



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

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

ACTION MINUTES

TIBURON DESIGN REVIEW BOARD

CALL TO ORDER AND ROLL CALL *At 7:01 PM*

Present: Vice Chairman Kricensky, Boardmembers Chong, Emberson & Weller
Absent: Chairman Tollini
Ex Officio: Community Development Director Anderson and Minutes Clerk Rusting

ORAL COMMUNICATIONS *There Were None*

Persons wishing to address the Design Review Board on any subject not on the agenda may do so under this portion of the agenda. Please note that the Design Review Board is not able to undertake extended discussion, or take action on, items that do not appear on this agenda. Matters requiring action will be referred to Town Staff for consideration and/or placed on a future Design Review Board agenda. Please limit your comments to no more than three (3) minutes. Any communications regarding an item not on the agenda will not be considered part of the administrative record for that item.

STAFF BRIEFING (if any) *There Was None*

CONSENT CALENDAR

1. **2097 CENTRO EAST STREET;** File No. 710145; Michael Lafayette and Heather Cairns, Owners; Adoption of resolution denying Site Plan and Architectural Review for construction of a rooftop deck and ramp access from the rear yard for an existing single-family dwelling. APN: 059-132-27. [LT] *Resolution Adopted 4-0*

OLD BUSINESS

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 [LT] *Approved 3-0*

MINUTES

3. Regular Meeting of February 17, 2011 *Adopted as Amended 4-0*

ADJOURNMENT *At 7:35 PM*

**APPROVED MINUTES #3
TIBURON DESIGN REVIEW BOARD
MEETING OF MARCH 3, 2011**

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

A. ROLL CALL

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

Absent: Chair Tollini

Ex-Officio: Director of Community Development Anderson and Minutes Clerk Rusting

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING - None

D. CONSENT CALENDAR

1. **2097 CENTRO EAST STREET;** File No. 710145; Michael Lafayette and Heather Cairns, Owners; Adoption of resolution denying Site Plan and Architectural Review for construction of a rooftop deck and ramp access from the rear yard for an existing single-family dwelling. APN: 059-132-27. [LT]

<p>ACTION: It was M/S (Emberson/Weller) to adopt the draft Resolution denying the Site Plan and Architectural Review application for 2097 Centro East Street. Vote: 4-0-1 (Tollini absent).</p>
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E. OLD BUSINESS

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 [LT]

On February 3, 2011 the Design Review Board reviewed an application to construct an addition with variances for reduced rear yard setback and excess lot coverage with a floor area exception, on property located at 10 Seafirth Road.

During the meeting the Board struggled to come to a consensus on the project and to the required hardship findings for the requested lot coverage and rear yard setback variances. The Board recognized the need for an adequate home office, but viewed the addition as too large for an office use, and could see the potential for it to turn into a guest suite due to its size and full bathroom. The question was raised as to whether the addition was truly intended for the purpose

of a home office, or for an additional bedroom/guest suite to the home.

As the Board could not come to a consensus on the project, four of the five Boardmembers said they would be more amenable to the project if the size of the addition was scaled back to around 200 square feet, which would reduce the floor area and lot coverage and potentially pull the addition further out of the rear yard setback. The application was continued to March 3, 2011, with direction given to the applicant to scale back the size of the addition.

The applicant has submitted revised plans which indicate a reduction in the size of the proposed addition; however, the proposal would still require both excess lot coverage and rear yard setback variances and a floor area exception.

The proposed addition would increase the floor area of the home by 272 square feet, for a total gross floor area of 3,636 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 272 square feet, for total lot coverage of 2,253 square feet (17.3%). As the maximum permitted lot coverage in the RO-2 zone is 15.0%, a variance for excess lot coverage has also been requested.

The location of the addition, adjacent to the existing two-car garage, would encroach 1 foot into the rear yard setback, for a reduced rear yard setback of 22' 6". As the minimum required rear yard setback is 23' 6" (20% of the depth of lot), a variance for reduced rear yard setback has also been requested.

Dion Cominos, Owner, said there was general consensus on three issues at the prior meeting: 1) the property in its current configuration resulted in a hardship in terms of having a functional office, 2) within the existing footprint it is impractical to add an office, and 3) the proposal was too large at 364 square feet. They studied what could be done to address the Board's concerns yet still provide a minimally functional office space. They arrived at a solution that is less than optimal with entry facing Paradise Drive, but this allowed them to make the addition smaller.

