



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

Regular Meeting
Design Review Board
April 21, 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. 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. 4000 PARADISE DRIVE

File Nos. DR2016017/VAR2016005; Bruce and Donna Block, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for reduced front setback. The addition would extend to within 20 feet of the front property line, which is less than the 30 foot minimum front setback required in the RO-2 zone. Assessor's Parcel No. 039-091 -09. [KO]

Documents: [4000 PARADISE DRIVE.PDF](#)

3. 2 AUDREY COURT

File Nos. DR2015139/VAR2015021/FAE2015013; Arvand Sabetian, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling and secondary dwelling unit, with a Variance for excess lot coverage and a Floor Area Exception. The applicant proposes to add 1,649 square feet of additions to an existing single-family dwelling and secondary dwelling unit for a total of 5,279 square feet, which is 1,421 square feet greater than the 3,858 square foot floor area ratio for this lot. The project would result in 3,835.5 square feet (20.6%) of lot coverage, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Assessor's Parcel No. 058-231 -10 [DW]

Documents: [2 AUDREY COURT.PDF](#)

MINUTES

4. Regular Meeting Of April 7, 2016

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
April 21, 2016
Agenda Item: **1**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 2225 Vistazo East Street; File Nos. DR2015145; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling (Continued from March 17, 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 subsequently submitted revised plans for the project. The floor area of the proposed house was reduced by 100 square feet to 5,730 square feet and the garage reduced in size by 144 square feet to 716 square feet. The lot coverage of proposed house was reduced by 535 square feet to cover 6,260 square feet (15.0%) of the site, which was 1 square foot less than the 15.0% maximum lot coverage permitted in the RO-2 zone and eliminated the need for the lot coverage variance. 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 overall floor plans, house layout and windows on the building elevations were not substantially changed.

At the March 17, 2016 meeting, several neighboring residents again raised concerns about the overall size of the proposed house and its compatibility with the Old Tiburon neighborhood. The consensus of the Board was that not enough had been done to substantially change the design of the house. The Boardmembers felt that 1) the house still had too much glazing; 2) the structure was too tall for a two-story home with a flat roof; 3) the retaining walls were too large; 4) the pool elevation exacerbated the wall issues; and 5) the house did not fit with the surrounding neighborhood, particularly the Old Tiburon neighborhood below the house. The application was continued to the April 21, 2016 meeting.

The applicant has now submitted further revised plans for the project, which included the following changes:

- The lot coverage was reduced by 162 square feet to 6,098 square feet (14.5% of the site) and patio, walkway and pool areas were reduced by 350 square feet.
- The lower floor ceiling height was reduced to 10 feet, which reduced the overall roof height by one foot.
- The pool was shortened in both directions and the walls in front were reduced to a maximum height of 8 feet and made a darker color.
- Glazing was removed from most of the master bathroom on the upper level northeast elevation.
- The solar panels and the uphill deer fence were moved downhill closer to the house.

The floor area of the house was not changed. The applicant submitted a table comparing the floor area of the proposed house and the ratios of floor area to lot size to other properties above and below the site.

ANALYSIS

Design Issues

The currently revised house design appears to once again only incrementally respond to the issues raised by the Design Review Board. Modest changes were made to the pool design, lot coverage and building height, but the floor area of the house would remain the same and the glazing visible on the front elevation was essentially unchanged.

At the March 17, 2016 meeting, the Design Review Board raised five main concerns:

1. The house still had too much glazing. The revised plans only eliminated windows for the bathroom on the right side of the house. The lower height of the building reduced the height of the glazing on the front elevation by one foot, but did nothing to change the overall window design.
2. The structure was too tall for a two-story home with a flat roof. The height of the house was reduced by one foot, to a maximum height of 25.5 feet. The house

would have 10 foot ceilings in the lower level and a minimum ceiling height of 10.5 feet on the upper level.

3. The retaining walls were too large. The retaining walls supporting the pool were modified, with planters placed in front of the walls, shortening some walls and reducing their visibility from below.
4. The pool elevation exacerbated the wall issues. The elevation of the pool surface is unchanged.
5. The house did not fit with the surrounding neighborhood, particularly the Old Tiburon neighborhood below the house. The basic design and the total floor area of the proposed house are unchanged. The applicant has submitted statistical comparisons to justify the size of the house in relation to other homes in the vicinity, using an invented statistic of the percentage of combined floor area and garage space to the lot size. This list also shows that the floor area of the proposed house and garage would be larger than any other home either uphill or downhill from the site.

