



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

Action and Approved Minutes - Regular Meeting
Design Review Board
August 4, 2011
7:00 P.M.

ACTION MINUTES #13 TIBURON DESIGN REVIEW BOARD

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

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

OLD BUSINESS

1. **98 SUGARLOAF DRIVE:** File No. 21113; Jolynn Hardiman, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for reduced front yard setback. The applicants propose to construct 535 square feet of additions to the rear of the house and replace the existing flat roof with a new pitched roof. A portion of the new roofline would encroach to within 13 feet, 4 inches of the front property line, which is less than the 30 foot minimum front yard setback required in the RO-2 zone. Assessor's Parcel No. 058-281-02. *Approved 4-0*

PUBLIC HEARINGS AND NEW BUSINESS

2. **525 HILARY DRIVE:** File No. 21114; Tom and Jennifer Yin, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with Variances for reduced rear yard setback and excess lot coverage. The applicants propose to construct additions to the rear of the home to expand the kitchen and family room. The project would extend to within 17 feet, 1 inch of the rear property line, which is less than the 23 foot minimum rear yard setback required in the R-1 zone for this lot. The project would also cover 35.2% of the lot, which is greater than the maximum lot coverage of 30.0% permitted in the R-1 zone. Assessor's Parcel No. 039-133-11. *Approved 4-0*
3. **20 SEAFIRTH ROAD:** File No. 21115; Rudy and Charlene Borneo, 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. The applicants propose to construct family room, master bedroom suite and stairway additions to the front and side of the house. The project would extend to within 18 feet of the front property line, which is less than the 30 foot minimum front yard setback required in the RO-2 zone. The project would also have a maximum lot coverage of 18.9%, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Assessor's Parcel No. 039-092-15. *Approved 4-0*

MINUTES

4. Regular Meeting of July 21, 2011 *Approved 3-0-1 (Kricensky abstained)*

ADJOURNMENT *At 7:45 PM*

**MINUTES #13
TIBURON DESIGN REVIEW BOARD
MEETING OF AUGUST 4, 2011**

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

A. ROLL CALL

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

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING

Planning Manager Watrous said the Town Council held a continued public hearing the previous night on the appeal for 65 Reed Ranch Road. They partially granted the appeal by approving a revised version of the plan the applicant had submitted with fewer windows and a slightly lower front garage roof. The Council also deleted a few more windows as conditions of approval.

D. OLD BUSINESS

1. **98 SUGARLOAF DRIVE:** File No. 21113; Jolynn Hardiman, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for reduced front yard setback. The applicants propose to construct 535 square feet of additions to the rear of the house and replace the existing flat roof with a new pitched roof. A portion of the new roofline would encroach to within 13 feet, 4 inches of the front property line, which is less than the 30 foot minimum front yard setback required in the RO-2 zone. Assessor's Parcel No. 058-281-02. [DW]

The applicant is requesting Design Review approval for the construction of additions to an existing single-family dwelling on property located at 98 Sugarloaf Drive. The lower level of the house would be reconfigured from an existing family room, library and bedroom into a living room, dining room kitchen and family room, with the lower level expanded to the rear. One existing garage space on the lower level would be expanded to the west to accommodate the new family room. A new deck and spa would be added to the lower level. The upper level of the house would also be reconfigured, with the existing kitchen, dining room and living room converted into a master bedroom suite and den. A small addition to the rear would expand the area of the master bathroom. The existing upper level deck would be removed and replaced with a new balcony. A variance is requested for reduced front yard setback to accommodate a change in the roofline from a flat roof and mansard to a new pitched roof.

This application was first reviewed at the July 21, 2011 Design Review Board meeting. At that time, the owners of the home across the street at 97 Sugarloaf Drive objected to the modified roofline, stating that the project would block views of the East Bay from their living room and kitchen. The Board shared these concerns and determined that the applicant's stated need to replace the existing flat roof did not justify the view blockage that would occur with the proposed roofline. The Board continued the application to allow the applicants to revise the project design.

The applicants have now submitted revised plans for the project. The previously proposed pitched roofline has been replaced with a new flat roof and mansard design. The ridgeline of the revised roof design would be 11 inches above the ridgeline of the existing roof. The previous roof design would have been 2.5 to 4.25 feet taller than the top of the existing mansard.

Bryan Murdock, architect, said that they are proposing a 530 square foot addition at the rear lower floor at the northeast side of the property. He said that the existing front house is within the front yard setback and they are proposing a new roof, which requires a variance. He stated that they had proposed a totally different roof design at the last meeting and have redesigned it to address the neighbors' concerns.

