. He also announced that Boardmember Weller had been appointed to the Planning Commission and will not be serving on the DRB in the future.

**D. PUBLIC HEARINGS AND NEW BUSINESS**

1. **2210 MAR EAST STREET:** File No. 711049; Stephen Brown, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Floor Area Exception. The applicant proposes to add a new living room, dining room, kitchen and entry to the existing house. The project would add 675 square feet of floor area, bringing the floor area of the house to 3,416 square feet, which is greater than the 2,881 square foot floor area ratio for this lot. Assessor's Parcel No. 059-181-81.

The applicant is proposing to construct additions to an existing single-family dwelling with a floor area exception on the property located at 2210 Mar East Street, by converting existing covered patio area into additional living area. As part of a remodel to the overall dwelling, the covered patio area at the main level of the home would be converted into floor area as extensions of the living room, sunroom, dining room and storage areas. The upper level of the home would also minimally increase in floor area through the incorporation of a bridge between the master suite and bedrooms. A new master bedroom deck would also be constructed at the rear of the dwelling.

The proposed additions would not increase the lot coverage for the property, as the area of addition is currently covered by a roof. Therefore, the lot coverage would remain the same at 33.4% which is below the maximum lot coverage in the R-2 zone (35.0%). The proposed additions would increase the floor area by 675 square feet, for a total gross floor area of 3,416 square feet, which exceeds the maximum gross floor area for the property (2,880 sq. ft.). Therefore, a floor area exception has been requested.

David Holscher, architect, described the house as a unique home in an exquisite location. He said that they plan to keep the existing ridgeline and infill all work inside the existing building footprint, with two minor exceptions: the chimney would be moved and an exterior deck would be added at the master bedroom. He said that they met with all of the neighbors, and they were able to work out a tree trimming arrangement with the neighbors who had the most issues, and now have their full support for the project.

The public hearing was opened.

Tom O'Neill acknowledged that they indeed support the project and thought that this would make a very nice addition to the neighborhood. He said that he was concerned with the view corridor designated by BCDC and was surprised that the Town had no record of the view corridor. He said that he would like the view corridor to be maintained, and noted that there has been a continual problem with its lack of maintenance. He requested that the Town look into the BCDC permit and have the proper documentation to maintain the view corridor for future projects.

Chair Tollini indicated that the only mention he saw of the view corridor was that BCDC would need to approve the subject additions. Mr. O'Neill believed that it is the Town's responsibility to adhere to previous requirements when permits are issued.

The public hearing was closed.

Boardmember Chong said when he visited the site it was very obvious the project would have a minimal impact on surrounding neighbors. He agreed with staff's findings regarding the floor exception, and supported the project.

Boardmember Emberson said she also supports the project. It is currently two separate houses, has no impact on neighbors, and in-filling is the best way to connect the two houses.

Chair Tollini agreed with the other boardmembers. He said this is probably the least overbuilt property in the vicinity, and he believes the new design will be more compatible with the neighborhood. He agreed with staff's findings regarding support for the variance.

<p><b>ACTION:</b> It was M/S (Chong/Emberson) that the request for 2210 Mar East Street is exempt from the California Environmental Quality Act and approving the request, subject to the attached conditions of approval. Vote: 3-0.</p>
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- 2. 160 SOLANO STREET:** File No. 711054; Stephen Stroub, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling condominium unit, with a Floor Area Exception. The applicant proposes to convert an existing basement level into a one-car garage and a laundry and storage room. Existing space on the second level of the house would be expanded and reconfigured, with a bedroom and bathroom on this level. The project would add 504 square feet of floor area to the house, bringing the combined floor area for the subject resident and the adjacent condominium dwelling unit at 162 Solano Street to 3,314 square feet of living space and 926 square feet of garage space, which would be greater than the 3,142 square feet of living space and 600 square feet of garage space allowed for the combined area of the site. Assessor's Parcel No. 059-142-18.