Staff believes that the revised project design does not sufficiently address the concerns raised at the February 18 and March 17, 2016 meetings. In particular, the Design Review Board should note that Section 16-52.020 (H[3]) (Guiding Principles for Site Plan and Architectural Review) of the Tiburon Zoning Ordinance states that the Board should determine if “the height, size, and/or bulk of the proposed project bears a reasonable relationship to the character of existing buildings in the vicinity.” Staff believes that the character of the proposed house design is inconsistent with the character of other homes in the vicinity. Without further, more substantial changes to the project design, the application would likely be inconsistent with this guiding principle of the zoning ordinance.

The Permit Streamlining Act deadline for this application has been extended to July 1, 2016. The Design Review Board has the ability to continue the application if the applicant demonstrates a willingness to make more substantial changes to the project design to address the concerns raised by the Board.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-2 zone.

Public Comment

As of the date of this report, no letters have been received regarding the subject application since the March 17, 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 application be continued to the May 19, 2016 meeting, with specific direction regarding substantial project design changes to be made. If the Board wishes to deny the application, staff should be directed to prepare a resolution of denial for adoption at the next meeting. If the Board wishes to approve the application, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Revised application materials dated April 10, 2016
3. Design Review Board staff report dated February 18, 2016
4. Design Review Board staff report dated March 17, 2016
5. Minutes of the February 18, 2016 Design Review Board meeting
6. Minutes of the March 17, 2016 Design Review Board meeting
7. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

2225 VISTAZO EAST STREET

FILE #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 April 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. 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

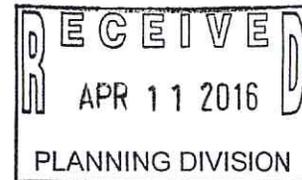
9. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
10. A photovoltaic energy system shall be installed in compliance with the requirements 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.

April 10, 2016

Dan Watrous
Tiburon Planning Department
1505 Tiburon Boulevard
Tiburon, CA 94920



RE: Planning application for 2225 Vistazo East Street

Dan,

The revised plans dated 4-10-16 have been submitted to the planning department. In response to comments received at the March 17th Planning Commission hearing we have incorporated the following revisions to the plans:

- Reduced size of pool:
 - Shorten length by 5'-0"
 - Shorten width by 4'-6"
 - Reduced wall height to 8'-0" max.
 - Changed pool wall material to darker toned material
 - Added planters in front of wall for screening.
- Increased the front yard setback by 3'-7".
- Reduced patio, walkway and pool areas by 350 sq.ft.
- Reduced Lot Coverage by 162 sq.ft.
- Reduced excavation off-haul by 50 cu.yrds.
- Reduced lower floor ceiling height to 10'-0" by raising the floor height – this also reduces the excavation off-haul. The upper flat roofs have also been lowered 6". The total effect reduces the building floor to roof height by 1'-0" and reduced the overall glazing amount by 165 sq.ft.
- Removed most of the glazing on the eastern upper story (master bathroom).
- Removed all 16 upper floor soffit lights.
- Revised plantings to limit growth height. Please see included site section A1.7 for tree heights and view corridors.
- Moved solar panel location in response to comments by the property owner of 480 Ridge Road.
- Moved fence location in response to comments by the property owner of 480 Ridge Road.

We have also included the following with our resubmittal:

- Story pole certification letter.
- Updated neighborhood outreach summary.
- 16-52.020(i) Building Area Allowance Chart 1
 - This shows the typical neighboring parcel's building area allowances as well as the actual building areas of recent approvals.
- Vistazo East, Ridge Road & Straits View Neighborhood Compatibility Chart 2.
 - This shows the relationship of the proposal to the neighboring homes including recent approvals.
- Material board with revised pool wall finish.

