



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

Regular Meeting
Design Review Board
March 17, 2016
7:00 p.m.

AGENDA
TIBURON DESIGN REVIEW BOARD

CALL TO ORDER AND ROLL CALL

**Chair Tollini, Vice Chair Kricensky, Boardmembers Chong, Cousins
And Emberson**

ORAL COMMUNICATIONS

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)

OLD BUSINESS

1. 2225 VISTAZO EAST STREET

File No. VAR2015/022/DR2015145; Shor Capital, LLC, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling. The applicant proposes to construct a new 5,730 square foot house. Assessor's Parcel No. 059-091 -55. [DW]

Documents: [2225 VISTAZO EAST STREET.PDF](#)

PUBLIC HEARINGS & NEW BUSINESS

2. REED RANCH ROAD

File No. VAR2016001/DR2016005; Wesley Dodds, Owner; Site Plan and Architectural Review for construction of a fence and trellis for an existing single-family dwelling, with a Variance for excess fence height. A new fence in the rear property would be 9 feet tall, in lieu of the maximum fence height of 6 feet. Assessor's Parcel No. 038-301 -07. [DW]

Documents: [73 REED RANCH ROAD.PDF](#)

3. 180 GILMARTIN DRIVE

File No. VAR2016002/DR2015155; Christopher and Suki Grounds, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for excess lot coverage. The applicant proposes to add 314 square foot master bedroom suite addition and new 271 square foot single-car garage addition to an existing single-family dwelling. The lot coverage of the house would be 3,297 square feet (16.2%), which is greater than the 15.0% maximum lot coverage permitted in the RO-1 zone. Assessor's Parcel No. 039-171 -04. [KO]

Documents: [180 GILMARTIN DRIVE.PDF](#)

4. 2304 MAR EAST STREET

File No. VAR2016003/DR2016012; Mark and Recia Blumenkranz, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for reduced front setback. The applicant proposes to add a 28 square foot addition for an interior stairway and window and door modifications to an existing single-family dwelling. The front setback would be adjacent to the property line in lieu of the minimum 15 feet permitted in the R-2 zone. Assessor's Parcel No. 059-400 -10. [KO]

Documents: [2304 MAR EAST STREET.PDF](#)

ACTION ITEMS

5. 2 MIRAFLORES LANE

File No. VAR2016004/DR2016015; Davoud Sadeghi, Owner; Site Plan and Architectural Review for Construction of a fence for an existing single-family dwelling, with a Variance for excess fence height. A new fence in the front property would be 7 feet tall, in lieu of the maximum fence height of 6 feet. Assessor's Parcel No. 039-271 -21. [DW]

Documents: [2 MIRAFLORES LANE.PDF](#)

ADJOURNMENT

GENERAL PUBLIC INFORMATION

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division Secretary at (415) 435-7390. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Copies of Design Review Board Agendas, Staff Reports, project files and other supporting data are available for viewing and inspection at Town Hall during business hours. Agendas and Staff Reports are also available at the Belvedere-Tiburon Public Library and on the Town of Tiburon website (www.ci.tiburon.ca.us) after 5:00 PM on the Friday prior to the regularly scheduled meeting.

Any documents produced by the Town and distributed to a majority of the Design Review Board regarding any item on this agenda, including agenda-related documents produced by the Town after distribution of the agenda packet at least 72 hours in advance of the Board meeting, will be available for public inspection at Town Hall, 1505 Tiburon Boulevard, Tiburon, CA 94920.

Upon request, the Town will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please deliver or cause to be delivered a written request (including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service) at least five (5) days before the meeting to the Planning Division Secretary at the above address.

PUBLIC HEARING ITEMS AND BUSINESS ITEMS

Public Hearing items and Business items provide the general public and interested parties an opportunity to speak regarding items that typically involve an action or decision made by the Board. If you challenge any decision in court, you may be limited to raising only those issues you or someone else raised at the meeting, or in written correspondence delivered to the Board at, or prior to, the meeting.

GENERAL PROCEDURE ON ITEMS AND TIME LIMIT GUIDELINES FOR SPEAKERS

The Design Review Board's general procedure on items and time limit guidelines for speakers are:

- ❖ Staff Update on Item (if any)
- ❖ Applicant Presentation – 5 to 20 minutes
- ❖ Design Review Board questions of staff and/or applicant
- ❖ Public Testimony (depending on the number of speakers) – 3 to 5 minutes for each speaker; members of the audience may not allocate their testimony time to other speakers
- ❖ Applicant may respond to public comments – 3 minutes
- ❖ Design Review Board closes the public testimony period, deliberates and votes (as warranted)
- ❖ Time limits and procedures may be modified in the reasonable discretion of the Chairman

Interested members of the public may address the Design Review Board on any item on the agenda.

ORDER AND TIMING OF ITEMS

No set times are assigned to items appearing on the Design Review Board agenda. While the Design Review Board attempts to hear all items in order as stated on the agenda, it reserves the right to take items out of order without notice.

NOTE: ALL DESIGN REVIEW BOARD MEETINGS ARE AUDIO RECORDED

TOWN OF TIBURON LATE MAIL POLICY (Adopted and Effective 11/7/2007)

The following policy shall be used by the Town Council and its standing boards and commissions, and by staff of the Town of Tiburon, in the identification, distribution and consideration of late mail.

DEFINITION

“Late Mail” is defined as correspondence or other materials that are received by the Town after completion of the written staff report on an agenda item, in such a manner as to preclude such correspondence or other materials from being addressed in or attached to the staff report as an exhibit.

IDENTIFICATION OF LATE MAIL

All late mail received by Town Staff in advance of a meeting shall be marked “Late Mail” and shall be date-stamped or marked with the date of receipt by the Town. Late mail received at a meeting shall be marked as “Received at Meeting” with a date-stamp or handwritten note.

POLICY

For regular meetings of the Town Council and its standing boards and commissions:

- (1) All late mail that is received on an agenda item prior to distribution of the agenda packet to the reviewing authority shall be stamped or marked as “Late Mail” and shall be distributed to the reviewing authority with the agenda packet.
- (2) All late mail received on an agenda item before 5:00 PM on the Monday prior to the meeting shall be date-stamped and marked as “Late Mail” and distributed to the reviewing authority as soon as practicable. Such mail shall be read and considered by the reviewing authority whenever possible. If the Monday, or Monday and Tuesday, prior to the meeting are a Town-recognized holiday, the deadline shall be extended to the following day at Noon.
- (3) Any late mail received on an agenda item after the deadline established in paragraph (2) above shall be date-stamped, marked as “Late Mail” and distributed to the reviewing authority as soon as reasonably possible, but may not be read or considered by the reviewing authority. There should be no expectation of, nor shall the reviewing authority have any obligation to, read or consider any such late mail, and therefore such late mail may not become part of the administrative record for the item before the reviewing authority.

These provisions shall also apply to special and adjourned meetings when sufficient lead time exists to implement these provisions. If sufficient lead time does not exist, the Town Manager shall exercise discretion in establishing a reasonable cut-off time for late mail. For controversial items or at any meeting where a high volume of correspondence is anticipated, Town staff shall have the option to require an earlier late mail deadline, provided that the written public notice for any such item clearly communicates the specifics of the early late mail deadline, and the deadline corresponds appropriately to any earlier availability of the agenda packet.

Pursuant to state law, copies of all late mail shall be available in a timely fashion for public inspection at Tiburon Town Hall, 1505 Tiburon Boulevard, Tiburon.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
March 17, 2016
Agenda Item: **1**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 2225 Vistazo East Street; File Nos. VAR2015022/DR2015145; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling (Continued from February 18, 2016)

Reviewed By: _____

BACKGROUND

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 2225 Vistazo East Street. The subject property is currently vacant.

This application was first reviewed at the February 18, 2016 Design Review Board meeting. At that meeting, several property owners in the vicinity raised concerns about the overall size and visual mass of the proposed house, compatibility with the surrounding neighborhood, and the proposed widening of the private roadway of Vistazo East Street.

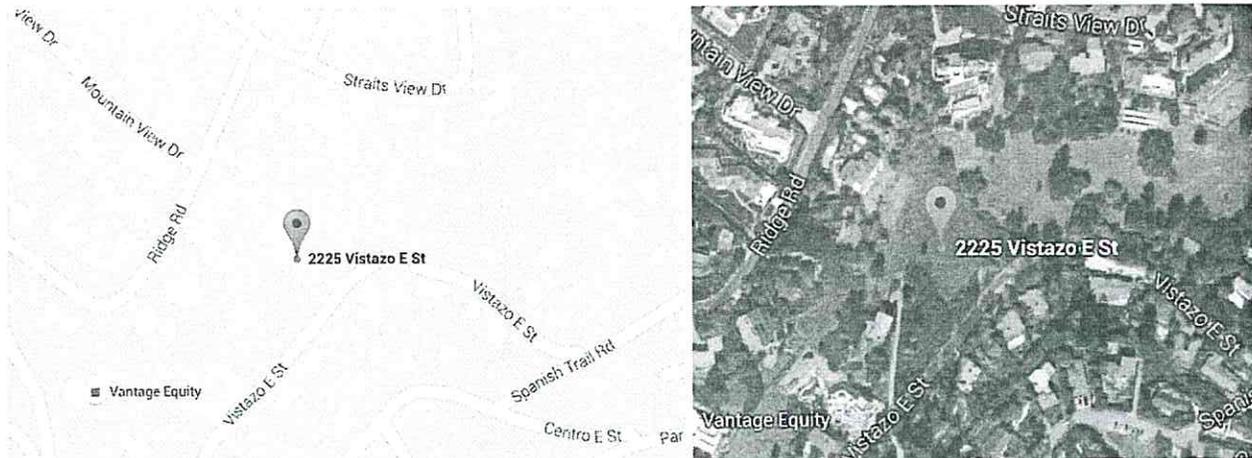
The Design Review Board shared the concerns about the overall size of the house, concluding that a variance for excess lot coverage was not warranted for a house of this size on such a large lot. The Board also raised objections to a proposed rooftop deck, the amount of glazing on the front of the house and the overall roof height. The Board determined that the proposed street widening was a requirement of the Fire District and would not be a substantial change to the neighborhood. The Board directed the applicant to revise the house design to address these issues and continued the application to the March 17, 2016 meeting.

The applicant has now submitted revised plans for the project. The overall floor plans and house layout on the site have not been substantially changed. The lower floor was reduced by 95 square feet and the upper floor reduced by 5 square feet. The garage was reduced by 144 square feet. The rooftop deck and putting green were removed. The overall roof height was lowered by one foot. The swimming pool was shortened in depth. The windows on the building elevations appear to be unchanged.

The floor area of the proposed house has been reduced by 100 square feet to would be 5,730 square feet, with the garage reduced in size by 144 square feet to 716 square feet, resulting in a

total floor area which would be 328 square feet less than the floor area ratio for a lot of this size. The lot coverage of proposed house has been reduced by 535 square feet to cover 6,260 square feet (15.0%) of the site, which is 1 square foot less than the 15.0% maximum lot coverage permitted in the RO-2 zone. A variance is therefore no longer requested for excess lot coverage.

PROJECT SETTING



ANALYSIS

Design Issues

The revised house design appears to respond to many of the issues raised by the Design Review Board, although most of the changes are minor or incremental in nature. The lot coverage was reduced almost the absolute minimum necessary to eliminate the need for a variance. The floor area of the house was reduced by 1.7% and the one foot height reduction is similarly small in scope. The elimination of the rooftop deck and putting green would eliminate one potential privacy concern.

The Design Review Board should evaluate the revised project design and determine if the changes are sufficient to address the concerns raised at the February 18, 2016 meeting.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-2 zone. The applicant is no longer requesting a variance for excess lot coverage.

Public Comment

As of the date of this report, no letters have been received regarding the subject application since the February 18, 2016 meeting.

