



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

Action and Approved Minutes - Regular Meeting
Design Review Board
February 3, 2011
7:00 P.M.

ACTION MINUTES #1

TIBURON DESIGN REVIEW BOARD

CALL TO ORDER AND ROLL CALL At 7:00 PM

Present: Chair Tollini, Vice Chairman Kricensky, Boardmembers Chong, Emberson & Weller

Absent: None

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

NEW BUSINESS

1. **2431 SPANISH TRAIL;** File No. 21020; Paul and Jannette Mussche, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with Variances for reduced front, side and rear yard setbacks. The applicants propose to demolish an existing garage and add a new garage with a second story master bedroom suite, and expand an existing dining room. The 620 square foot additions would extend to within 26 feet, 6 inches of the front property line, 5 feet, 6 inches of the left (northern) side property line and 17 feet, 6 inches of the rear property line, in lieu of the required 30 foot front yard setback, 15 foot side yard setback and 25 foot rear yard setback. APN: 059-091-31. Approved 5-0
2. **10 SEAFIRTH ROAD;** File No. 21021; Dion and Tracey Cominos, 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 and a Floor Area Exception. The applicants propose to construct a 364 square foot office addition and bathroom to the side of the existing garage. The addition would extend to within 18 feet, 6 inches of the rear property line and would result in lot coverage of 17.9%, in lieu of the required 30 foot rear yard setback and 15.0% maximum lot coverage. APN: 039-092-06 Continued to 3/3/11

MINUTES

3. Regular Meeting of December 16, 2010 Approved 5-0

ADJOURNMENT At 8:25 PM

**MINUTES #1
TIBURON DESIGN REVIEW BOARD
MEETING OF FEBRUARY 3, 2011**

The meeting was opened at 7:02 p.m. by Chair Tollini.

A. ROLL CALL

Present: Chair Tollini, Vice-Chair Kricensky, and 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

Planning Manager Watrous informed the Board that the DRB will meet upstairs in the Community Room of the Town Hall for the February 17, 2011 meeting because another group has use of the Council Chambers that evening.

D. NEW BUSINESS

1. **2431 SPANISH TRAIL;** File No. 21020; Paul and Jannette Mussche, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with variances for reduced front, side and rear yard setbacks. The applicants propose to demolish an existing garage and add a new garage with a second story master bedroom suite, and expand an existing dining room. The 620 square foot additions would extend to within 26 feet, 6 inches of the front property line, 5 feet, 6 inches of the left (northern) side property line and 17 feet, 6 inches of the rear property line, in lieu of the required 30 foot front yard setback, 15 foot side yard setback and 25 foot rear yard setback. APN: 059-091-31.

The applicant is requesting Design Review approval for the construction of additions to an existing two-story single-family dwelling on property located at 2431 Spanish Trail. The existing attached garage would be demolished and replaced with a new attached two-car garage. A new master bedroom suite would be added on top of the proposed garage. The existing first floor living and dining room would be expanded to the side. The proposed additions would not change the existing lot coverage on the site. The proposed project would increase the calculated floor area of the house by 620 square feet to a total of 2,300 square feet, which is less than the 2,762 square foot floor area ratio for a lot of this size. Variances are requested for reduced front, side and rear yard setbacks.

Mohamad Sadrieh, architect, said that his client currently lives in Singapore and will be moving to Tiburon. They are requesting a modest expansion to their home because the current home is small and their parents often visit and more space is needed to accommodate them. Mr. Sadrieh stated that there was no room to expand on the first floor of the house due to the setbacks around it and they have therefore requested to expand above the current garage and living room. He said that the existing foundation of the garage cannot support a second story and will need to be demolished and rebuilt. He said that the owners would also like to create a proper dining room by expanding the side of the house that is currently a covered porch.