Mr. Cominos noted the staff report stated the Board would find a size of 200 square feet appropriate, but he stated no number was, in fact, discussed. The revised design is more than 25% smaller than the original. They cut out almost 100 square feet from the room, resulting in a 1% decrease in the lot coverage and an 80% decrease in the requested variance in the side yard setback. No one in the community has objected to the addition and they have universal support for the original, much larger conception which is not visually intrusive and cannot be seen from anywhere.

He commented that Vice-Chair Kricensky visited the site and seems to understand that it is not possible to have a professional phone call in the setting of the current floor plan of the house. He respects Chair Tollini's comment that he could work at his dining table, but anything said at the dining table funnels up to the childrens' rooms, and the space is without Internet connection.

Mr. Cominos also addressed the issue of a shower and bath in the office area; the shower and bath area is only 9 square feet, which is the smallest possible size. The only bathroom downstairs is a small powder room. All of the showers in the house are connected to the bedrooms and he needs that space in the office to make it functional.

Boardmember Weller questioned the two-door entrance. Elizabeth Suzuki, architect, said the French doors do not have a good locking system from the outside and do not function as entry. Boardmember Weller said the plan shows no eave to protect the entrance from weather, and Ms. Suzuki confirmed this as true.

There were no public comments.

Boardmember Weller said he was in favor of the project before and is now more comfortable with the reduction in size. The reduction makes it easier to reach the conclusions than it did before. The practical difficulty the applicant has described is apparent to him. He is aware of the issue of setting precedence, but the fact that it has no impact on anyone else plays a role in his conclusion.

Boardmember Emberson said it is hard for her to make the hardship finding when the office is larger than her own bedroom. She understands it is a difficult lot to work with and the house has a very open floor plan.

Boardmember Chong said he was most outspoken in favor of the project last time. He does not think it has much impact and none of the neighbors are against it. He thinks the applicant has compromised to pull it back off the setback and thinks the hardship is related to the need for a home office away from the area of the bedrooms.

Vice-Chair Kricensky said he visited the property and agrees it is difficult to fit an office into the floor plan. He noted that the Board has been duped many times by applicants submitting projects, and must therefore look at this as space being added on rather than as an office. It looks like an extra bedroom and the Board must look at it that way. However, it is very similar to the surrounding area in zoning. Of the lots in the area, coverage variances range from 15% to 25% greater coverage and almost all of them are on smaller lots (i.e., 13,000 square feet). The present project is on a 13,000 square foot lot. Under this zoning the smaller lots have more trouble adhering to the requirements of this zoning ordinance. This is in an unused part of the property and does not impact anyone or anything. It is taking the place of an old woodshed. He can understand the need for the office.

Boardmember Emberson said she feels the Board must go by the zoning ordinance and voiced having trouble finding hardship. She said the owners knew what the house was like when they bought it and while she appreciates the lots are small, she is having trouble meeting all of the criteria.

Boardmember Weller questioned if the house was subject to the current FAR and setback requirements when it was built. Mr. Anderson said the Seafirth subdivision was developed in the 1950s but he did not know the date the house was constructed. Ms. Suzuki said she does not have the original date of the house but the addition was built in the 1980s and it was part of the Town of Tiburon at that time. She said it is true they knew what the house was when they bought it, but pointed out they are using it differently as their children have grown. Mr. Anderson said there was no floor area guideline back in the 1980s but the coverage limit was the same in the 1980s as it is now. Vice-Chair Kricensky noted this area was annexed in 1964.

Boardmember Chong pointed out that the Board has suggested building single stories in the back of homes in the Belveron neighborhood, and suggested this as a similar situation where an additional bedroom is being added. Boardmember Emberson disagreed and noted there are

many second stories in this neighborhood and it is not the same as Belveron; there is space to reconfigure and add the bedroom upstairs.

Boardmember Weller said in his perspective, the research adds to the applicant's argument. He does not see it as the job of the Design Review Board to prevent people from developing their properties if findings can be made. Vice-Chair Kricensky noted that visiting the site helped him see that the addition fits the site which makes a big difference for him in supporting the project.

ACTION: It was M/S (Weller/Chong) that the request for 10 Seafirth Road is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, and the request is approved, subject to the attached conditions of approval. Vote: 3-1-1 (Emberson opposed; Tollini absent).

F. APPROVAL OF MINUTES #2 OF THE 2/17/11 DESIGN REVIEW BOARD MEETING

The following amendment was requested:

- Page 3, 5th paragraph, "...and she could not imagine having any lights in that location" should read "...and she could not imagine not having any lights in that location."

ACTION: It was M/S (Weller/Emberson) to approve Minutes #2 of the February 17, 2011 meeting, as amended. Vote: 4-0-1 (Tollini absent).

G. ADJOURNMENT

The meeting was adjourned at 7:36 p.m.