RECOMMENDATION

The Design Review Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board agrees with staff's conclusions, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Design Review Board staff report dated February 18, 2016
3. Minutes of the February 18, 2016 Design Review Board meeting
4. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

2225 VISTAZO EAST STREET

FILE #VAR2015022/DR2015145

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 dated by the Town of Tiburon on November 17, 2015, or as amended by these conditions of approval. Any modifications to the plans of March 3, 2016 must be reviewed and approved by the Design Review Board.
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 exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
6. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
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. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
10. A photovoltaic energy system shall be installed in compliance with the requirements of Section 16-40.080 of the Tiburon Zoning Ordinance.
11. Prior to issuing a grading or building permit the applicant shall implement measures for site design, source control, run-off reduction and stormwater treatment as found in the Bay Area Stormwater Management Agency Association (BASMAA) Post-Construction Manual available at the Planning Division or online at the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) website at www.mcstoppp.org.
12. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
 - a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
 - b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.
 - c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.
 - d. Storm drain improvements shall be designed in accordance with Marin County criteria. Hydrology calculations, pipe sizing and storm drain plans shall be submitted for the review and approval by the Town Engineer.
 - e. No lot-to-lot drainage is allowed except where easements for drainage are provided. No drainage shall discharge across sidewalks.
 - f. Post-development stormwater flows shall be limited to pre-development levels. Detention basins or similar structures may be required. Calculations shall be submitted showing that post-development stormwater peak flows will not be greater than pre-development peak flows for the 10, 25 and 100 year, 30 minute event.

- g. All site drains and ditches shall be privately maintained and shall be contained within private storm drain easements. A 10 foot easement width is required for any pipes outside the right-of-way.
 - h. An Erosion and Sediment Control Plan (ESCP) shall be required to document and identify potential pollution sources that may affect stormwater runoff discharges from the site and best management practices (BMPs) that will be implemented to prevent such discharges.
 - i. Sewer easements shall be protected at all times and no construction shall take place on or beneath such easements.
 - j. A civil engineer shall prepare a detailed site drainage plan and incorporate the erosion control notes for review and approval by the Building Division and Engineering Division.
10. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD, including, but not limited to, the following:
- a. A High Pressure Water Service application shall be completed.
 - b. A copy of the building permit for this project shall be submitted.
 - c. Appropriate fees and charges shall be paid.
 - d. The structure's foundation shall be completed within 120 days of the application.
 - e. The project shall comply with all indoor and outdoor requirements of District Code Title 13 (Water Conservation). Plans shall be submitted and reviewed to confirm compliance. The following items are required:
 - 1. Verification of indoor fixtures compliance.
 - 2. Landscape plan.
 - 3. Irrigation plan.
 - 4. Grading plan.
 - f. Compliance with the backflow prevention requirements, if, upon the District's review backflow protection is warranted, including installation, testing and maintenance.
 - g. Compliance with District requirements for installation of gray water recycling systems.
11. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:

- a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. The automatic fire sprinkler system shall be upgraded to a NFPA 13R system. CFC 903.2
 - b. Access shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Additional fire personnel steps shall be installed to the satisfaction of the Fire District. CFC 503.1.1
 - c. Approved smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
 - d. The vegetation on this parcel shall comply with the requirements of TFPD and the recommendations of Fire Safe Marin. CFC 304.1.2
 - e. The access gate shall have a minimum unobstructed width of 12 feet. Gates shall be operable using the Fire District's "Knox" key system. CFC 503.6.2
 - f. The water mains and new fire hydrant shall be installed and made serviceable prior to the start of any construction above the foundation. CFC 501.4
 - g. The fire apparatus road slope shall comply with Fire District Standard 503.2.1. Alternative means of protection shall include widening the roadway of Vistazo East Street to 12 feet and adding a fire hydrant at on Vistazo East Street at the driveway entrance to the subject property.
13. The project shall comply with all requirements of Sanitary District No. 5.
 14. A construction staging plan shall be approved by the Building Official prior to issuance of a building permit for this project.



TOWN OF TIBURON
 1505 Tiburon Boulevard
 Tiburon, CA 94920

Design Review Board Meeting
 February 18, 2016
 Agenda Item: **1**

STAFF REPORT	
To:	Members of the Design Review Board
From:	Planning Manager Watrous
Subject:	2225 Vistazo East Street; File Nos. VAR2015022/DR2015145; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling, with a Variance for Excess Lot Coverage
Reviewed By:	_____

PROJECT DATA

ADDRESS: 2225 VISTAZO EAST STREET
OWNER: SHOR CAPITAL, LLC
APPLICANT: COUTURE ARCHITECTURE
ASSESSOR'S PARCEL: 059-091-55
FILE NUMBERS: VAR2015022/DR2015145
LOT SIZE: 41,740 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN: M (MEDIUM DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: FEBRUARY 2, 2016

PRELIMINARY ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15303.

PROJECT DESCRIPTION

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 2225 Vistazo East Street. The subject property is currently vacant.

The upper floor of the house would include a living room, dining room, kitchen, family room and a master bedroom suite, along with a mud room and an additional bathroom. The lower floor would include four more bedrooms and bathrooms, along with a media room, laundry room, wine

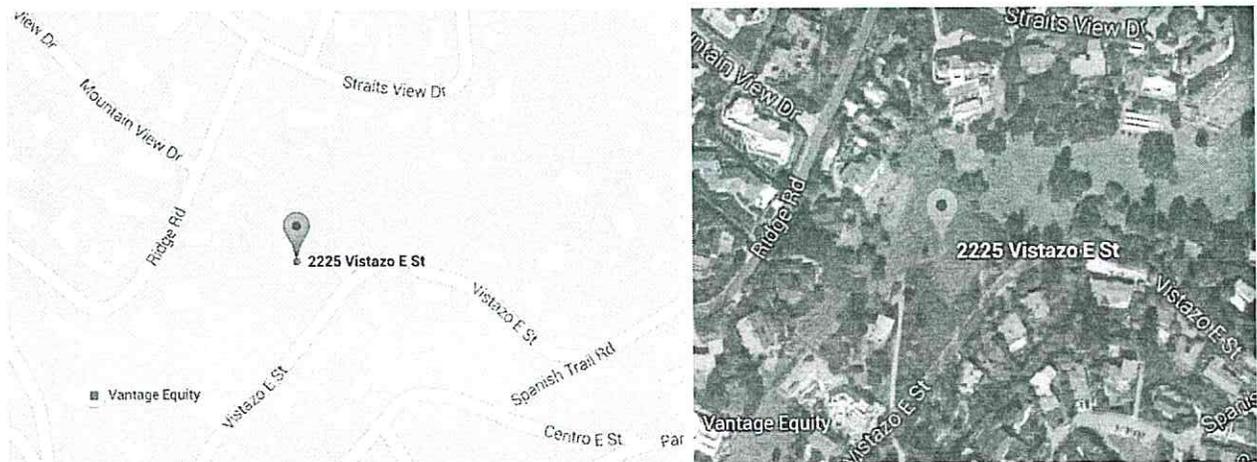
cellar and storage room. Decks would extend off both floors to the east and patios would be located at ground level on several sides of the building. A roof deck would cover much of the southern portion of the upper floor. A swimming pool would be situated off the upper floor. A 6 foot tall wood and wire deer fence would surround most of the lot.

An attached three-car garage would be situated on the uphill side of the house. Vehicular access to the house would be provided by a long driveway leading uphill from the street below, bordered by retaining walls up to 6.5 feet in height. A driveway gate would be installed near the bottom of the site.

The floor area of the proposed house would be 5,830 square feet, with 860 square feet of garage space, which is 84 square feet less than the floor area ratio for a lot of this size. The proposed house would cover 6,795 square feet (16.3%) of the site, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. A variance is therefore requested for excess lot coverage.

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The structure would be finished with cedar and limestone siding with black trim. The color and materials of the flat roof has not been specified, but a living roof would be installed above the garage and a portion of the upper floor adjacent to the proposed roof deck.

PROJECT SETTING



The subject property is steeply sloped, with frontage on Vistazo East Street below, accessed from Diviso Street to the west. The portion of Vistazo East directly adjacent to the site is a private street. The lot is situated below homes in the Hillhaven neighborhood along Ridge Road and Straits View Drive.

BACKGROUND

On May 15, 1997, the Design Review Board held a public hearing to consider the approval of a Site Plan and Architectural Review application (File #797029) for construction of a new 6,668

square foot single-family residence on the subject property by a prior property owner. Over the course of three meetings, nearby property owners and the Board raised concerns about the size and scale of the home compared to other dwellings in the vicinity, while the applicant made only minor changes to the project design. On October 2, 1997, the Board adopted Resolution No. 97-1 (**Exhibit 3**) denying the application.

The applicant appealed this decision to the Town Council, which heard the appeal on February 4, 1998. The Council concurred with the decision of the Design Review Board and adopted Resolution No. 3267 (**Exhibit 4**) denying the appeal, finding in particular that the mass, bulk and size of the proposed house was incompatible with the character of the Old Tiburon neighborhood.

Several years later, the same property owner submitted a Site Plan and Architectural Review application for a similar house design, prepared by a different architect. The application was never deemed complete and was ultimately withdrawn.

ANALYSIS

Design Issues

The proposed home would be situated on the upper portion of the site. Story poles have been erected for the proposed house. Existing vegetation along the uphill side of the street provides some screening of the house site, but would likely be removed during construction of the project. However, the homes below on Vistazo East Street are oriented away from the site toward Angel Island and Raccoon Strait, with limited views uphill toward the site of the proposed house, so the removal of this screening should have little effect on views from these nearby residences.

The proposed house would be situated well below the nearest uphill homes along Ridge Road. An evaluation of the story poles indicates that the house should not intrude into water views from any of these uphill neighboring dwellings. There are no other nearby homes on the same elevation as the subject property with sideways views across the proposed house location.

The private roadway of Vistazo East Street is very narrow in the area of the site. The Tiburon Fire Protection District will require that the street be widened to 12 feet to provide better emergency access to the site and that a fire hydrant be installed near the street.

The design of the proposed home is more consistent with the design of other homes in the vicinity than the design proposed in 1997 for this property. The previous house design featured a Mediterranean theme, with stucco walls and tile roofing, and a third level below for a garage in front of the house. The driveway design also included stucco walls much taller than 6 feet. The more contemporary design of the currently proposed house would spread the house more horizontally on the site and blend with the hillside in a manner more consistent with the Hillside Design Guidelines.

The previous project review included an analysis of the floor area of 31 homes in the vicinity of the subject property and found that 25 of these 31 homes were less than half the size of the proposed house. Although the proposed house would have only a slightly smaller floor area than

the previous house design, a number of larger homes have been approved and built in the adjacent Hillhaven neighborhood since 1997. As a result, the floor area of the proposed house would appear to be more consistent with the sizes of other homes in the vicinity than that of the previously requested dwelling.

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 requested variance for excess lot coverage.

In order to grant the requested variance, the Board must make all of the following findings required by Section 16-52.030 (E) of the Tiburon Zoning Ordinance:

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.***

The subject property is very steep, with no level area upon which to develop a new dwelling or surrounding improvements. The strict application of the maximum lot coverage requirement would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity.

- 2. The Variance will not constitute a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.***

Numerous other properties in the RO-2 or similar zones have received variances for excess lot coverage, although many such variances have been approved to maintain a one-story house design, in contrast to the proposed two-story home.

- 3. The strict application of this Zoning Ordinance would result in practical difficulty or unnecessary physical hardship. Self-created hardships may not be considered among the factors that might constitute special circumstances. A self-created hardship results from actions taken by present or prior owners of the property that consciously create the very difficulties or hardships claimed as the basis for an application for a Variance.***

The proposed house design includes substantial deck and pool areas that count toward the calculated lot coverage for this project. Although these outdoor spaces could be reduced in size to comply with the maximum allowable lot coverage, the applicant contends that this space is necessary to provide usable outdoor space which would otherwise be infeasible on such a steep lot. The strict interpretation of the lot coverage requirement would result in a project design that would not accommodate outdoor uses normally associated with a new single-family dwelling.