Mr. Sadrieh said that the owner is requesting variances for setback encroachments, but the existing building already encroaches into the required setbacks. He stated that the owners met with adjacent

neighbors and the Schneidewinds have requested 8-foot privacy screening at the location where there is currently a solid fence between the properties. Mr. Sadrieh said that the owners would like to go on record as being agreeable to this arrangement and are willing to build a 6-foot solid fence with a trellis on top or a 6-foot solid fence with an 8-foot screen of landscaping. He stated that they would like to have the option of choosing one or the other of these alternatives when they arrive back in Tiburon.

Planning Manager Watrous noted that a 6-foot fence with a trellis on top would require a variance, but the 6-foot fence with 8 foot landscaping would not.

The public hearing was opened.

Anne Drew said she met with the new neighbors and found the plan very attractive. When the story poles went up she became concerned about the bulk of the structure, stating that from any of her east-facing windows the project would look huge. She said that the existing house is small and is on a tiny lot. She asked the Board to consider the size of the lot and the request for three variances.

Scott Schneidewind said that the project would be very close to his house and would have a major impact on his privacy. He said that there would be many new windows and activity that does not currently exist. He said that an 8-foot privacy fence would be necessary to preserve his privacy.

Mr. Sadrieh said that he had communicated with Mr. Schneidewind to discuss concerns and they are all in agreement that a privacy screen is needed.

The public hearing was closed.

Boardmember Emberson said that she could make the findings to support the addition. She said that it would be practically difficult and create a hardship to add on to the house in the turnaround area. She was concerned about the window concerns of the neighbors and suggested the fence be made a condition of approval.

Planning Manager Watrous stated that the Board cannot require an 8-foot tall fence as part of the condition of approval because it would require a variance. He noted that a 6-foot tall fence with additional landscaping would not require a variance.

Boardmember Emberson said that the Board could require the landscaping to create a visual barrier. Planning Manager Watrous agreed and said the applicant could return and apply for a variance if they want to change it to a fence.

Vice-Chair Kricensky agreed with staff on the findings to support the variances. He was concerned about the fact that many of the existing windows would be replaced and enlarged. He appreciated knowing the neighbors' concerns and that they tried to work something out, but felt that the height of the garage and the tight side yard would make the project seem very close to the northern neighbor.

Boardmember Chong said that it was no surprise that there would be privacy concerns on Spanish Trail where the houses are in close proximity to each other. He agreed with staff on the variances based on the lot size and shape. He also thought that the project would be a dramatic improvement from a design standpoint. He agreed with adding a condition of approval that specifies a 6-foot fence with landscaping.

Boardmember Weller agreed with the other Boardmembers that the variances required are a result of the size and shape of this particular site and the location of the existing structure. He asked Ms. Drew about her concerns on the west side of the property and asked her to comment on how the windows would affect her property.

Ms. Drew said that those windows were not a concern, but rather the bulk of the project. She said that the project would not cut off much of her view. She also expressed concern that the neighbor on the north

was not well and could not attend tonight's meeting. Planning Manager Watrous noted that he spoke to that neighbor and she had no objections to the project.

Boardmember Weller said that the bulk issue was a product of this property. He said that the windows could have been remedied, but the bulk cannot be modified effectively and still accomplish what the applicant is requesting.

Chair Tollini agreed that the findings can be made for the variances. He said that this is an extremely difficult lot and there is almost nowhere else left to build upon. He found the turnaround extremely tight, and pushing back the garage made sense and was a justifiable remedy. He noted that the majority of the glazing is on two sides of the house, to take advantage of eastern views of the water. He agreed that the property to the north would be the most impacted and he was relieved to hear that the owner was contacted. He viewed the property from all sides and agreed that there would be some impact on the neighbors, but the impact would be within the same outline of the house. He did not see the bulk of the addition as a problem for these reasons. He was amenable to putting in a condition of approval requiring a 6-foot fence with landscaping that will grow to 8 feet to provide privacy.

Mr. Sadrieh clarified that they want the fence to replace the existing fence. Planning Manager Watrous suggested he contact the Scheidemans to go over landscape options to be sure an acceptable option is chosen.