Mr. Murdock presented drawings of the existing mansard roof and drawings of a new roof that preserves the existing flat roof framing. He said that they had reduced the roof height by 3 feet 4 inches. He stated that the new design would allow them to keep a space for ductwork and also keep the Mediterranean style of the home. He presented photos of the neighbors' house with the new roof's height drawn in, showing that it would not affect their view to the same extent as the previously proposed roof. He said that the 8-foot plate height was necessary because lowering it would require demolishing portions of the walls. He said that the new design would be 9 feet 6 inches under the height limit, which would be less than the height of many of the houses in the neighborhood, and he listed a number of houses with similar designs on the street.

The public hearing was opened.

Yvonne Martens said that she and her husband oppose her neighbors' plan because it would wipe out their view of the horizon of the East Bay from the entire main level of their home. She said that they have a horizon view directly above their existing roof, and the new roof design would raise that roof height by 11 inches. She said that their objections were the same as before. She quoted the Hillside Design Guideline principle that states that the horizon view is the most sensitive part of their view and said that this view is seen from their living room and kitchen. She stated that the applicant had diminished the importance of their view in the direction of the East Bay, yet that is the applicant's principal view. She stated that many Tiburon owners have flat roofs in consideration of neighbors' views. She said that elevating the roof would not result in additional occupied space and would have a large impact on the view from her home. She said that air conditioning equipment could be installed inside the existing roof. She also requested that no objects be placed on top of the roof. She said that the variance findings state that improvements should not be injurious to other property. She said that she and her husband spent many years searching for property for their retirement years and they would like to enjoy what they have worked so hard for.

Adam Posard, architect for Ms. Martens, said that they appreciate the applicant's efforts, but at the same time he felt it important to protect the property rights of the Martens. He presented photos of several homes near the applicants' home with flat roofs, and some are Mediterranean in design style. He said that the Hillside Guidelines specifically state that view obstruction from main living areas should be avoided and those are the areas of the Martens' home that would be blocked. He said that the almost 1 foot elevation increase would block the center of the horizon view from their home. He stated that it would not be a practical difficulty to need space for ductwork because the existing roof includes space for that ductwork. He said that conditions of approval from the fire department would require sprinklers installed, which would involve partial demolition of existing ceilings anyway. He stated that it would be a more practical solution to install the ductwork in that space.

Mr. Murdock said that they utilized some of the aspects mentioned by Mr. Posard. He said that they looked at the solution of putting ductwork in the existing space, but they ran into difficulty getting ductwork branched into the area. He said that they are not trying to save the existing ceiling finish and are planning on doing a two-zone heating and cooling system and putting all of the heating equipment down in the existing crawl space. He said that it would create more difficulty for them to run a feeder duct in the ceiling of the existing house. He said that the other mansard roof in the area is much higher than theirs. He said that they are trying to achieve a more sloping roof because it would be consistent with their design. He said that the only view that would be slightly affected would be from the corner of the neighbors' deck.

Vice-Chair Emberson questioned and confirmed with Mr. Murdock that they do not want to demolish the ceiling framing, but do plan to demolish the sheetrock.

The public hearing was closed.

Boardmember Tollini said that he was unable to access the Martens' home but spent time trying to consider the view from their windows. He thought that the applicant had done enough for him to get behind the project. He said that the project would affect a small portion of a non-primary view. He described the request as modest. He complimented the architect for an attractive design and said that there are probably only a handful of places in Tiburon where he would have difficulty getting behind a request to build something 11 inches higher. He believed that the variance request for a front yard setback was a different issue than the height of the roof. He did not think building into the setback was the issue that was causing the consternation for the neighbors, and believed that the findings could be made for the variance.

Boardmember Chong said that he had a chance to visit the Martens' residence and their kitchen view was primarily of the garden with a secondary view of the East Bay that would be minimally impacted. He stated that the primary view for their living room was to the south through to the Bay Bridge, with a secondary view through trees toward the applicant's house. He commended the applicant and architect for an attractive design with the low roof. He said he was still able to see a portion of the hills from the living room deck. He thought that this version was probably the best compromise that one could come up with in this situation.

Vice-Chair Emberson agreed with the other boardmembers and commended the applicant. She said that the view toward the subject house was not the primary view and the applicant had bent over backwards to accommodate the neighbors across the street.