4. *The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.*

As noted above, the proposed project would not create substantial view or privacy impacts for other homes in the vicinity.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance.

Public Comment

As of the date of this report, no letters have been received regarding the subject application.

RECOMMENDATION

The Design Review Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board agrees with staff's conclusions, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Design Review Board Resolution No. 97-1
4. Town Council Resolution No. 3267
5. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

**MINUTES #2
TIBURON DESIGN REVIEW BOARD
MEETING OF FEBRUARY 18, 2016**

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

A. ROLL CALL

Present: Chair Tollini, Vice Chair Kricensky, Boardmembers Chong, Cousins and Emberson

Absent: None

Ex-Officio: Planning Manager Watrous and Associate Planner O'Malley

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING

Planning Manager Watrous stated that the item for 681 Hawthorne Drive was continued to the March 3, 2016 meeting.

D. NEW BUSINESS

1. **2225 VISTAZO EAST STREET:** File No. VAR2015022/DR2015145; Shor Capital, LLC, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling, with a Variance for excess lot coverage. The applicant proposes to construct a new 5,830 square foot house. The lot coverage of the house would be 6,795 square feet (16.3%), which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Assessor's Parcel No. 059-091-55.

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 2225 Vistazo East Street. The upper floor of the house would include a living room, dining room, kitchen, family room and a master bedroom suite, along with a mud room and an additional bathroom. The lower floor would include four more bedrooms and bathrooms, along with a media room, laundry room, wine cellar and storage room. Decks would extend off both floors to the east and patios would be located at ground level on several sides of the building. A roof deck would cover much of the southern portion of the upper floor. A swimming pool would be situated off the upper floor. A 6 foot tall wood and wire deer fence would surround most of the lot. An attached three-car garage would be situated on the uphill side of the house. Vehicular access to the house would be provided by a long driveway leading uphill from the street below, bordered by retaining walls up to 6.5 feet in height. A driveway gate would be installed near the bottom of the site.

The floor area of the proposed house would be 5,830 square feet, with 860 square feet of garage space, which is 84 square feet less than the floor area ratio for a lot of this size. The proposed

house would cover 6,795 square feet (16.3%) of the site, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. A variance is therefore requested for excess lot coverage.

Scott Couture, architect, said that when they first started the project they reached out to neighbors with a letter and they met with several residents and corresponded with others by email. He said that they took the neighbors' advice to not block views or create a design similar to the Frankovich project that was previously proposed on the property that was denied. He noted that the roadway is about 10 feet wide and very narrow and the neighbors have told them that they like that and did not want the road widened or connected through to Paradise Drive. He stated that because this is a steep hillside lot, there were only a few options for the fire truck turnaround, so a turnaround at the base would require extensive retaining walls 12-15 feet tall, but a turnaround in the corner of the property near the existing acacia trees was the best solution. He said that they were able to tuck the driveway up and around the house and locate the garage underground without requiring extensive retaining walls, which was a good solution to reduce the visual mass of the house. He said that the house was designed around the location of the driveway and garage. He said that the fire district required that the roadway be widened to 12 feet and that a fire hydrant be installed.

Mr. Couture stated that the house would be well below the height limit, with only one section that would touch the 30 foot height limit. He said that the garage would be fully buried and be landscaped on top. He said that no skylights were proposed to eliminate uphill glare issues. He described the landscape plan and pointed out existing trees and proposed trees to be planted for screening. He stated that this would be a low profile house that would step up the hillside. He felt that they had addressed the neighbors' screening concerns by planting trees and hedges.

Boardmember Emberson asked Mr. Couture to explain the difference between placing the garage under the house and digging into the hillside since each would require excavation. Mr. Couture said that it was a matter of appearance and described the impact of placing the garage in both locations.

Chair Tollini asked if the 1997 "Frankovich" project was ever approved. Planning Manager Watrous said that it was denied, then denied on appeal.

The public hearing was opened.

Carol McKegney said that she owns the vacant lot adjoining the site and said that she did not receive any contact until she contacted the applicant. She stated that the homes on Vistazo East Street are all under 4,000 square feet and she believed that this larger home would set a precedent. She also noted that there are some live springs in that area.

Lawrence Stotter said that he has lived in his home since the 1960s and almost everyone in the neighborhood is very pleased with the natural atmosphere. He said that he was very concerned that other improvements in the area have all been within the 3,500 to 4,500 square foot range. He stated that the previous application was rejected in 1997 when the Town found that the mass, bulk, and size of the proposed home was incompatible with the character of the Old Tiburon

neighborhood. He said that this proposed project would be totally different and he was concerned that the property was not being developed by someone living in the neighborhood. He requested the Board take the same action as on the 1997 project, for the same reasons.

James Bernhisel said that this property is incredibly steep. He was struck by the appearance of the solar panels which would be visible from his property. He noted that a rooftop deck and putting green was proposed at the highest point of the property, so he would be looking down on chairs, people, and noise, and he suggested moving the deck space to an area that is more private. He felt that the house should be moved downhill to be consistent with other houses in the area. He was also concerned about the height of the plantings if allowed to grow to full height.

Alison Swearingen said that she rents a home on Carol McKegney's property. She said that she has gotten to know the character of the neighborhood and felt that there is something special about it and the people. She characterized building a large mansion on this property for profit as out of place and greedy.

David Peterson said that Vistazo East Street consists of two dead end roads, one of which is gravel. He said that the houses in the Hillhaven neighborhood are similar in scale to the proposed house, but there is nothing like this proposed house on Vistazo East. He characterized the project as a "trophy" house that would be inconsistent with the neighborhood. He felt that the amount of decking would invite parties and there is no parking or ability to accommodate that amount of cars on the road. He had noise and light concerns for the deck. He noted that the site is in an RO-2 zone but it is served by a road that serves R-1 zoned dwellings.

Ann Diemer said that she was just learning about the project and she was concerned how the logistics would be handled on this road during the construction phase. She was also concerned with light pollution from the structure and the effect it would have on the neighborhood.

Mr. Couture agreed with the residents that developers can be difficult and described how he has worked in his practice with developers to be sensitive to the neighbors. He explained their neighborhood outreach efforts and said that they tried to be as forthcoming as possible. He stated that this lot has been vacant for a long time and the neighborhood may have gotten used to it as open space, but it is the property owner's right to be able to develop their property. He said that they utilized the Hillside Design Guidelines to the fullest and minimized the appearance and mass of the building. He thought that the home would fit nicely in the neighborhood and was designed with a lot of screening without creating any view blockages. He said that the solar panels would be well hidden on the site by existing landscaping and this seemed like the best location for them. He said that the developer wants to build a high quality house and wants it to fit in with the neighborhood. He said that construction parking would be on site.

Chair Tollini asked if any calculations were done to determine the net off haul of dirt. Mr. Couture stated that it would be just over 6,000 cubic yards.

The public hearing was closed.

Boardmember Chong asked if the State of California prevents the Board from discussing solar panels. Planning Manager Watrous said that the Board cannot discuss solar panels or suggest moving them.

Boardmember Emberson said that the house design was gorgeous, but it is not appropriate for the site. She said that the home would be appropriate for Ridge Road, but inconsistent with the smaller and less impactful houses on Vistazo East. She suggested that the house was positioned to capture views and not to avoid retaining walls. She said that the windows would be massive and the south facing windows would face the sun all day long. She agreed with the neighbors that the road is small and the house is too big and it does not fit on this street. She thought that the decking was massive. She said that she could not make the findings for the variance and suggested reducing the size of the house.

Vice-Chair Kricensky said that he liked the design of the house and that it was worked into the hillside. However, he felt that the house was not compatible with the neighborhood. He said that maximizing the floor area would make the house loom over the other homes below. He felt that placing the house lower on the site may not help, but that better colors might help. He thought that the house was too big and that a variance was not needed on such a large lot. He thinks the rooftop deck and putting green are inappropriate. He noted that large overhangs are necessary to shade the large windows, but was concerned with the amount and height of glazing.

Boardmember Cousins said that he liked the design of the house and he understood why the owner was requesting to build a house of this size. He said that he would not support a variance but found the floor area to be acceptable. He felt that moving the garage above the house made it less visible from the top and that the driveway was less intrusive. He said that there was a tremendous amount of exterior decking. He said that he would like to reduce the apparent mass of the house, possibly by reducing the decks and eliminating the rooftop deck. He also requested a reduction or some screening of the large windows on the eastern side.

Boardmember Chong said that he visited the site and said that he could have possibly supported the variance, as the outdoor space requires more lot coverage. He noted the list of concerns from the neighbors and agreed that the rooftop deck should be eliminated. He stated that the Fire District required widening the road. He said that a small house at the bottom of the lot is not appropriate for such a large site. He did not think that the project would fundamentally change the character of the neighborhood.

Chair Tollini noted that there are different zones for properties across the street from each other and there will be different houses on different sized lots. He said that the only recently developed lot on the uphill side has a very large house. He stated that this is a huge lot and will have a large house one way or another, but there are things that can be done to make the house feel smaller. He said that he could not support the variance and noted that the roof would be almost 30 feet tall at one point. He said that he would like to see the height of the roof brought down, and louvers or cutting down for the glazing on the east side. He agreed that the rooftop deck did not work. He believed that expanding the road to 12 feet would make it safer and not take away from its charm. He stated that mounding up the grade below the pool represented an artificial approach to developing the site.

Boardmember Chong and Chair Tollini summarized the Board's concerns that 1) variances should be avoided as a starting point for size reduction; 2) no rooftop deck; 3) reduce the glazing on the downhill and east sides; and 4) lowering the roof height.

ACTION: It was M/S (Emberson/Tollini) to continue the application for 2225 Vistazo East Street to the March 17, 2016 meeting. Vote: 5-0.

2. **4030 PARADISE DRIVE:** File No. FAE2015014/DR2015142; Taylor Lembi, 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 1,601 square feet of basement and a 214 square foot ground level addition to the existing house. The project would result in 5,283 square feet of floor area, which is greater than the 4,800 square foot floor area ratio for a lot of this size. Assessor's Parcel No. 039-091-11.

The applicant is requesting design review approval for the construction of additions to an existing single-family dwelling, with a floor area exception, on property located at 4030 Paradise Drive. The existing 3,468 square foot single-family dwelling includes a dining room, kitchen, living room, family room, and a bathroom on the main level; and a master bedroom suite, bathroom, and two bedrooms on the upper level. There is also an existing multi-level detached accessory structure with a 492 square foot garage in the front property and wooden decks to the sides and rears of the site.

As part of an interior remodel and additions to the existing home, the proposal would add a 1,601 square foot lower level, which includes a playroom, gym, laundry room, bathroom, and master bedroom suite. A 214 square foot addition to the main level would include a great room and library. Other improvements include new wooden decks with glass railings at the main level and lower level; a rooftop deck over a portion of the new addition; four new skylights; a new chimney; and solar panels on the roof of the main structure and accessory structure. A new pool, spa, BBQ area and retaining walls would be located in the rear adjacent to the lower level deck.

The proposal would result in lot coverage of 4,115.5 square feet (14.7%), which is below the maximum 15% permitted lot coverage in the RO-2 zone. The proposal would result in a floor area of 5,283 square feet, which is 483 square feet above the 4,800 square foot floor area ratio for the property. A floor area exception is therefore required.

Taylor Lembi, owner, introduced his architect who will make the presentation.

Yakuh Askew, architect, said that the owner wished to update the house and they tried to be as respectful of the existing house as possible. He said that this is a steep site and said that they wanted to provide additional outdoor space, so the remodel includes a pool which terraces down to meet the landscaping and some "pocket" outdoor spaces. He said that they wanted to bury the addition below the residence to allow better open space off the main area. He said that they were also updating and improving the design of the residence. He reviewed the materials and showed additional images of the residence.