The applicant is requesting Design Review approval for the construction of additions to an existing single-family dwelling on property located at 160 Solano Street. The dwelling is part of a two unit condominium project, with the second unit on separate lot at 160 Solano Street. An existing storage area within the basement level of the house would be converted into a one-car garage and a laundry and storage room. Existing space on the second level of the house would be expanded and reconfigured, with a bedroom and bathroom on this level. A new, flat-roof dormer window would be added to the second level. New exterior stairs would be added to the front and rear of the house. A new driveway would lead to the proposed garage. A 6 foot tall lattice screen would be installed at the rear of the existing deck behind the house. New landscaping is proposed around the perimeter of the site.

The proposed additions would not increase the calculated lot coverage on the site, as the additions would be situated within the existing footprint of the house. The proposed project would add 504 square feet of floor area to the house, bringing the combined floor area for the two dwelling units to 3,314 square feet of living space and 926 square feet of garage space, which would be greater than the 3,142 square feet of living space and 600 square feet of garage space allowed for the combined area of the two condominium lots. A floor area exception is therefore requested.

Dan Phipps, architect, said that the owner had talked with most of the neighbors about the property. He said that the project involves an existing building that is about 100 years old. He said that the owner proposed to install a garage to be able to move at least one car off the street. He stated that the proposed garage would not change the character of the building. He described proposed landscaping, stating that one evergreen tree would be removed and screening landscaping would be installed between the neighbors. He said that the neighbor across the street was in support of the plan and that he did not know of other neighbors with any problems with the project.

Boardmember Emberson asked if any windows will be changed, added, or enlarged. Mr. Phipps said that there would be no changes to windows on this permit other than raising up the windows about 6-8 inches. He said that another building permit involved work on the foundation and interior kitchen improvements, and that involved replacing some of the existing windows. Planning Manager Watrous stated that the only work that had been approved by the Building division thus far involved interior construction only.

Chair Tollini asked if space below the house would be excavated. Mr. Phipps answered that it would not; there is a retaining wall in the middle of the project. He said that there will be a tankless water heater on the lower level, which is very small and does not require excavation.

Boardmember Chong asked for clarification of the square footage of the existing house. Mr. Phipps answered that the lower floor was 504 square feet which is the additional square footage added to this project. He explained that this was a technicality because the space was already there but was changing use. He said that this lower level would include storage, laundry, and a garage.

Planning Manager Watrous discussed a memo about the neighbors' concerns about floor area. He stated that staff had measured the floor area as shown on the plans. He explained that floor area on the upper floor was calculated based on the diagram shown in the plans of all areas that have ceiling height of 7 feet or higher. He stated that there was some discrepancy as to the exact numbers and how the applicant's numbers came to be. He stated that every city or town measures floor area differently, and the discrepancy could be a matter of interpretation as to what counts as floor area and what does not.

Mr. Phipps said that the garage space and laundry room would be about half of the approximately 1,000 square foot size of the footprint of the existing house, with the other half of the lower level left as crawl space. He said that the upper floor was about 400 square feet.

Planning Manager Watrous stated that it was his understanding that the upper and lower levels were never permitted as floor area, and that may be part of the misunderstanding of the discrepancy in floor area.

Chair Tollini asked if the discrepancies in floor area calculations were a matter of methodology and not mis-measurements. Planning Manager Watrous said he could not answer for certain.

Boardmember Emberson asked if someone could go out and measure the house. Mr. Phipps said that the applicant measured the area and gave the measurements to him. He also noted that there was a survey done previously showing the footprint of the building that matches their measurements.

The public hearing was opened.

Dolores Davis stated that there are a number of inaccuracies in this application, including that the second floor is completely illegal and that the lower level had been used as an apartment that the previous owner's daughter lived in. She said that when she built her house she had to comply with the CC&Rs were written for the property. She said that she would not support any exceptions or variances for this property. She stated that the applicant never talked with her about this project. She said that when the house went on sale, every potential buyer had to sign a statement acknowledging the limitations for the property. She said that when she built her house she was very careful to stay within all zoning limits. She said that she would be very affected by the project, as they live in a very small house. She stated that the two-family dwelling exception ordinance was created because of this property. She stated that the

applicant is a developer who would likely flip the property. She stated that a three-bedroom house could still exist there without a floor area exception, and she requested denial of the application.