Chair Kricensky agreed with Boardmember Tollini that the variance and the height of the roof were two separate issues. He said that this was a hillside view issue and, as pointed out by other boardmembers, the applicant had gone quite far in reducing the ceiling height to 8 feet. He felt that the applicant had compromised to preserve the neighbor's view as much as possible. He said that the other houses that have flat roofs are taller than the applicant's and block more of a primary view than the applicant's house. He said that he was still struggling with the request, however, because he felt that the architect should not have selected the style of the home before designing it because that design may not be right for the site. He said that it is difficult to put the ductwork in the existing ceiling with the 8 foot roof. He felt that if the house across the street would have been designed to really capture the East Bay view, then the project would have more of an effect, but their views in that direction are more secondary in nature.

<p>ACTION: It was M/S (Chong/Emberson) that the request for 98 Sugarloaf Drive is exempt from the California Environmental Quality Act and approved the request, subject to the attached conditions of approval. Vote: 4-0.</p>
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E. PUBLIC HEARINGS AND NEW BUSINESS

- 525 HILARY DRIVE:** File No. 21114; Tom and Jennifer Yin, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with Variances for reduced rear yard setback and excess lot coverage. The applicants propose to construct additions to the rear of the home to expand the kitchen and family room. The project would extend to within 17 feet, 1 inch of the rear property line, which is less than the 23 foot minimum rear yard setback required in the R-1 zone for this lot. The project would also cover 35.2% of the lot, which is greater than the maximum lot coverage of 30.0% permitted in the R-1 zone. Assessor's Parcel No. 039-133-11.

The applicant is proposing to construct an addition to the existing single-family dwelling located at 525 Hilary Drive, with variances for reduced rear yard setback and excess lot coverage. Currently the property is improved with a single-story dwelling. The proposed addition would infill an existing deck area between the family room and master bedroom, for an expanded kitchen, dining room, family room, and breakfast nook. An increase in roof height of three feet (3') would be visible from the front of the

dwelling, due to the area of addition. However, the increase in height would appear to be minor and would not substantially change the appearance of the dwelling.

The proposed addition would result in a gross floor area of 2,495 square feet, which is below the maximum permitted gross floor area ratio for the property (2,881 sq. ft.). The proposed addition would increase the lot coverage by 327 square feet, for total lot coverage of 3,103 square feet (35.2%). It should be noted that currently the property exceeds the maximum permitted lot coverage by 1.5%. As the maximum lot coverage in the R-1 zone is 30.0%, a variance has been requested for the increase in excess lot coverage.

The proposed addition would also encroach into the rear yard setback, for a reduced rear yard setback of 17 feet, 1 inch. As the minimum rear yard setback in the R-1 zone is 20% of the depth of the lot (23 feet), or 25 feet (whichever is less), the applicant has requested a variance for reduced rear yard setback.

Michael Heckmann, architect, said that the family was interested in a modest addition to improve the back corner of the house, which is a very tight area. He thought that the biggest difficulty with the property was that it is a substandard lot under the 10,000 square foot minimum. He said that the shape of the property was also a challenge. He stated that the existing house is located in the setback so any improvement in the rear would require a variance. He said that they can modify the bathroom window to make it more translucent, to address the concern in the staff report.

Tom Yin, owner, said that he has lived in the house for 9 years. He said that he has a family of five with two teenage girls, and also his mother who has an illness and has difficulty moving to the other side of the house. He said that the two bathrooms are on the other side of the house and there is a step in between. He said that they would like to have a bathroom on the other side of the house to help his mother get to the bathroom. He said that the house also looks rather odd because of the irregular shape. He noted that they have two furnaces currently, which are not economical, and they would like to consolidate them. He felt that their design was the most practical and economical way to achieve their objectives.

The public hearing was opened.

Mark Gooding said that he lives to the west of the applicant's property. He said that other neighbors were not present tonight because the project would not impact them. He said that all of the addition would be on his side. He stated that his bedroom on the east side of his house is directly opposite the proposed addition, and he has approximately 10 feet of glass on that side of the house. He said that six feet of that glass is a double door and the project would have a significant impact on his bedroom. He was unable to ascertain the size of the windows on the plan except for the bathroom. He said that the windows appear to be large and since his wife is disabled she spends all of her time in the bedroom and the backyard. He viewed the project as a major invasion of their privacy and he therefore could not accommodate their neighbor. He suggested that the architect be more imaginative in his design and come back with something more reasonable in its impact on his property.

Boardmember Chong asked about his specific privacy concerns. Mr. Gooding replied that the applicants would be able to look directly into his bedroom.