TOWN OF TIBURON
 1505 Tiburon Boulevard
 Tiburon, CA 94920

Design Review Board Meeting
 March 17, 2016
 Agenda Item: **2**

STAFF REPORT

To: Members of the Design Review Board
From: Planning Manager Watrous
Subject: 73 Reed Ranch Road; File Nos. VAR2016001/DR2016005; Site Plan and Architecture Review for Construction of a Fence and Trellis for an Existing Single-Family Dwelling, with a Variance for Excess Fence Height
Reviewed By: _____

PROJECT DATA

ADDRESS: 73 REED RANCH ROAD
OWNER: WESLEY DODDS
APPLICANT: BANA, INC. (ARCHITECT)
ASSESSOR'S PARCEL: 038-301-07
FILE NUMBERS: VAR2016001/DR2016005
LOT SIZE: 15,678 SQUARE FEET
ZONING: RO-2 (SINLGE-FAMILY RESIDENTIAL-OPEN
GENERAL PLAN: M (MEDIUM DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: FEBRUARY 29, 2016

PRELIMINARY ENVIRONMENTAL DETERMINATION

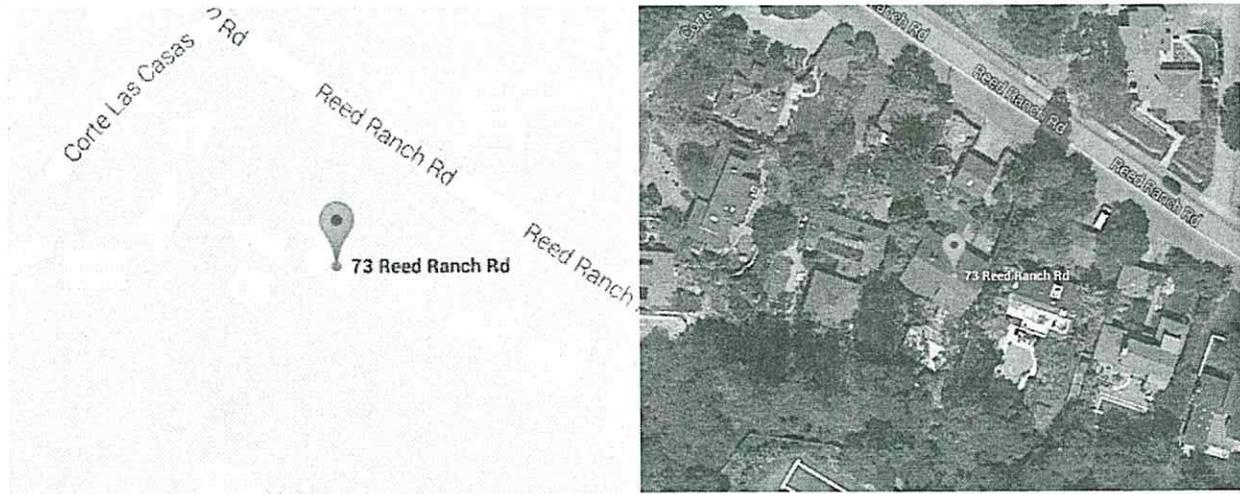
Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15303.

PROJECT DESCRIPTION

The applicant is requesting Design Review approval for the construction of a fence and trellis for an existing single-family dwelling on property located at 73 Reed Ranch Road. The fence and trellis would be constructed adjacent to an existing swimming pool and pool deck area in the rear of the property.

The proposed fence would be 9 feet tall. As the Tiburon Zoning Ordinance restricts fences to a maximum height of 6 feet within required setbacks, a variance is requested for excess fence height.

PROJECT SETTING



The subject property is situated on the south side of Reed Ranch Road. A detached garage is located at the front of the site, with the dwelling centered on the lot. A swimming pool and deck area are situated toward the rear.

The neighboring property to the east at 71 Reed Ranch Road is situated at a higher elevation. The adjacent lot includes a raised deck that looks down onto the pool area of the subject property.

ANALYSIS

Design Issues

The applicant has indicated that the additional fence height is necessary to provide privacy screening between the pool and surrounding deck area from the adjacent raised deck at 71 Reed Ranch Road. Although the submitted plans illustrate the line of sight from the neighbors' deck to the pool itself, the applicant and the neighboring property owner have both indicated that the 9 foot tall fence would block views between the raised deck and the deck surrounding the pool. They have both indicated that the open design of the proposed trellis would not sufficiently screen these views.

A thick grove of trees on the old railroad right-of-way to the rear of the property effectively screens the location of the proposed fence and trellis from any homes to the rear. As a result, a 9 foot tall fence at this location would not interfere with views or create privacy impacts for any nearby residences.

Zoning

Staff has reviewed the proposal and finds that it is in general conformance with the development standards for the RO-2 zone, with the exception of the requested variance for excess fence height.

In order to grant the requested variance, the Board must make all of the following findings required by Section 16-52.030 (E) of the Tiburon Zoning Ordinance:

1. ***Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.***

The rear of the subject property is situated at an elevation below the adjacent lot at 71 Reed Ranch Road. The neighboring lot includes a raised deck which has uninterrupted views down into an otherwise private space around the swimming pool. These physical characteristics create special circumstances that would deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones for appropriate privacy protection if the maximum fence height requirement is strictly applied.

2. ***The Variance will not constitute a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.***

Numerous other properties in the RO-2 and similar zones have been granted variances for excess fence height to allow fences with the height necessary to provide appropriate privacy protection for the site. Therefore, the requested variance would not be a grant of special privileges. It should be noted that most such privacy fences are not as tall as the 9 foot fence requested by this application.

3. ***The strict application of this Zoning Ordinance would result in practical difficulty or unnecessary physical hardship. Self-created hardships may not be considered among the factors that might constitute special circumstances. A self-created hardship results from actions taken by present or prior owners of the property that consciously create the very difficulties or hardships claimed as the basis for an application for a Variance.***

The strict application of the maximum fence height requirement would expose a large portion of the site to uninterrupted viewlines from the raised deck at 71 Reed Ranch Road, resulting in an unnecessary hardship on the applicant.

4. ***The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.***

As noted above, the proposed fence would not create any view or privacy impacts for other homes in the vicinity.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance.

Public Comment

As of the date of this report, no letters have been received regarding the subject application.

RECOMMENDATION

The Design Review Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board agrees with staff's conclusions, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

73 REED RANCH ROAD

FILE #VAR2016001/DR2016005

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 dated by the Town of Tiburon on January 21, 2016, or as amended by these conditions of approval. Any modifications to the plans of January 21, 2016 must be reviewed and approved by the Design Review Board.
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 exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
6. 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.
7. A copy of the Planning Division’s “Notice of Action” including the attached “Conditions of Approval” for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
8. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:

- a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
 - b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.
 - c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.
9. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
10. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:
- a. The vegetation on this parcel shall comply with the requirements of TFPD. CFC 304.1.2



TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION

RECEIVED
JAN 21 2016
PLANNING DIVISION

TYPE OF APPLICATION

- Conditional Use Permit
- Precise Development Plan
- Secondary Dwelling Unit
- Zoning Text Amendment
- Rezoning or Prezoning
- General Plan Amendment
- Temporary Use Permit
- Design Review (DRB)
- Design Review (Staff Level)
- Variance(s) 1 #
- Floor Area Exception
- Tidelands Permit
- Sign Permit
- Tree Permit
- Tentative Subdivision Map
- Final Subdivision Map
- Parcel Map
- Lot Line Adjustment
- Condominium Use Permit
- Seasonal Rental Unit Permit
- Other _____

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 73 REED RANCH RD TIBURON PROPERTY SIZE: _____
PARCEL NUMBER: 038-301-07 ZONING: _____

PROPERTY OWNER: WESLEY DODDS
MAILING ADDRESS: 73 REED RANCH RD TIBURON, CA 94920

PHONE/FAX NUMBER: (415) 215-6060 E-MAIL: WES.DODDS@COMCAST.NET

APPLICANT (Other than Property Owner): OWNER
MAILING ADDRESS: _____

PHONE/FAX NUMBER: _____ E-MAIL: _____

ARCHITECT/DESIGNER/ENGINEER BADA INC
MAILING ADDRESS: 71 BLIKE ST

PHONE/FAX NUMBER: (415) 752-2824 E-MAIL: _____

Please indicate with an asterisk () persons to whom Town correspondence should be sent.*

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):
NEW FENCE TALLER THAN 6FT ON PROPERTY LINE, NEW TREES.
ALL APPROVED BY NEIGHBORS

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge, with the defense counsel subject to the Town's approval. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature:* W. Miller Date: 1/21/16

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature:* W. Miller Date: 1/21/16

**If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application*

NOTICE TO APPLICANTS

Pursuant to California Government Code Section 65945, applicants may request to receive notice from the Town of Tiburon of any general (non-parcel-specific), proposals to adopt or amend the General Plan, Zoning Ordinance, Specific Plans, or an ordinance affecting building or grading permits.

If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438(Fax)
www.townoftiburon.org

DO NOT WRITE BELOW THIS LINE

VAR2016-601 DEPARTMENTAL PROCESSING INFORMATION		
Application No.: DR2016-005	GP Designation:	Fee Deposit: 935 ⁰⁰
Date Received: 1/21/16	Received By: W.	Receipt #: R567
Date Deemed Complete: 2/29/16	Action:	By: DC
Acting Body:		Date:
Conditions of Approval or Comments:		Resolution or Ordinance #

MINOR ALTERATION SUPPLEMENT

Please fill in the information requested below:

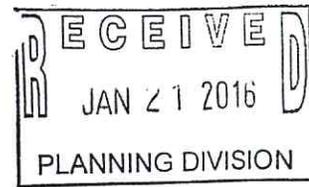
1. Briefly describe the proposed project (attach separate sheet as needed): _____

2. Lot area in square feet (Section 16-100.020(L))*: _____ Zoning: _____
3. Square footage of Landscape Area: _____
4. Proposed use of site (example: single family residential, commercial, etc.):
 Existing _____
 Proposed _____
5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
Yards (Setbacks from property line) (Section 16-100.020(Y))* Front	ft.	ft.	ft.	ft.	ft.
Rear	ft.	ft.	ft.	ft.	ft.
Right Side	ft.	ft.	ft.	ft.	ft.
Left Side	ft.	ft.	ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	8 ft.	ft.	6-9 FT ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B))*	sq.ft.	sq.ft.	sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	%	%	%	%	%
Gross Floor Area (Section 16-100.020(F))*	sq.ft.	sq.ft.	sq.ft.	sq.ft.	sq.ft.

*Section numbers refer to specific provisions or definitions in the Tiburon Municipal Code, Title IV, Chapter 16 (Zoning)

S:\Planning\FORMS\Current FORMS\Design Review Board Application for Minor Alteration 9-2012.doc



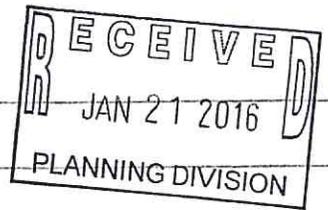
COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Division (415)-435-7390
www.ci.tiburon.ca.us

APPLICATION FOR VARIANCE

A Variance is a form of regulatory relief available when a strict or literal application of zoning development standards would result in practical difficulties or unnecessary physical hardships for an applicant. These difficulties and/or hardships must be caused by physical conditions on, or in the immediate vicinity of, a site. Please refer to Section 16.52.030 of Chapter 16 (Zoning) of the Tiburon Municipal Code for additional information regarding Variances.

WHAT VARIANCE(S) ARE YOU REQUESTING?