Chair Tollini asked and confirmed with Ms. Davis that she would be amenable to the house being 1,260 square feet. Chair Tollini asked how a laundry and storage unit would adversely affect anyone. Ms. Davis said that the area on the lower level had been used as an apartment in the past and she believed that it will again be used as such. Chair Tollini said that he could not see the unit as an apartment.

Boardmember Emberson asked if the envelope of the house was actually changing. Ms. Davis said that the plans do not include any new walls or windows when she believed that windows are being changed.

Chair Tollini pointed out that the windows on the first floor appear to be the same, with the only difference being a new garage door. Ms. Davis disagreed and said that the window sizes would change and new windows were being added. Planning Manager Watrous pointed out that the building permit that had been issued did not include any exterior changes to the building.

Will Hunsinger stated that he did not support the project in its current state. He said that inaccuracies in the staff report for this application made him believe that the measurements needed to be revisited to get an accurate idea of the project. He echoed Ms. Davis' comments about not allowing a floor area exception for this property. He said that he has paid about \$10,000 to trim vegetation on this lot to preserve his view and he said that several of the proposed plants in the landscape plan would intrude into his view. He encouraged the DRB to not rush approval of the application. He said that he has never spoken with the owner but that he would like to talk with him about coming up with a plan that works for all of the neighbors. He expressed concern that many of the neighbors are upset about the project. He recommended getting accurate measurements to be able to discuss a compromise. He requested that the landscaping plan include plants that would not grow above the lowest eave of the house.

Chair Tollini asked if he had had any correspondence with the prior owner regarding the views. Mr. Hunsinger said that there has been an ongoing and expensive struggle to keep the plants trimmed to maintain his view.

Boardmember Chong asked for the average maximum height of Pittosporum. Planning Manager Watrous replied that Pittosporum can grow fairly tall, at least 15 feet, and are often used for screening.

Diane Lynch said that she lives across the street from the property. She made some planting suggestions using the Sunset Western Garden book, and suggested looking there for plant heights. She said that Pittosporum can grow over 15 feet and that species is not a good plant choice for that location. She thought that a simple solution for the concern about the garage becoming an apartment would be to make it a carport. She said that it was her understanding that all of the illegal parts of the house were to be removed. She asked for clarification about the heights and habitability of the upper level areas. She thought that the application should be continued until the plans are properly drawn and include accurate measurements. She agreed that more dialogue with the owner would be helpful and believed that a 1,200 square foot house was reasonable for this site.

David Houghton said that his main concern was the planting in the back of the property which is in his view corridor. He was also concerned about the floor area exception which would make this house larger than his own. He stated that the buyer knew that development of this property would be limited. He said that he and the neighbors have paid to keep the vegetation trimmed to preserve their view corridor, and he would like to see some more manageable hedges put in to that area, noting that the Myoporum that currently exists is not manageable.

Ms. Lynch said that almost all of the Myoporum planted in Tiburon is dying. She felt that it should all be removed and never be a recommended planting.

Boardmember Emberson said that she was at Mr. Hunsinger's house and never saw any trees over the top of the house. Mr. Hunsinger said he paid to have the Myoporum cut about 3 months ago and they are now at the height of the eaves. He said that these plants will keep growing and be above the eaves and in his view corridor.

Gigi Renee Heredia said that the owner is not a developer and they are thinking of moving in his mother or renting the property. She said that the owner would plant whatever trees the neighbors would like and noted the suggestions from Ms. Lynch. Boardmember Emberson asked if they would be willing to remove existing vegetation and Ms. Heredia said yes.

Mr. Phipps said that the idea was to maintain view corridors and the tallest tree he saw was the one they are planning to remove. He said that the proposed Strawberry tree would be down the hill and he did not see it as blocking anything, but if anyone perceives it as blocking views they will change it. He said that there was no intention of converting the garage and storage space to an in-law unit. He said that this is a small space and there was no way it could be done.

The public hearing was closed.

