



TOWN OF TIBURON  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
March 3, 2011  
Agenda Item: **1**

## STAFF REPORT

**To:** Members of the Design Review Board  
**From:** Associate Planner Tyler  
**Subject:** 2097 Centro East Street; File No. 710145; Adoption of Resolution Denying a Site Plan and Architectural Review Application for Construction of a Roof-Top Deck  
**Reviewed By:** \_\_\_\_\_

### BACKGROUND

On February 17, 2011, the Design Review Board held a public hearing for a Site Plan and Architectural Review application for the construction of a rooftop deck, located on property at 2097 Centro East Street. At that meeting, the Design Review Board voted (4-0) to direct Staff to prepare a resolution denying the application. The draft resolution has been prepared and is attached.

### RECOMMENDATION

It is recommended that the Design Review Board adopt the draft resolution denying the Site Plan and Architectural Review application for 2097 Centro East Street.

Exhibits: 1. Draft Resolution No. 2011-01

Prepared By: Laurie Tyler, Associate Planner

**RESOLUTION NO. 2011- (Draft)**

**A RESOLUTION OF THE DESIGN REVIEW BOARD OF THE TOWN OF TIBURON  
DENYING A SITE PLAN AND ARCHITECTURAL REVIEW APPLICATION FOR  
THE CONSTRUCTION OF A ROOFTOP DECK TO AN EXISTING SINGLE-FAMILY  
DWELLING AT 2097 CENTRO EAST STREET**

ASSESSOR PARCEL NO. 059-132-27

WHEREAS, the Design Review Board of the Town of Tiburon does resolve as follows:

Section 1. Findings.

- A. On December 23, 2010, the Town of Tiburon received an application for Site Plan and Architectural Review for the construction of a rooftop deck to an existing single-family dwelling (File #710145) on property located at 2097 Centro East Street. The application consists of the following:
1. Application form and supplemental materials received December 23, 2010; and
  2. Site plan, section drawings and elevations prepared by Patrick LePelch Architecture, received December 23, 2010;
- B. During the ten-day notice period, Staff received four letters from adjacent neighbors expressing concerns with the proposal. It has been the policy of the Town that when a minor alteration application results in two or more complaints/concerns by residents, the application is referred to the Design Review Board for review and determination.
- C. The Design Review Board held a duly-noticed public hearing on February 17, 2011, and heard and considered testimony from interested persons.
- D. The Design Review Board reviewed the submitted plans for the proposed project in accordance with Section 16-52.020 (H) of the Tiburon Zoning Code (Guiding Principles in the Review of Site Plan and Architectural Review Applications), and the Tiburon Hillside Design Guidelines. The Design Review Board finds, based upon application materials and analysis presented in the February 17, 2011 Staff Report, public testimony, as well as visits to the site, that the proposed rooftop deck would not bear a reasonable relationship to the character of existing buildings in the vicinity, as the predominant development pattern of the homes in the surrounding Old Tiburon/Lyford Cove neighborhood does not include rooftop decks. The Board further finds that the location of the proposed rooftop deck was not properly located in relation to the location of improvements on adjoining sites, as the deck would result in privacy, noise and visual

impacts to the surrounding neighbors. The Board also finds that the architectural design of the proposed rooftop deck was not adequately incorporated into the design of the home and would not be harmonious with existing development in the vicinity.

Section 2. Denial.

NOW, THEREFORE BE IT RESOLVED that the Design Review Board of the Town of Tiburon does hereby deny the proposed application for Site Plan and Architectural Review for the reasons set forth above.

PASSED AND ADOPTED at a regular meeting of the Design Review Board of the Town of Tiburon on March 3, 2011, by the following vote:

AYES:           BOARDMEMBERS:  
NOES:           BOARDMEMBERS:  
ABSTAIN:       BOARDMEMBERS:

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MIKE TOLLINI - CHAIRMAN  
TIBURON DESIGN REVIEW BOARD

ATTEST:

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LAURIE TYLER, ASSOCIATE PLANNER



## STAFF REPORT

**To:** Members of the Design Review Board

**From:** Associate Planner Tyler

**Subject:** 10 Seafirth Road; File No. 21021; Site Plan and Architectural Review Application 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  
*Continued from February 3, 2011*

**Reviewed By:** \_\_\_\_\_

## BACKGROUND

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.