<u>Condition</u>	<u>Zoning Requirement</u>	<u>Existing Condition</u>	<u>This Application Proposes</u>	<u>Magnitude Of Variance Requested</u>
Front Yard Setback	_____	_____	_____	_____
Rear Yard Setback	_____	_____	_____	_____
Left Side Yard Setback	_____	_____	_____	_____
Right Side Yard Setback	_____	_____	_____	_____
Lot Coverage	_____	_____	_____	_____
* Height	6 FT	ON GRANDE ELEVATION ISSUES W/ PROPERTY LINE	FENCE TALLER THAN 6 FT UP TO 9 FT	#3
Parcel Area Per Dwelling Unit	_____	_____	_____	_____
Usable Open Space	_____	_____	_____	_____
Parking	_____	_____	_____	_____
Expansion of Nonconformity	_____	_____	_____	_____
Other (Please describe):	_____			



REQUIRED FINDINGS :

- 1) THERE IS A PRIVACY ISSUE ON A PROPERTY LINE FENCE THAT BOTH ME AND MY NEIGHBOR HAVE AGREED ON THE SOLUTION. IF YOU LOOK AT THE PICTURE SUBMITTED HE LOOKS DIRECTLY DOWN ON MY PROPERTY FROM A 9' (BOTTOM) DECK. I WANT TO BUILD A 6'-9' TALL PROPERTY LINE FENCE AND TRELLIS IN ORDER TO ACCOMPLISH TWO THINGS. ONE, AESTHETICALLY KEEP THE TOP OF THE FENCE AT THE SAME ELEVATION FOR THE 70' LONG FENCE AND 2) HAVE SOME PRIVACY FOR MY YARD. PLEASE UNDERSTAND I ALREADY CUT DOWN A 20' TALL IVY WALL IN ORDER TO OPEN UP MY NEIGHBORS VIEW ACROSS MY PROPERTY THAT HE WAS VERY HAPPY ABOUT. THE IVY WALL HAD DESTROYED THE EXISTING FENCE AND WE HAD TO REPLACE IT.
- 2) DUE TO THE ELEVATION DROP FROM MY NEIGHBORS YARD TO MINE, THERE IS A NEED TO CONSTRUCT A TALL FENCE FOR PRIVACY AND AESTHETICS.
- 3) A 6' TALL FENCE 70' LONG ACROSS THIS PROPERTY LINE ELEVATION CHANGES DOES NOT GIVE MY PROPERTY ANY PRIVACY AND WOULD BE VERY UGLY TO LOOK AT.
- 4) ITS A PROPERTY LINE FENCE AND TRELLIS WHICH IS STANDARD AND ALLOWED EVERYWHERE AND ON EVERY PROPERTY. IT WOULD BE A LITTLE TALLER THAN NORMAL FOR REASON STATED ABOVE. THE NEIGHBOR ABOVE ME HAS AGREED AN IN FACT SAID HE DOESN'T WANT TO SEE INTO MY JACUZZI. HE WILL MAINTAIN HIS VIEW OVER MY PROPERTY.

WES DOORS (415) 215-6060



STAFF REPORT

To: Members of the Design Review Board
From: Community Development Department
Subject: 180 Gilmartin Drive; File Nos. DR2015155 and VAR2016002;
Site Plan and Architectural Review for Construction of Additions to an Existing Single-Family Dwelling, with a Variance for Excess Lot Coverage

PROJECT DATA

ADDRESS: 180 GILMARTIN DRIVE
OWNER: CHRISTOPHER AND SUKI GROUNDS
APPLICANT: MAHONEY ARCHITECTS
ASSESSOR'S PARCEL: 039-171-04
FILE NUMBERS: DR2015155 AND VAR2016002
LOT SIZE: 20,397 SQUARE FEET
ZONING: RO-1 (RESIDENTIAL-OPEN)
GENERAL PLAN: ML (MEDIUM LOW DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: MARCH 10, 2016

PROJECT DESCRIPTION

The applicant is requesting design review approval for construction of additions to an existing single-family dwelling, with a variance for excess lot coverage, on property located at 180 Gilmartin Drive. The property is currently developed with a 3,491 square foot three level single-family dwelling with an attached 400 square foot two-car garage.

As part of an interior remodel and additions to the existing home, the proposal would add a 271 square foot one-car garage, and a 314 square foot master bedroom suite expansion to the main level. Other proposed improvements would include modified windows and doors on the west and east sides of the existing home, add four new skylights on the roof above the master bathroom and closets, and a new entry door and canopy.

The proposal would result in a floor area of 3,876 square feet, which is below the maximum permitted floor area for the property (4,040 square feet). The proposal would result in lot coverage of 3,297 square feet (16.2%), which is approximately 237 square feet (1.2%) above the

maximum permitted lot coverage in the RO-1 zone (15%). A variance for excess lot coverage is required.

The siding of the addition would match the colors and materials of the existing house and a new standing seam material for roofing. A color and materials board has been submitted and will be present at the meeting for the Board to review.

Project Setting



The subject property is located near the upper end of Gilmartin Drive near the cul-de-sac. The majority of the lots on Gilmartin Drive have panoramic views of the bay, San Francisco cityscape, Golden Gate Bridge, Sausalito, and large parts of Tiburon. The properties on the south side of this portion of Gilmartin Drive slope downward from the street toward the primary views.

ANALYSIS

Design Issues

The addition would be located on the east side of the property adjacent to the existing driveway. The majority of the property is currently screened by a perimeter of mature trees and vegetation. The garage addition would have a standard garage door and no windows. The master bedroom suite expansion would have new windows and a sliding glass door on the east side and two smaller windows on the west side of the addition. The windows would be in a similar location as the existing windows and would not appear to create a privacy impact on the adjacent neighbors as the windows would be facing towards the neighbor's driveway and garage.

The proposed addition would not appear to intrude into any views for the uphill neighbors because the addition would be at a similar height as the existing home and would still be at a lower elevation than the street level and the uphill neighbors.

The Design Review Board is encouraged to view the story poles to determine if the proposed addition would create any privacy impacts or lighting pollution on the adjacent homes.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-1 zone, with the exception of the previously noted variance for excess lot coverage.

In order to grant the requested variance for excess lot coverage, the Board must make all of the following findings required by Section 16-52.030(E) of the Tiburon Zoning Ordinance.

Variance Findings

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or substantially the same zone.**

The 20,397 square foot size of the subject property is considerably smaller than the 40,000 square foot minimum lot size in the RO-1 zone. Combined with a low coverage limit (15%), the small size of the lot relative to the minimum lot size for that zone creates special circumstances that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity.

- 2. The variance will not constitute a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.**

Numerous other properties within this neighborhood have been granted variances for excess lot coverage as most of the homes are located on properties that are smaller than the minimum lot area for RO-1 zone.

- 3. The strict application of this Ordinance would result in practical difficulty or unnecessary physical hardship. Self-created hardships may not be considered among the factors that might constitute special circumstances. A self-created hardship results from actions taken by present or prior owners of the property that consciously create the very difficulties or hardships claimed as the basis for an application for a variance.**

Excess lot coverage variances typically address properties within dominantly one-story neighborhoods where the homes are limited to a single-story design because of view and privacy impacts on adjacent neighbors. However, for this property, the master bedroom addition could be built on another level of the existing home, but this would be a practical difficulty for the applicant. On another note, the addition could be reduced in size to comply with the required lot coverage as the home already has a master bedroom suite and two-car garage and this application would be only for an expansion of those spaces.

- 4. The granting of the variance will not be detrimental to the public welfare or injurious to other property in the vicinity.**

Granting a variance for excess lot coverage would not be detrimental or injurious to neighboring properties, as the proposed addition would be at a lower elevation than the street level and uphill neighbors and would be screened by existing mature vegetation.

There would appear to be sufficient evidence to support the findings for the variance requested for excess lot coverage.

PUBLIC COMMENT

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

PRELIMINARY ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15301 and 15303.

RECOMMENDATION

Staff recommends that the Board:

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) [Guiding Principles], 16-52.030 (E) [Findings for Variance], and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Sections 15301 and 15303. If the Board can make the required findings to approve the project as proposed, it is recommended that the attached draft conditions of approval be applied.

Attachments:

1. Draft Conditions of Approval
2. Application and Supplemental Materials
3. Submitted Plans

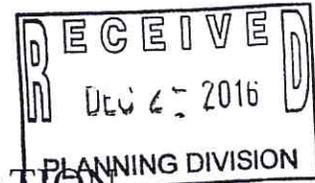
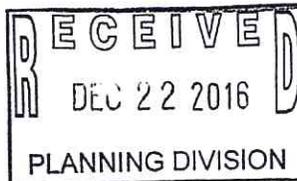
Prepared by: Kyra O'Malley, Associate Planner

ATTACHMENT 1

**DRAFT CONDITIONS OF APPROVAL
180 GILMARTIN DRIVE
FILE NOS. DR2015155 AND VAR2016002**

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 to the application and plans dated by the Town of Tiburon on December 22, 2015, as amended by these conditions of approval. Any modifications to the plans dated February 22, 2016 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 un-approved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge, with defense counsel subject to the Town’s approval. 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.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
7. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
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. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
 10. All requirements of the Marin Municipal Water District shall be met, prior to issuance of a building permit.
 11. All requirements of the Sanitary District No. 5 shall be met, prior to issuance of a building permit.
 12. The project shall comply with the following requirements of the California Fire Code and the Tiburon Fire Protection District (TFPD):
 - a. The automatic fire sprinkler system shall be modified to properly protect the new and remodeled areas. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (CFC 903.2).
 - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (CFC 907.2.10).
 - c. The vegetation on this parcel shall comply with the requirements of TFPD and the recommendations of Fire Safe Marin (CFC 304.1.2).
 - i. Trim Rhodadendron to 2-3 feet in height
 - ii. Replace Italian Cypress with non-pyrophytic plants



TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

- Conditional Use Permit
- Precise Development Plan
- Secondary Dwelling Unit
- Zoning Text Amendment
- Rezoning or Prezoning
- General Plan Amendment
- Temporary Use Permit
- Design Review (DRB)
- Design Review (Staff Level)
- Variance(s) 1 #
- Floor Area Exception
- Tidelands Permit
- Sign Permit
- Tree Permit
- Tentative Subdivision Map
- Final Subdivision Map
- Parcel Map
- Lot Line Adjustment
- Condominium Use Permit
- Seasonal Rental Unit Permit
- Other _____

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 180 GILMARTIN DR PROPERTY SIZE: 20397
PARCEL NUMBER: 039-171-09 ZONING: RO-1

PROPERTY OWNER: CHRISTOPHER & SUKI GROUNDS
MAILING ADDRESS: 180 GILMARTIN
TIBURON, CA 94920
PHONE/FAX NUMBER: _____ E-MAIL: _____

APPLICANT (Other than Property Owner): _____
MAILING ADDRESS: _____
PHONE/FAX NUMBER: _____ E-MAIL: _____

ARCHITECT/DESIGNER/ENGINEER MAHONEY ARCHITECTS
MAILING ADDRESS: _____
219 SHORELINE HWY
MILL VALLEY
PHONE/FAX NUMBER: 415 389 1058 E-MAIL: tony
* or colleen @ mahoney-architects.

Please indicate with an asterisk () persons to whom Town correspondence should be sent.*

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):
ADDITION TO EXISTING MASTER BEDROOM, AND TO PROVIDE
1 EXTRA GARAGE PARKING SPACE

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature:* Cheryl Grede Date: 12/15/2015

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature:* Cheryl Grede Date: 12/15/2015

**If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application*

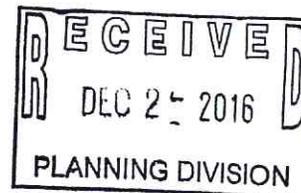
NOTICE TO APPLICANTS

Pursuant to California Government Code Section 65945, applicants may request to receive notice from the Town of Tiburon of any general (non-parcel-specific), proposals to adopt or amend the General Plan, Zoning Ordinance, Specific Plans, or an ordinance affecting building or grading permits.