Vice-Chair Emberson asked which windows concern him. Mr. Gooding replied that the three windows on the left side of the drawing were the ones that would look into his bedroom. He said that he did not want windows that large in that area with a direct view into his bedroom.

Mr. Heckmann said that they walked the property to get some perspective of the impact on Mr. Gooding's home. He did not think that there would be much of a privacy loss in this area because there is a 6 foot fence between the properties and some vegetation in the area. He said that the proposed windows were similar in size to the existing windows and they would not have a vantage point into the neighbor's bedroom. He said that the applicants could not see into his house, and he also said his client had no desire to look into the neighbor's property.

Mr. Yin said that there is a lot of vegetation on both sides. He said that Mr. Gooding has bamboo growing on his side, and they have some bamboo and a large tree on their side.

Mr. Gooding said that the large tree has very few limbs on it and the limbs are at a higher elevation. He said he went over to the applicant's house to see the design and at the time Mr. Yin said he could see his bedroom. Mr. Gooding said that he was concerned about making the windows larger and that now they will be able to see his bedroom even more. He also said that the window would be shifted to directly across from his bedroom. He said that the vegetation they discussed on their side is only about 1 foot high.

Chair Kricensky asked if there is indeed a 6 foot fence running in the back of the property. Boardmember Chong said that he was able to go to the back of the yard and there was a 6 foot fence.

The public hearing was closed.

Boardmember Chong said the two issues he saw were the variances and the privacy impact. He visited the applicant's home and from the existing window he could not see through the fence and vegetation. He said that the new window would not be in a fundamentally different location or different size than what currently exists. He said that fundamentally all that would be done would be to add a wall that would move the corner 4 feet onto the rear of the property. He said that he could not imagine a 4 bedroom home with only 2 bathrooms being sufficient, and he thought that a half bath was a reasonable request for this application. He also stated that the kitchen has an extremely small amount of counter space and that the family room was not very large for a 4 bedroom home. He noted the dense vegetation in the back and felt that this was a fairly reasonable remodel compared to other alternatives.

Vice-Chair Emberson agreed with Boardmember Chong and said that she could not see into the neighbor's house from the existing house. She did not think that this was a big privacy issue. She felt that the elderly mother who needs a bathroom on that side of the house met the hardship requirement for the variance. She thought that this was a modest addition and suggested that the glass in the proposed bathroom should be translucent.

Boardmember Tollini said that it is not really a privacy impact if one cannot see through the glass into the other house. However, he said that the window's presence could create a feeling of invasion of privacy on the neighbor. He said that there would be more glass on the wall facing the neighbor. He said that he was unable to get into either property to see the sites and was relying on Boardmember Chong's assessment. He said that windows often result in a feeling of perceived privacy loss whenever homes are in close proximity. He said this is typically the type of project the Board would support in most neighborhoods. He felt that this was a practical addition and agreed that a family living in four bedrooms with only 2 bathrooms was a hardship. He could see no other way to design the addition with the existing cramped floor plan. He said that this was a fairly modest request involving enclosing a courtyard. He said that the fence and a fair amount of vegetation in the area the impacts should minimize the privacy problem and that there is a substantial distance from the neighbor's bedroom to the property line.

Chair Kricensky agreed with Boardmember Tollini regarding the variances and said that the only other way to expand the property would be to add a second story, which would not be a possibility due to its potential impact on neighbors. He said that it was very hard to tell how privacy will be affected. He said that the 6 foot fence would help, but the top of the fence could be at about sill height if there is a two foot difference in height between the lots. He said that someone in the kitchen would be standing back at least a counter-space from the windows. He indicated that he also could not access the back area of the property. He said that if there was a direct line of sight to the bedroom he would be likely to approve an extra section of 2-foot lattice along the fence with vegetation growing on it.

Boardmember Chong said that the amount of vegetation in the area combined with the amount of glazing did not seem like a big change. Boardmember Tollini said that what was requested was modest, and he cited a similar experience in his past when a window seemed smaller than he would have liked and that was a window that looked toward the neighbor's property.

Vice-Chair Emberson agreed with Boardmember Tollini and said that this was a perceived issue of privacy rather than a real privacy concern.

Chair Kricensky noted that the windows would be 54 inches wide, but after casing is done the windows would be smaller. He suggested stipulating the applicant put in sufficient landscaping. Boardmember Chong pointed out that the backyard includes about three stories of landscaping already and he did not think that anything could be planted there to improve the situation. Chair Kricensky said that the real hope was that neighbors will work together on the screening.