## PROJECT DESCRIPTION

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.

## **ANALYSIS**

### Design Issues

The applicant has made the following modifications to the proposal:

1. Reduced the size of the addition from 364 square feet to 272 square feet, for a total reduction in floor area of 92 square feet.
2. Reduced the lot coverage from 17.9% to 17.3%, for a reduction of 0.6%.
3. Pulled the addition further out of the rear yard setback from a 5 foot encroachment to a 1 foot encroachment.

Although the proposed addition has been scaled back in size, variances are still required for both excess lot coverage and rear yard setback, in addition to a floor area exception. The addition still incorporates a full bathroom, which had caused some Boardmembers to question whether the addition was for a home office or a potential guest suite or additional bedroom to the home.

### Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-2 zone, with the exception of the previously noted variances for reduced rear yard setback, and excess lot coverage and a floor area exception.

### Variance

In order to grant the requested variances for reduced rear yard setback and excess lot coverage, the Board must make all of the following findings required by Section 16-52.030(E) of the Tiburon Zoning Ordinance. As stated in the previous staff report, staff is unable to make the findings for both the reduced rear yard setback and excess lot coverage, as there is no practical difficulty or unnecessary hardship if the applicant is unable to construct the requested office and bathroom addition.

### Floor Area Exception

In order to grant the requested floor area exception, the Design Review Board must make the following findings as required by Section 16-52.020(I[4]) of the Tiburon Zoning Ordinance. As stated in the previous staff report, staff believes there is sufficient evidence to support the findings for the requested floor area exception.

## CONCLUSION

Although the applicant scaled back the addition, Staff believes that the applicant has still not demonstrated that there would be a practical difficulty or unnecessary hardship if the addition is not constructed. As previously noted, the upper level of the home currently has an office/study area, which this application is proposing to build at the lower level of the home.

## PUBLIC COMMENT

As of the date of this report, no new correspondence has been received regarding the subject application.

## RECOMMENDATION

Staff recommends that the Board:

1. Review the project with respect to Zoning Ordinance Section 16-4.2.7 (Guiding Principles), Section 16-4.3 (Variances), and Section 16-4.2.8 (Floor Area Ratio Guidelines); and
2. Determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301; and
3. Deny the application and direct Staff to prepare a resolution of denial for review at the next meeting.
4. If the Board disagrees with Staff's recommendation, and can articulate the findings necessary to approve the requested variances, specifically for the hardship findings, the Board should approve the application, subject to the attached conditions of approval.

Exhibits:

1. Conditions of Approval
2. Application and Supplemental Materials
3. Minutes of the February 3, 2011 Design Review Board Meeting
4. Design Review Board Staff Report dated February 3, 2011
5. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner

Exhibit 1

CONDITIONS OF APPROVAL  
10 SEAFIRTH ROAD  
FILE NO. 21021

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform with the application and plans dated by the Town of Tiburon on December 22, 2010, or as amended by these conditions of approval and plans of February 17, 2011. Any modifications to the plans must receive Design Review approval.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
7. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
8. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the

commencement of work and shall remain posted until the contractor has vacated the site.

9. The project shall comply with the following requirements of the California Fire Code and the Tiburon Fire Protection District:
  - a) The existing automatic fire sprinkler system shall be extended to properly protect the new area. If the existing system still has “Omega” sprinkler heads installed, they must be replaced prior to the rough-in inspection. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2
  - b) The vegetation on this parcel shall comply with the requirements of the Tiburon Fire District and the recommendations of Fire Safe Marin. CFC 304.1.2
10. Additional screening shrubs (e.g. Podocarpus) shall be planted along the shared boundary line between 10 Seafirth Road and 2 Seafirth Lane, in the area as shown in the photograph provided by the applicant.