ACTION: It was M/S (Kricensky/Emberson) that the request for 2431 Spanish Trail is exempt from the California Environmental Quality Act and approving the request, subject to the attached conditions of approval and the additional condition of approval that the applicant construct a 6 foot tall solid wooden fence along the southern property line to replace the existing fence and plant vegetation as landscape screening that will provide an adequate privacy barrier. Vote: 5-0.

2. **10 SEAFIRTH ROAD;** File No. 21021; Dion and Tracey Cominos, 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 and a Floor Area Exception. The applicants propose to construct a 364 square foot office addition and bathroom to the side of the existing garage. The addition would extend to within 18 feet, 6 inches of the rear property line and would result in lot coverage of 17.9%, in lieu of the required 30 foot rear yard setback and 15.0% maximum lot coverage. APN: 039-092-06 [

The applicant is proposing to construct an addition to an existing single-family dwelling with variances for reduced rear yard setback and excess lot coverage and a floor area exception, located at 10 Seafirth Road. Currently the property is improved with an existing two-story dwelling. The main level of the home includes the kitchen, dining room, living room, laundry room, and two-car garage. The upper level of the home includes the master bedroom suite, family room, two bedrooms and a study/office area. The proposal would incorporate a small addition adjacent to the existing two-car garage at the lower level of the home for an office with a bathroom.

The proposed addition would increase the floor area of the home by 364 square feet, for a total gross floor area of 3,728 square feet. As the maximum gross floor area for the property is 3,310 square feet, a floor area exception has been requested. The addition would also increase the lot coverage by 364 square feet, for total lot coverage of 2,345 square feet (17.9%). As the maximum permitted lot coverage in the RO-2 zone is 15.0%, a variance for excess lot coverage has also been requested. A variance is also requested for reduced rear yard setback.

Dion Cominos, owner, said that the application implicates three issues: a floor area exception, a lot exception, and a rear yard setback exception. He believed that there is justification for these three requests. He noted it is true that there is an existing small office area in the house, but it is bordered on one side by the master bedroom and the children's' bedroom and a playroom on the other. He said that it

is very difficult for him to have a quiet area to work with that configuration. He asked his architect to come up with a plan that would be least intrusive and cause the least disruption to neighbors, and the community has supported it unanimously. He suggested that it is a hardship to maintain the office as a usable space, as it is very small and the noise is an issue during conference calls. He said that the area where they propose to construct the office is in the back of the house and is not intrusive to neighbors.

Elizabeth Suzuki, architect, said she had nothing to add but is available to answer questions.

Boardmember Chong asked what other locations were explored for building the office. Ms. Suzuki said the first thing she did was look at ways to reconfigure the existing space, and there was nothing minor that could be done without requiring a complete gutting of the house. She then looked at putting the office in the location of the garage, but that did not work well because it was right at the living room. She said that the least impact to the house for construction purposes as well as the least impact to the neighborhood was the current location.

Vice-Chair Kricensky cited the unusual floor plan configuration and said that there were two separate structures that were now connected, resulting in the hall-like common area.

Chair Tollini opened the public hearing. He confirmed that there were no public comments and closed the public hearing.

Boardmember Chong said that there is a big trend toward home office positions, and having a space that is quiet for early morning conference calls is important. He said that he would not call the current space an office because it is squeezed in between two bedroom walls. He felt that this is not where the office would be located if the house was designed from scratch. He saw the need for having a separate space away from noise and bedrooms. He believed that having an office that is practical is necessary when someone works from home, and that it is a hardship to not have that when working from home is required.

Vice-Chair Kricensky said that he understood the need to build the office in the location, and that it is a logical place for it. His only major concern was that the project would be over both the floor area ratio and maximum lot coverage. He questioned whether the need for an office justified exceeding both the floor area ratio and lot coverage.

Boardmember Emberson asked why a complete bathroom is proposed for the office addition. Ms. Suzuki said that currently there is no bathroom downstairs, and they felt it would be convenient to use the new bathroom on Mr. Cominos' way out of the house in the morning instead of waking up everyone in the house using the upstairs bathroom.