Planning Manager Watrous addressed some of the zoning issues brought up by neighbors. He indicated the existing house is a nonconforming structure and may be altered subject to certain conditions, including compliance with the requirements of the R-2 zone. He said that neither the detached two-family dwelling exception process nor the floor area ratio requirements are in the R-2 section of the ordinance. He stated that when the house at 162 Solano Street was approved, it was part of an application for a condominium use permit and in approving that project the Planning Commission had to make findings that it conformed to the ordinance at that time. He said that once that permit was approved, one could ask for a variance or floor area exception in the future.

Boardmember Emberson said that the house is an existing structure and the applicants would not be changing the shell of the building. She thought that the neighbors would be happy because the project would not change anything. She said that she could not speculate about what could happen in the future with the lower level. She said that this is a lovely bungalow. She noted that the applicant was willing to remove trees. She said that she visited the house at 172 Solano Street and she did not see how the design of the roof would affect views. She also thought that the landscaping and the additional garage space would be a gain rather than a loss. She said that she struggled with understanding the controversy surrounding the project, as the applicants were not expanding the exterior of the house, but simply excavating underneath to provide garage space. She said that the project would maintain a beautiful bungalow that was there before the house at 162 Solano Street. She agreed with the staff's findings regarding the floor area exception and interpretation of the zoning requirements. She noted that the town does not enforce CC&Rs. She said that she could support the project.

Boardmember Chong said that it was hard to understand the neighbors' objections because he did not see much of an impact. He said that he was sensitive to the neighbors' concerns, but he believed that staff's assessment of the project was correct. He said that he leaned on staff's accuracy on the floor area calculations, but felt that the project did not really have any impact on anybody. He agreed with staff's conclusions around the findings for the floor area exception. He said he would like to see some changes to the landscape plan and suggested a condition of approval that a new landscape plan be submitted to staff with plants no higher than 12 feet. He said that keeping the building intact would be good for the neighborhood.

Chair Tollini agreed with the other Boardmembers. He said that he found the objections of the neighbors to be somewhat mystifying. He suggested that perhaps the applicant could have done a better job of contacting neighbors about the project. He believed that the history of the project was what was driving the objections. He said that he could not discriminate on the basis that this project might become a rental

or that the owner is a builder. He said that he was sympathetic to landscape maintenance issues and agreed with that the landscape plan should be modified to eliminate any plants that would grow too tall. He would like to see plants that require very little maintenance to comply with the requirements of the View Ordinance and agreed that a 12-foot height limit was a good solution. He noted the discrepancies in measurements, but said that since the only changes that are happening are the inside of the lower floor, then there is no issue. He felt that it did not matter what the exterior dimensions of the house is since it would not be changing. Regarding the exception request, he said that the house is very tiny and floor area exceptions are very common in this neighborhood. He said in his time on the DRB they have never denied an exception for an infill situation. For all of those reasons he thought that to the extent there is true concern about mis-measurement, a survey could be required to be completed before and after the work is done.

Planning Manager Watrous suggested a condition of approval requiring a survey be completed to produce an accurate measurement of the floor area. Chair Tollini requested that this be done before building permits are approved for the project.

**ACTION:** It was M/S (Chong/Emberson) that the request for 160 Solano Street is exempt from the California Environmental Quality Act and approving the request, subject to the attached conditions of approval, and the additional conditions of approval that the applicant submit a revised landscape plan for approval by Planning Division staff including the removal of the existing Myoporum and the maximum growth height of any plants to not reach beyond the height of 12 feet, and that a survey be completed prior to issuing building permits to produce an accurate floor area measurement for the property.  
Vote: 3-0.

3. **151 LELAND WAY:** File No. 21109; Steven and Nicole Klopukh, 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 371 square foot addition to the rear of the house for a new study and an expanded great room. The project would result in lot coverage of 34.2%, which is greater than the 30.0% maximum lot coverage permitted in the R-1-BA zone. Assessor's Parcel No. 034-121-10.

The applicant is proposing to construct an addition to the existing single-family dwelling located at 151 Leland Way, with a variance for excess lot coverage. The proposed addition would convert the existing study and small garage/storage space into a one-car garage, and construct a new study/bedroom behind the new garage. The great room would also be expanded at the rear of the dwelling.