If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

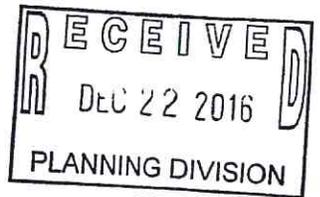
Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438(Fax)
www.townoftiburon.org



DO NOT WRITE BELOW THIS LINE

VAR2016-002 DEPARTMENTAL PROCESSING INFORMATION		
Application No.: <u>DR2015-155</u>	GP Designation:	Fee Deposit: <u>\$255 / \$1140</u>
Date Received: <u>12/22/2015</u>	Received By: <u>LS</u>	Receipt #: <u>R481</u> <u>R598</u>
Date Deemed Complete: <u>3/10/16</u>	Action:	By: <u>CO</u>
Acting Body:	Date:	
Conditions of Approval or Comments: _____	Resolution or Ordinance # _____	

MINOR ALTERATION SUPPLEMENT



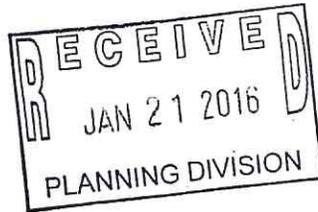
Please fill in the information requested below:

- Briefly describe the proposed project (attach separate sheet as needed):
ADDITION OF 314 SQ FT TO MASTER BEDROOM SUITE
PLUS 271 SQ FT SINGLE CAR GARAGE
- Lot area in square feet (Section 16-100.020(L))*: 20397 Zoning: RO-1
- Square footage of Landscape Area: _____
- Proposed use of site (example: single family residential, commercial, etc.):
 Existing SINGLE FAMILY
 Proposed _____
- Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.
CONVERSION OF EXISTING PARKING AREA INTO GARAGE
SPACE - NO CHANGE TO (E) BACK-UP/TURN AROUND

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
Yards (Setbacks from property line) (Section 16-100.020(Y))* Front	55 ft.	25 ft.	30 ft.	ft.	30 ft.
Rear	62 ft.	— ft.	62 ¹ ft.	ft.	20'-25 ft.
Right Side	20 ft.	— ft.	20 ft.	ft.	20 ft.
Left Side	23 ft.	3 ft.	20 ft.	ft.	20 ft.
Maximum Height (Section 16-30.050)*	28 ft.	— ft.	28 ft.	ft.	30 ft.
Lot Coverage (Section 16-30.120(B))*	2690 sq.ft.	585 sq.ft.	3275 sq.ft.	3,297 sq.ft.	3059 sq.ft.
Lot Coverage as Percent of Lot Area	13.2 %	2.8 %	16% %	16.16 %	15 %
Gross Floor Area (Section 16-100.020(F))*	3491 sq.ft.	+ 314 71 sq.ft.	3876 sq.ft.	sq.ft.	4039.7 600 sq.ft.

*Section numbers refer to specific provisions or definitions in the Tiburon Municipal Code, Title IV, Chapter 16 (Zoning)

S:\Planning\Forms\Current Forms\Design Review Board Application for Minor Alteration 9-2012.doc



COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Division (415)-435-7396
www.ci.tiburon.ca.us

APPLICATION FOR VARIANCE

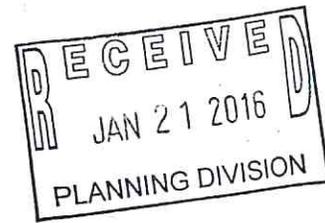
A Variance is a form of regulatory relief available when a strict or literal application of zoning development standards would result in practical difficulties or unnecessary physical hardships for an applicant. These difficulties and/or hardships must be caused by physical conditions on, or in the immediate vicinity of, a site. Please refer to Section 16.52.030 of Chapter 16 (Zoning) of the Tiburon Municipal Code for additional information regarding Variances.

WHAT VARIANCE(S) ARE YOU REQUESTING?

<u>Condition</u>	<u>Zoning Requirement</u>	<u>Existing Condition</u>	<u>This Application Proposes</u>	<u>Magnitude Of Variance Requested</u>
Front Yard Setback	_____	_____	_____	_____
Rear Yard Setback	_____	_____	_____	_____
Left Side Yard Setback	_____	_____	_____	_____
Right Side Yard Setback	_____	_____	_____	_____
Lot Coverage	15%	13.2%	16%	1%
Height	_____	_____	_____	_____
Parcel Area Per Dwelling Unit	_____	_____	_____	_____
Usable Open Space	_____	_____	_____	_____
Parking	_____	_____	_____	_____
Expansion of Nonconformity	_____	_____	_____	_____
Other (Please describe):	_____			



MAHONEY ARCHITECTS & INTERIORS



Grounds Residence
180 Gilmartin Drive
Tiburon.

APN: 031-171-04

Variance Findings

1. The lot is a small steeply sloping lot approximately half the size of the minimum lot size for the zone RO-1, which makes the 15% lot coverage maximum far more restrictive than for a lot twice the size. Other lots of a similar type and size on Gilmartin are zoned R-1 which has a 30% lot coverage. The Proposed variance is to enclose an existing (formerly covered) parking space. The location on the lot is not overlooked and not visible from the street, nor from down slope. The variance is for only 1% of the lot area
2. The existing house is small in relation to the scale of the neighborhood and only has a small 2- car garage.
3. The exposure to extreme weather from the bay is detrimental to any vehicle parked in the open. It is a hardship to the owners not to be able to enclose an existing parking space . The enclosure of which has absolutely no impact on its neighborhood .
4. The proposed addition is supported by the neighbors, and is not visible from the street



STAFF REPORT

To: Members of the Design Review Board

From: Community Development Department

Subject: 2304 Mar East Street; File Nos. DR2016012 and VAR2016003;
Site Plan and Architectural Review for Construction of Additions to an
Existing Single-Family Dwelling, with a Variance for Reduced Front
Setback

PROJECT DATA

ADDRESS: 2304 MAR EAST STREET
OWNER: MARK AND RECIA BLUMENKRANZ
APPLICANT: HANK BRUCE ARCHITECTS
ASSESSOR'S PARCEL: 059-400-10
FILE NUMBERS: DR2016012 AND VAR2016003
LOT SIZE: 5,668 SQUARE FEET
ZONING: R-2 (TWO-FAMILY RESIDENTIAL)
GENERAL PLAN: H (HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: VE (SPECIAL HAZARD FLOOD AREA)
DATE COMPLETE: MARCH 2, 2016

PROJECT DESCRIPTION

The applicant is requesting design review approval for construction of additions to an existing single-family dwelling, with a variance for reduced front setback on property located at 2304 Mar East Street. The property is currently developed with a 3,226 square foot three level, single-family dwelling with an attached garage.

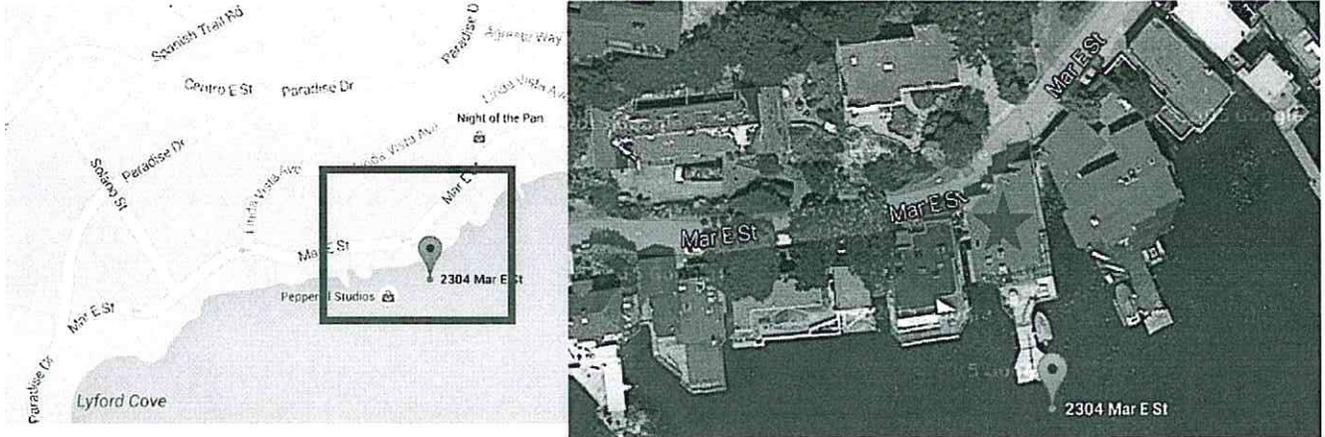
As part of an interior remodel and addition to the existing home, the proposal would add a 28 square foot addition, which would include an interior stairway to the third level. Other proposed additions would include modified windows and doors for the existing home and add one new skylight above the stairway. The exterior stairway to the third level would be removed.

The proposed addition would be within the existing building footprint and would not change the lot coverage of 1,696 square feet (28 %). Interior stairways are only counted once towards the floor area ratio; therefore, there would be no increase in the existing floor area and the result of the floor area would remain the same.

The existing non-conforming single-family house currently is situated adjacent to the front property line. The proposed addition would be within the same footprint as the existing house and also be adjacent to the front property. As the minimum front setback in R-2 zone is 15 feet, the applicant has request a variance for reduced front setback.

The exterior of the proposed addition would match the colors and materials of the existing house.

Project Setting



The subject property is located on the waterfront of Mar East Street, which has views of Angel Island, the bay, San Francisco cityscape and the Golden Gate Bridge.

ANALYSIS

Design Issues

The property has an overall lot size of 12,277 square feet, but only 5,668 square feet is land area above the mean high tide line. The relatively small usable lot sizes of the properties along the waterfront portion in this neighborhood have resulted in most of the homes being located within required setbacks.

A previously approved porch was installed in 2000 in the rear property area. Since the original approval (File No. 700072), the porch was enclosed with windows and a sliding glass door without obtaining permits. The windows and door would be removed as part of this application.

The proposed windows and doors on the west and east side of the existing dwelling would be in similar location as the existing windows and doors. The proposed windows facing the south side towards the bay would be in similar location as the existing windows, but would follow the existing architectural details of the home. The amount of glazing from all the window and door modifications would appear to be similar as the glazing from the existing windows and doors with the exception of a south facing window that would have a small increase in glazing.

Flood Hazard Zone

According to current flood hazard maps, the subject property is located within flood hazard zone "VE," which is an area subject to inundation by the 1% annual chance of flood. However, the

scale and valuation of the proposed addition would be far below the threshold for triggering compliance with the Town's flood prevention regulations.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-2 zone, with the exception of the previously noted variance for a reduced front setback.

In order to grant the requested variance for reduced front setback, the Board must make all of the following findings required by Section 16-52.030(E) of the Tiburon Zoning Ordinance.

Variance Findings

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or substantially the same zone.**

Even though the overall property size exceeds the minimum lot size of 7,500 square feet, only 5,668 square feet of the overall property size of 12,277 square feet is on land area above the mean high tide line, which limits the majority of future construction closer to Mar East Street. The location, size, and surroundings constitute a special circumstance not generally applicable to other properties in the zone.

- 2. The variance will not constitute a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.**

A majority of the homes along the bay side of Mar East Street have similar unusual physical situation, where the homes are located adjacent to the street within the required front setback. The residence would still preserve the same front setback as the existing home and would have a similar front setback as other homes in the vicinity. Therefore, granting a variance for reduced front setback would not constitute a grant of special privilege.

- 3. The strict application of this Ordinance would result in practical difficulty or unnecessary physical hardship. Self-created hardships may not be considered among the factors that might constitute special circumstances. A self-created hardship results from actions taken by present or prior owners of the property that consciously create the very difficulties or hardships claimed as the basis for an application for a variance.**

The strict application of this Ordinance would result in a practical hardship for this property in that a 15 foot front setback would require the interior stairway to be located in another location, which could create an unusual shape and architectural layout for the third level and could potentially block views for adjacent neighbors. The interior stairway

would be located under an existing roof overhang, which does not appear to block any views for adjacent neighbors.