ACTION: It was M/S (Emberson/Tollini) that the request for 525 Hilary Drive is exempt from the California Environmental Quality Act and approved the request, subject to the attached conditions of approval and the additional condition of approval that the bathroom window be translucent material. Vote: 4-0.

3. **20 SEAFIRTH ROAD:** File No. 21115; Rudy and Charlene Borneo, 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. The applicants propose to construct family room, master bedroom suite and stairway additions to the front and side of the house. The project would extend to within 18 feet of the front property line, which is less than the 30 foot minimum front yard setback required in the RO-2 zone. The project would also have a maximum lot coverage of 18.9%, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Assessor's Parcel No. 039-092-15.

The applicant is requesting Design Review approval for the construction of additions to an existing, two-story single-family dwelling on property located at 20 Seafirth Road. The main level of the house would be reconfigured, demolishing an existing solarium at the rear of the building and constructing two additions to the rear for an expanded family room and master bedroom suite. A pantry on the side of the house would be demolished and a new interior stairway would be added to provide an enclosed connection between the upper level and the garage below. Three new skylights would be installed. The pitch of the roof would be modified to accommodate the proposed additions, but the ridgeline of the roof would remain at the same height.

The proposed additions would increase the floor area of the house by 191 square feet to a total of 3,171 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 218.5 square feet to a total of 2,614.5 square feet (18.9%), which is greater than the 15.0% maximum lot coverage allowed in the RO-2 zone. A variance is therefore requested for excess lot coverage. The proposed stairway addition would extend to within 18 feet of the front property line. As a 30 foot front yard setback is required in the RO-2 zone, a variance is therefore requested for reduced front yard setback.

Mark Swanson, contractor, said that the owners want to improve the functionality of the house and expand the usable floor plan. He said that the master bedroom and kitchen are very compact and outdated. He said that they cannot build their allowable floor area without adding a second story, and are therefore asking for permission to exceed the lot coverage by expanding on the first floor. He said that the existing house is set back 20 feet from the front property line and the addition would have an 18 foot setback because of the curve in the road. He stated that the back of the house currently has a sunroom and they would like to remove that and convert it into an expanded master bedroom and living room. He said that he contacted and visited all of his neighbors and was conscientious of their concerns. He said that there would be no view or privacy impacts. He said that the original house had stairs that were removed in the same area they are adding stairs.

Boardmember Tollini asked if Mr. Swanson could give more detail regarding the practical difficulty or unnecessary hardship related to pushing out the back portion of the house. He said that the staircase was a non issue for him, but he would like to hear more about the rear. Mr. Swanson said that they would like a living room and family room. He stated that the front door currently creates a long corridor of wasted space. He said that they would like a family room with a more casual atmosphere creating more usable

living space and a laundry room upstairs instead of having to go up and down stairs to do laundry, and the changes would make it easier to get around the house.

There were no public comments.

Boardmember Tollini said that the main concern to him was making the finding for hardship or practical difficulty for lot coverage where the majority of the coverage would result from the expansion at the rear of the property. He said that the lot size is 13,800 square feet instead of the minimum requirement of 20,000 square feet which make it difficult to stay within the lot coverage. He said that no one would be affected by the addition. He said that the existing footprint of the house is really shallow and the variances were necessary to expand the footprint.

Vice-Chair Emberson said that she came to the same conclusion regarding the small lot size. She characterized the project as a modest expansion for the neighborhood. She felt that the hardships were that the lot is small and that the garage should be accessible from the house. She also thought that the applicant worked hard to be sure the neighbors would not be impacted. She said that she was totally behind the project and the findings as staff had written them.

Boardmember Chong said that he was not sure if the small lot size could be a hardship, but noted that there was a letter laying out details about why this was a better solution than a second story. He said that it would be easy for him to support the project, as proposed.

Chair Kricensky agreed that this would be a modest addition that would greatly improve the house. He agreed with staff in their findings for both the reduced setback and excess lot coverage.

ACTION: It was M/S (Emberson/Tollini) that the request for 20 Seafirth Road is exempt from the California Environmental Quality Act and approved the request, subject to the attached conditions of approval. Vote: 4-0.
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F. APPROVAL OF MINUTES #12 OF THE 7/21/11 DESIGN REVIEW BOARD MEETING

Boardmember Tollini requested changing “Tollini requested there would cedar...” to “Tollini requested there would be cedar...” on page 5, third paragraph, second line.

ACTION: It was M/S (Chong/Emberson) to approve the minutes of the July 21, 2011 meeting as amended. Vote: 3-0-1 (Kricensky abstained).
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G. ADJOURNMENT

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