The proposed additions would result in a gross floor area of 2,298 square feet, which is below the maximum permitted gross floor area for the property (2,750 sq. ft.). The proposed addition would increase the lot coverage by 371 square feet, for total lot coverage of 2,556 square feet (34.1%). As the maximum permitted lot coverage in the R-1-B-A zone is 30%, a variance for excess lot coverage has been requested.

Joseph Chiesa, architect, said that this is a simple project. He said that they are asking for a small variance in order to keep the one-story feel of the neighborhood. He said that they have approval from five neighbors. He noted the receipt of the late mail from a neighbor concerning light and he said that the addition would be 25 feet away from their home and would cause no impact. He said that they attempted to keep the addition away from the house on that side because they know that the sun shines in that direction, but he said that there was not much that they could do to lower the ridge to make any substantial lighting changes.

Chair Tollini asked if the height and pitch of the proposed roof was steep because they would match the existing roof. Mr. Chiesa said that they were trying to keep things simple for budgetary reasons. He felt that multiple roof pitches would look odd. He said that they attempted to keep the roof in line with the front face of the house.

Chair Tollini asked if they could still use a shingled roof with less pitch. Mr. Chiesa said that a lower pitch would reduce the height by only one foot, but since no neighbors were originally concerned they did not think that that height change would make much difference. He believed that the mass of the addition of the roof would have to be in that location even if they lower the roof pitch.

Boardmember Emberson asked if the existing roof height could be matched. Mr. Chiesa said that it would have to be a flat roof, and they try to avoid flat roofs whenever possible.

Chair Tollini asked for the height of the peak of the existing roof. Mr. Chiesa said that the new roof would be about 4 feet higher, as the existing roof is 13½ feet tall and the new roof would be 17½ feet.

Boardmember Chong asked if the wall plates are currently 10 feet, and Mr. Chiesa confirmed that that is the case.

There were no public comments.

Boardmember Chong said that the project seemed straightforward and would be a logical addition, as the neighborhood includes one-story additions with lot coverage variances to keep the homes one-story. However, he suggested that work needed to be done to lower the roof a bit. He felt that removing 1-2 feet of mass could make a difference, although he did not like flat roofs and understood the desire to avoid one.

Boardmember Emberson agreed with Boardmember Chong and said that the only other house with a roof of this height is three houses down the street. She said that the neighbors of that house look at a large mass of wall. She said that she would like to see if there was any way to reduce the roof height. She thought that the addition would solve a lot of the floor plan problems, but this would be the only other house in the area with an almost 18 foot tall roof, and that was the only item she was struggling with.

Chair Tollini agreed with the other boardmembers and stated that variances are common in the neighborhood to keep additions to one-story. He was concerned about the impact on the neighbor of the mass and height of the addition. He said that the neighbors concerned about the house blocking their light seem to be some of the nicest, most polite people in Tiburon. He said that he would like to minimize the impact of this addition on that neighbor. He was not as concerned about the middle portion of the roof, but he was concerned about the portion of the roof above the study, as well as the height of the southern exposure, combined with the fact that it would be doubled in length. He acknowledged that it was unusual to continue an application with no public objections to it, but he would like to see the roof lowered. He said that the Board would like to see the ridge and the associated line come down at least 2 feet, given the length of the wall. He understood that this might require fairly substantial redesign of the rooflines.

Mr. Chiesa suggested lowering the roof to a 9 foot plate and a 3:12 pitch which would lower the roof by 2 feet. Chair Tollini said that he would like to be able to see the project again to visualize the changes. Mr. Chiesa said that they were trying to keep the costs down and would like to be able to therefore keep a gabled roof. Mr. Chiesa believed that that change would take care of the Board's concerns and the concerns of the neighbor.

ACTION: It was M/S (Chong/Emberson) to continue the application for 151 Leland Way to the July 7, 2011 meeting. Vote: 3-0.
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#### **E. APPROVAL OF MINUTES #9 OF THE 6/2/11 DESIGN REVIEW BOARD MEETING**

ACTION: It was M/S (Emberson/Chong) to approve the minutes of the June 2, 2011 meeting as written. Vote: 3-0.
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#### **F. ADJOURNMENT**

The meeting was adjourned at 8:50 p.m.