4. The granting of the variance will not be detrimental to the public welfare or injurious to other property in the vicinity.

The proposed addition would result in a front setback that would be similar to the existing home. By the standards of the zone and typical development pattern in this neighborhood, this distance is more than adequate and would not therefore be detrimental to the public or to other properties in the vicinity.

There would appear to sufficient evidence to support the findings for the variance requested for reduced front setback.

PUBLIC COMMENT

As of the date of this report, two correspondences have been received regarding the new south facing windows of the subject application.

PRELIMINARY ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15301[Existing Facilities].

RECOMMENDATION

Staff recommends that the Board:

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) [Guiding Principles], Section 16-52.030 [Variance], and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. If the Board can make the appropriate findings to approve the project as proposed, it is recommended that the attached draft conditions of approval be applied.

Attachments:

1. Draft Conditions of Approval
2. Application and Supplemental Materials
3. Email dated March 10, 2016 from Magdalena Yesil and Jim Wickett
4. Email dated March 10, 2016 from Mik Flynn
5. Submitted Plans

Prepared by: Kyra O'Malley, Associate Planner

ATTACHMENT 1

**DRAFT CONDITIONS OF APPROVAL
2304 MAR EAST STREET
FILE NOS. DR2016012 AND VAR2016003**

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 to the application and plans dated by the Town of Tiburon on February 8, 2016, as amended by these conditions of approval. Any modifications to the plans dated March 7, 2016 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 un-approved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge, with defense counsel subject to the Town's approval. 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.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
7. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
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. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
 10. All requirements of the Marin Municipal Water District shall be met.
 11. The project shall comply with the following requirements of the California Fire Code and the Tiburon Fire Protection District (TFPD):
 - a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. (CFC 903.2)
 - b. Approved smoke and carbon monoxide alarms shall be installed to provide protection to all sleeping areas. (CFC 907.2.10)
 12. The unpermitted sliding glass door and windows shall be removed from the rear yard porch prior to final building permit approval of this project.



**TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION**

TYPE OF APPLICATION

- Conditional Use Permit
- Precise Development Plan
- Secondary Dwelling Unit
- Zoning Text Amendment
- Rezoning or Prezoning
- General Plan Amendment
- Temporary Use Permit
- Design Review (DRB)
- Design Review (Staff Level)
- Variance(s) 1 #
- Floor Area Exception
- Tidelands Permit
- Sign Permit
- Tree Permit
- Tentative Subdivision Map
- Final Subdivision Map
- Parcel Map
- Lot Line Adjustment
- Condominium Use Permit
- Seasonal Rental Unit Permit
- Other _____

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 2304 Mar East **PROPERTY SIZE:** 0.13 AC
PARCEL NUMBER: 059-400-10 **ZONING:** R-2

PROPERTY OWNER: Mark & Recia Blumenkranz
MAILING ADDRESS: 2304 Mar East

PHONE/FAX NUMBER: 650-222-2207 **E-MAIL:** mark.s.blumenkranz@gmail.com

APPLICANT (Other than Property Owner): Eugene Dvorak / Hank Bruce Architects
MAILING ADDRESS: 23-B Main Street, Tiburon

PHONE/FAX NUMBER: 415-435-9118 Ext.105 **E-MAIL:** gene@hankbrucearchitects.com

ARCHITECT/DESIGNER/ENGINEER Hank Bruce Architects
MAILING ADDRESS: 23-B Main Street, Tiburon

PHONE/FAX NUMBER: 415-435-9118 Ext.105 **E-MAIL:** gene@hankbrucearchitects.com

Please indicate with an asterisk () persons to whom Town correspondence should be sent.*

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):

Remove existing exterior stair, landing, and door; add interior stairway; modify existing windows; replace exterior lighting;
replace front door and side panels; replace front hardscape; remove glazing to bring prior owners modifications into complianc;
interior renovation.

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature:* M. J. Jumentaux Date: 2-8-16

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature:* M. J. Jumentaux Date: 2-8-16

**If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application*

NOTICE TO APPLICANTS

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If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

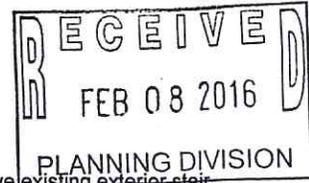
The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438(Fax)
www.townoftiburon.org

DO NOT WRITE BELOW THIS LINE

VAR2016-003 DEPARTMENTAL PROCESSING INFORMATION		
Application No.: DR2016-012	GP Designation:	Fee Deposit: \$255 / \$680 ⁰²
Date Received: 2/8/16	Received By: LS	Receipt #: R665 / R685
Date Deemed Complete: 3/2/16	Action:	By: KO
Acting Body:	Date:	
Conditions of Approval or Comments: _____	Resolution or Ordinance # _____	

MINOR ALTERATION SUPPLEMENT



Please fill in the information requested below:

1. Briefly describe the proposed project (attach separate sheet as needed): Remove existing exterior stair, landing, and door; add interior stairway; modify existing windows; replace exterior lighting; replace front door and side panels; replace front hardscape; remove glazing to bring prior owner's modifications into compliance; interior renovation.

2. Lot area in square feet (Section 16-100.020(L))*: 0.13 AC equals approximately 5,668 SF Zoning: R-2

3. Square footage of Landscape Area: zero

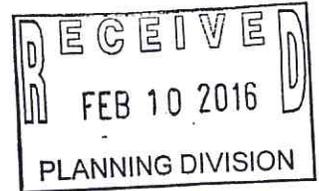
4. Proposed use of site (example: single family residential, commercial, etc.):
 Existing Single Family Residential
 Proposed Same

5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.
None

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
Yards (Setbacks from property line) (Section 16-100.020(Y))*					
Front	-4.25 ft.	No Change	ft.	ft.	ft.
Rear	66 ft.	No Change	ft.	ft.	ft.
Right Side	1.5 ft.	No Change	ft.	ft.	ft.
Left Side	3 ft.	No Change	ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	@ Street 22 ft.	No Change	ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B))*	1696 sq.ft.	No Change	sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	1696/6022 28 %	No Change	%	%	%
Gross Floor Area (Section 16-100.020(F))*	3226 sq.ft.	No Change	sq.ft.	sq.ft.	sq.ft.

*Section numbers refer to specific provisions or definitions in the Tiburon Municipal Code, Title IV, Chapter 16 (Zoning)

S:\Planning\Forms\Current Forms\Design Review Board Application for Minor Alteration 9-2012.doc



2304 MAR EAST

COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Division (415)-435-7390
www.ci.tiburon.ca.us

APPLICATION FOR VARIANCE

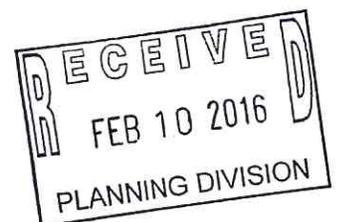
A Variance is a form of regulatory relief available when a strict or literal application of zoning development standards would result in practical difficulties or unnecessary physical hardships for an applicant. These difficulties and/or hardships must be caused by physical conditions on, or in the immediate vicinity of, a site. Please refer to Section 16.52.030 of Chapter 16 (Zoning) of the Tiburon Municipal Code for additional information regarding Variances.

WHAT VARIANCE(S) ARE YOU REQUESTING?

Condition	Zoning Requirement	Existing Condition	This Application Proposes	Magnitude Of Variance Requested
Front Yard Setback	15'	0'	0'	15' @ "DORMER" ONLY
Rear Yard Setback	20% to 25'	NO CHANGE		
Left Side Yard Setback	8'			
Right Side Yard Setback	8'			
Lot Coverage	35%			
Height	30'			
Parcel Area Per Dwelling Unit	NA			
Usable Open Space	NA			
Parking	2			
Expansion of Nonconformity	-			15' @ "DORMER" ONLY
Other (Please describe):				

- VARIANCE APPLICATION; 2304 MAR EAST - 8 FEB 2016

1. THE RESIDENCE HAS EXISTED IN ITS PRESENT LOCATION SINCE 1946. THE WORK PROPOSED (RELOCATING A SPIRAL STAIR FROM THE EXTERIOR TO THE INTERIOR) LIES WITHIN THE (E) FOOTPRINT. TO DENY THIS REQUEST WOULD DEPRIVE THE APPLICANT OF PRIVILEGES ENJOYED BY OTHER PROPERTIES IN THE VICINITY (and TOWN), ... PROTECTED ACCESS TO AN ALREADY EXISTING UPPER FLOOR LIVING SPACE.
2. THE GRANTING OF THIS VARIANCE IS NOT A SPECIAL PRIVILEGE. ... ALL PROPERTIES IN THE TOWN HAVE THE RIGHT TO PROTECTED INTERIOR STAIRWAYS,
3. THE ^{STRICT} APPLICATION OF THE ZONING REGULATIONS WOULD, IN THIS INSTANCE, WOULD RESULT IN THE STATUS QUO; THE DIFFICULT and UNNECESSARY PHYSICAL HARDSHIP OF AN EXTERIOR, UNPROTECTED ACCESS TO THE UPPER FLOOR,
4. THE GRANTING OF THIS VARIANCE WILL HAVE NO EFFECT UPON THE PUBLIC WELFARE OTHER THAN ~~the~~ POSITIVE IMPACT UPON THE IMMEDIATE NEIGHBORHOOD CREATED BY THE REMOVAL OF THE EXISTING EXTERIOR STAIR.



Kyra O'Malley

From: Magdalena Yesil <magdalena.yesil@gmail.com>
Sent: Thursday, March 10, 2016 11:28 AM
To: Kyra O'Malley
Subject: 2304 mar east remodel

Hi Krya,

The proposed plan significantly increases the window glazing on the south elevation. This is of concern to us since the additional light pouring out of the increased square footage of windows will negatively impact our nighttime view of the Golden Gate Bridge which is our primary view.

Since these are over the water, reflection of the light at night off the water makes the light pollution much worse since the water can double the light. We met with the project's architect on January 2nd and communicated this concern. He said that he would just change the shape of the cathedral windows but keep the square footage consistent with what exists now. The plans we obtained from Planning a day ago showed significantly increased window sq footage. We reiterated our concern of increased windows to the owners last night in a phone conversation.

We respectfully ask that the southern facing window square footage remain consistent with what is there today to minimize negative impact to our night views of the Golden Gate Bridge.

Regards,
Magdalena Yesil and Jim Wickett
2306 Mar East

Kyra O'Malley

From: Mik P. Flynn <mik.flynn1@comcast.net>
Sent: Thursday, March 10, 2016 12:35 PM
To: Kyra O'Malley
Cc: 'Magdalena Yesil'; 'Jim Wickett'
Subject: 2304 Mar East Remodel

Kyra,

We met the with the project's architect on 01/02/2016. At that time we expressed our concerns over the increase in window size on the south elevation.

We continue to have concerns over the future electric plans including proposed lighting and finished exterior window and door plans.

Since our homes are over the water, the reflection of the lights at night from neighboring properties, deeply impacts our views and the peaceful enjoyment of our homes.

As you know, the views from our homes are cherished. These views are one of the main reasons we choose to live on Mar East and a feature in our homes that every resident strives to preserve and protect.

Finally, it is our understanding that the illegal, enclosed room on the southwest corner of the property, will, finally, be returned to its original purpose as a deck.

We so appreciate that the Town continues to protect all the residents and takes their concerns into consideration when reviewing future property modifications.

Our understanding is that we can express our concerns in writing to the Town by March14, 2016.

Again, thank you for your professionalism and courtesy to us as residents.