Vice-Chair Kricensky said that this is a small lot and he had no trouble with the rear yard encroachment and the screening between neighbors.

Boardmember Emberson said there is no other way that is feasible to stay within the existing footprint, and that putting the office in the location in the back would not impact any other property. She said that there would be a hardship because there is not much else that could be done. She said that other people in the neighborhood enjoy office space that is quiet and practical. She felt there is a hardship given the odd way the house is configured and the need for a quiet space to work.

Boardmember Weller said he had changed his mind after listening to his colleagues. He was convinced that living in this century, home offices are relatively more important and more significant to people than was the case when the houses were built. He said that there is a practical difficulty and necessary hardship in the configuration of the home, and the need for home office use is legitimate. He thought that the lack of alternatives available to create a usable home office space would create a necessary hardship.

Chair Tollini said that his biggest issue with the project is the "kitchen sink" variance request. He had a hard time getting behind the two variance requests and exception. He said that this is not a small lot, well over ¼ acre, and the house is quite large. He recognized that the floor plan upstairs does not make sense

from a practical standpoint because it makes it difficult to use the space. He was sympathetic to that, but the prior owner did it this way and this is therefore a self-created hardship. He had a hard time saying this is a pre-existing condition. He said that the addition proposed is huge and was also designed to be a guest suite because it includes its own entrance and its own bathroom. He also thought that the applicant does not only work from home, but works a lot from home after getting home from work. Chair Tollini stated that his own house is much smaller and he takes his laptop downstairs to work at home. He could not make the hardship finding, particularly for all the requests combined.

Boardmember Emberson shared Chair Tollini's concern that this could also be an in-law unit. Boardmember Weller noted an in-law unit would require cooking capacity. Planning Manager Watrous said it would take no permits at all to use it as a guest bedroom and explained the process for having a legal secondary dwelling unit.

Chair Tollini said that his concern was not that it would be converted to a secondary dwelling unit, but rather to show that there is not a necessary hardship in this situation to justify the variance.

Vice-Chair Kricensky said that this is considered a small lot for the R-O2 zone. He said that while there are several houses that have received a variance for lot coverage, most of the additions have been within the floor area ratio. He felt that he could make the findings for the variances but not the floor area exception.

Chair Tollini asked if there was a consensus of the Board to approve the project as proposed. Boardmember Chong and Boardmember Weller said they were still in support of the project. Boardmember Emberson suggested the office space could be smaller.

Boardmember Weller summarized Emberson's concerns and suggested reducing the lot coverage. Chair Tollini said that he is most concerned with the lot coverage and would have an easier time if it were about one-third less square footage. Boardmember Emberson agreed this would be a very large home office and one could work just as comfortably in a smaller space. Boardmembers Chong and Weller said that they were still in support of the project.

Boardmember Chong disagreed and said he did not think one can have too big of a home office. He believed that having a comfortable place where one spends work time is important.

Boardmember Weller agreed that he would be more amenable to this project if it were smaller. Chair Tollini said that he would like to see the home office around 200 square feet, which would be a nice-sized home office. Boardmember Emberson agreed that 200 square feet would be sufficient.

Vice-Chair Kricensky said that he wished that the house had not already maxed out the site, as granting significant variances to something already over the limit is difficult. He said that he would be more accepting of the application if the addition was smaller.

Chair Tollini summarized the consensus of the Board to request an addition that is smaller and asked the applicant if they were amenable to that. Mr. Cominos said if the other option is denial then they are amenable to reducing the size.

ACTION: It was M/S (Weller/Kricensky) to continue the application for 10 Seafirth Road to the March 3, 2011 meeting. Vote: 5-0.

F. APPROVAL OF MINUTES #21 OF THE 12/16/10 DESIGN REVIEW BOARD MEETING

ACTION: It was M/S (Weller/Emberson) to approve the minutes of the December 16, 2010 meeting as written. Vote: 5-0.

G. ADJOURNMENT

The meeting was adjourned at 8:25 p.m.