Kindest regards,
Mik P. Flynn
(415) 515-6446



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
March 17, 2016
Agenda Item: **5**

STAFF REPORT

To: Members of the Design Review Board
From: Planning Manager Watrous
Subject: 2 Miraflores Lane; File Nos. VAR2016004/DR2016015; Site Plan and Architecture Review for Construction of a Fence for an Existing Single-Family Dwelling, with a Variance for Excess Fence Height
Reviewed By: _____

PROJECT DATA

ADDRESS: 2 MIRAFLORES LANE
OWNER: DAVOUD SADEGHI
APPLICANT: ALEX KORN (ARCHITECT)
ASSESSOR'S PARCEL: 039-271-21
FILE NUMBERS: VAR2016004/DR2016015
LOT SIZE: 23,443 SQUARE FEET
ZONING: RPD (RESIDENTIAL PLANNED DEVELOPMENT)
GENERAL PLAN: M (MEDIUM DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: FEBRUARY 24, 2016

PRELIMINARY ENVIRONMENTAL DETERMINATION

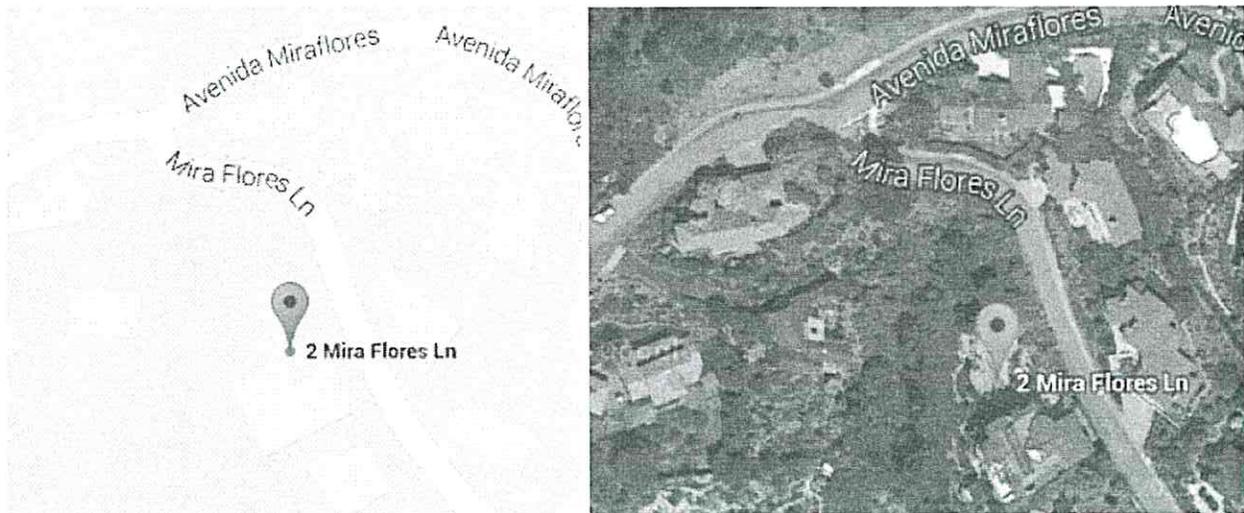
Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15303.

PROJECT DESCRIPTION

The applicant is requesting Design Review approval for the construction of a fence for an existing single-family dwelling on property located at 2 Miraflores Lane. An existing wood fence along the front property line would be replaced with a new decorative metal fence.

The existing fence includes lattice panels at the top and is approximately 7 feet tall. The proposed fence would match the height of the existing fence. As the Tiburon Zoning Ordinance restricts property line fences to a maximum height of 6 feet, a variance is requested for excess fence height.

PROJECT SETTING



The subject property is situated on the southwest side of Miraflores Lane. The house is located at the southern end of the lot. A swimming pool and an accessory building which is under construction are located on the northern side of the site. The property is governed by the Miraflores Precise Plan, which has established primary and secondary building envelopes for this lot.

The subject property slopes down from the roadway of Miraflores Lane. The base of the existing fence is situated close to the roadway but below the street level.

ANALYSIS

Design Issues

The applicant has indicated that the additional fence height is necessary to prevent deer from entering the property. A 6 foot tall fence at the property line would not prevent deer from jumping the fence due to the difference in height between the property line and the adjacent street.

Homes across the street from the site are situated at higher elevations than the subject property. As a result, a 7 foot tall fence at this location would not interfere with views from any nearby residences. The proposed fence would have the appearance of a 6 foot fence due to its location below street level.

Zoning

Staff has reviewed the proposal and finds that it is in general conformance with the development standards for the RPD zone and the Miraflores Precise Plan, with the exception of the requested variance for excess fence height.

In order to grant the requested variance, the Board must make all of the following findings required by Section 16-52.030 (E) of the Tiburon Zoning Ordinance:

1. ***Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.***

The subject property slopes down from Miraflores Lane, with an elevation change between the roadway and the front property line. These physical characteristics create special circumstances that would deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones from appropriate deer protection if the maximum fence height requirement is strictly applied.

2. ***The Variance will not constitute a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.***

Numerous other properties in the RPD and similar single-family residential zones have been granted variances for excess fence height to allow fences with the height necessary to provide appropriate deer protection for the site. Therefore, the requested variance would not be a grant of special privileges.

3. ***The strict application of this Zoning Ordinance would result in practical difficulty or unnecessary physical hardship. Self-created hardships may not be considered among the factors that might constitute special circumstances. A self-created hardship results from actions taken by present or prior owners of the property that consciously create the very difficulties or hardships claimed as the basis for an application for a Variance.***

The strict application of the maximum fence height requirement would expose a large portion of the site to deer access, resulting in a practical difficulty on the applicant.

4. ***The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.***

As noted above, the proposed fence would not create any view or privacy impacts for other homes in the vicinity.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance.

Public Comment

As of the date of this report, no letters have been received regarding the subject application.

RECOMMENDATION

The Design Review Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board agrees with staff's conclusions, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

2 MIRAFLORES LANE

FILE #VAR2016004/DR2016015

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 dated by the Town of Tiburon on February 11, 2016, or as amended by these conditions of approval. Any modifications to the plans of February 11, 2016 must be reviewed and approved by the Design Review Board.
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 exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
6. 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.
7. A copy of the Planning Division’s “Notice of Action” including the attached “Conditions of Approval” for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
8. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:

- a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
 - b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.
 - c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.
9. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
10. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:
- a. The vegetation on this parcel shall comply with the requirements of TFPD. CFC 304.1.2



TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION

RECEIVED
FEB 11 2016
PLANNING DIVISION

TYPE OF APPLICATION

- Conditional Use Permit
- Precise Development Plan
- Secondary Dwelling Unit
- Zoning Text Amendment
- Rezoning or Prezoning
- General Plan Amendment
- Temporary Use Permit

- Design Review (DRB)
- Design Review (Staff Level)
- Variance(s) _____ #
- Floor Area Exception
- Tidelands Permit
- Sign Permit
- Tree Permit

- Tentative Subdivision Map
- Final Subdivision Map
- Parcel Map
- Lot Line Adjustment
- Condominium Use Permit
- Seasonal Rental Unit Permit
- Other _____

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 2 MIRA FLORES LN. PROPERTY SIZE: 2344 sq ft
 PARCEL NUMBER: 039-271-21 ZONING: R1

PROPERTY OWNER: DAVUD SADEGHI *
 MAILING ADDRESS: 2 MIRA FLORES LN. TIBURON

PHONE/FAX NUMBER: 415 789-0002 E-MAIL: DAVUDS@GMAIL

APPLICANT (Other than Property Owner): _____
 MAILING ADDRESS: _____

PHONE/FAX NUMBER: _____ E-MAIL: _____

ARCHITECT/DESIGNER/ENGINEER ALEX KORAS
 MAILING ADDRESS: 1913 ADDISON ST. BERKELEY, CA 94705

PHONE/FAX NUMBER: 510 551-3384 E-MAIL: CATAMOUNT@SBCglobal

Please indicate with an asterisk () persons to whom Town correspondence should be sent*

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):
Replacing existing 7' tall wooden fence to 7' metal fence

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature: * [Handwritten Signature]

Date: 2/9/16

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

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Signature: * [Handwritten Signature]

Date: 2/9/16

**If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application*

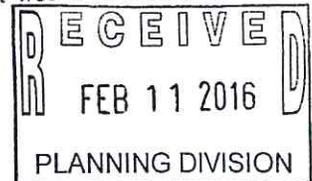
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Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438(Fax)
www.townoftiburon.org



DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION
Application No.: DR2016-012/VAR-2016-04 GP Designation: _____
Date Received: 2/11/16 Received By: _____
Date Deemed Complete: 2/24/16 Action: _____
Acting Body: _____ Resolution or Ordinance #: _____
Conditions of Approval or Comments: _____ Fee Deposit: \$135
Receipt #: 2690
By: [Signature] Date: _____

FEB 11 2016
 PLANNING DIVISION

DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

Please fill in the information requested below (attach separate sheet as needed):

1. Briefly describe the proposed project: To replace existing wood fence to metal fence both at 7' tall
2. Lot area in square feet (Section 16-100.020(L)):
3. Square footage of Landscape Area: _____
4. Proposed use of site (example: single family residential, commercial, etc.):
 Existing _____
 Proposed _____
5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
Yards (Setbacks from property line) (Section 16-100.020(Y))* Front	ft.	ft.	ft.	ft.	ft.
Rear	ft.	ft.	ft.	ft.	ft.
Right Side	ft.	ft.	ft.	ft.	ft.
Left Side	ft.	ft.	ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	ft.	ft.	ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B))*	sq.ft.	sq.ft.	sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	%	%	%	%	%
Gross Floor Area (Section 16-100.020(F))*	sq.ft.	sq.ft.	sq.ft.	sq.ft.	sq.ft.

*Section numbers refer to specific provisions or definitions in the Tiburon Municipal Code Chapter 16 (Zoning)



COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Division (415)-435-7390
www.ci.tiburon.ca.us

APPLICATION FOR VARIANCE

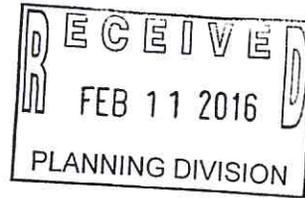
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WHAT VARIANCE(S) ARE YOU REQUESTING?

<u>Condition</u>	<u>Zoning Requirement</u>	<u>Existing Condition</u>	<u>This Application Proposes</u>	<u>Magnitude Of Variance Requested</u>
Front Yard Setback	_____	_____	_____	_____
Rear Yard Setback	_____	_____	_____	_____
Left Side Yard Setback	_____	_____	_____	_____
Right Side Yard Setback	_____	_____	_____	_____
Lot Coverage	_____	_____	_____	_____
- Height	<u>6'0"</u>	<u>7'0"</u>	<u>7'0"</u>	<u>1'0"</u>
Parcel Area Per Dwelling Unit	_____	_____	_____	_____
Usable Open Space	_____	_____	_____	_____
Parking	_____	_____	_____	_____
Expansion of Nonconformity	_____	_____	_____	_____
Other (Please describe):	_____			

Davoud Sadeghi

2 Mira Flores Lane, Tiburon Ca 94920



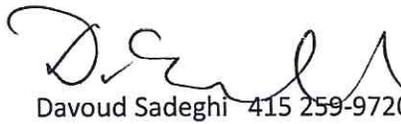
Phone: (415) 789-0002 Fax: (415) 789-0003 Email: Davoudjs@Gmail.com

Design Review Board

Please be advised that, We are replacing the existing wooden fence of 7' high with a new 7' high metal fence. Our new permit requires the height of fence to be 6'. Therefore I am applying for variance to accommodate my privacy and safety. Considering that, due to the topography of the land, the fence is installed 2' lower than street level and the actual height of the fence is only 5' from the street. In this situation if we put a 6' fence, we will have hard time protecting the privacy and security of our house and garden since deer and other intruders can easily jump over a 4' obstacle.

Thank you in advance for your cooperation.

Faithfully,

 2/11/16
Davoud Sadeghi 415 259-9720

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PLANNING DIVISION