We have spent considerable time in the neighborhood identifying where the proposed home may be visible from the interior or exterior living spaces of the neighboring homes. From this search it is clear that the visibility from neighboring interior or exterior living spaces is very limited to only a few locations:

- 2243 Vistazo East: the east end of the master bedroom is visible between a gap in the existing trees.
 - We have removed almost all windows from this wall eliminating any potential privacy concerns.
- 2228 Vistazo East: Although the proposal is not visible from any interior space (there are no windows in this direction) or the front yard (there is an existing group of trees screening the view) the west side of the proposal (pool & pool wall area) can be seen if you look back in this direction from the deck. Existing trees and the roof overhang of 2228 Vistazo East currently screens the eastern portion of the proposal.
 - In response to this we have reduced the pool wall height and length, added screening plants in front of the wall and changed the material to a darker tone.
- Ridge Road & Straits View Drive. These homes all sit much higher on the hillside and looked down over the property. The proposal does not enter or block any views and there are currently no objections from these property owners in regards to the current proposal.

The proposal is not visible from any major streets, the downtown or waterfront areas, however, it is visible from a few vantage points on some local streets.

- West portion of Vistazo East: this is the closest vantage point and will eventually be screened by the row of trees along the driveway (see Neighborhood Sections A&B sheet A1.7).
 - The most effected neighbors are 2151, 2160, 2180, 2200, 2220 Vistazo East. None of these neighbors object to the current proposal.
- The east end of Vistazo East: this location is 750' away from the home – from here the proposal will join in with the other numerous homes on the hillside and ridgeline visible from this location.
- Lower portion of Solano Street: this location is 750'-1,000' away from the home – from here the proposal will join in with the other numerous homes on the hillside and ridgeline visible from this location.

While we understand the proposed property appears to be in a small greenbelt in the neighborhood the reality is, this property and the ones next to it, are legally developable lots identical to the neighboring lots currently with homes on them. We feel the current proposal location, size and design is well within the property owners rights for this property and compatible within this neighborhood. We have reviewed the existing entitlements granted to other neighboring properties and included this information in the attached Charts 1 & 2. In comparison to the existing neighbors, the proposal is well within, and generally well below, the average existing building area when compared to lot size. This is particularly true when compared to recent approvals (highlighted in red).

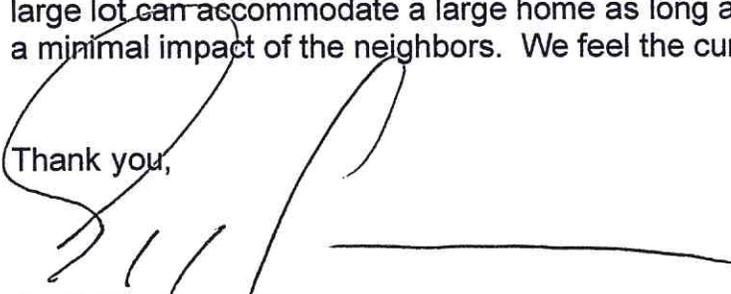
Also, very important to note, that this is one of the largest properties in the neighborhood, the property does not sit on a ridgeline, is not in any view corridor and is not visible from the downtown or waterfront areas. The home has also been designed to minimize the bulk by placing **52%** of the area of the upper and lower floors below existing grade.

The architectural design proposed, modern with generous overhangs and open, glass walls, is very similar to the current design thread in Tiburon as seen in other recent approvals listed below:

- 430 Ridge Road
- 460 Ridge Road
- 1860 Mountain View Drive
- 1940 Straits View Drive

We have done extensive neighborhood outreach in the design of this home and believe we have addressed and alleviated every valid concern the neighbors have had. With approval, this proposal brings great benefits to the neighbors on Vistazo East and the homes above. The minimal street widening, the addition of a fire hydrant to this portion of Vistazo East and the fire truck turnaround all provide immense fire safety to the neighbors at a great expense to the property owner. A large lot can accommodate a large home as long as it is sensitively designed and has a minimal impact of the neighbors. We feel the current proposal meets this objective.

Thank you,



Scott Couture, AIA
Couture Architecture

Tiburon Zoning & Neighborhood Review

16-52.020 (i) building area allowances for R-1, R-2 & RO-2 Districts

Lot size	10% of lot size	2000 sq.ft.	Garage Allow.	Allow. Building area	B.A/Lot %	
7,500	750	+ 2,000	+ 600	= 3,350	45%	Typical lot size downhill of
10,000	1,000	+ 2,000	+ 600	= 3,600	36%	Vistazo East & on Centro East
12,500	1,250	+ 2,000	+ 600	= 3,850	31%	
15,000	1,500	+ 2,000	+ 600	= 4,100	27%	
17,500	1,750	+ 2,000	+ 600	= 4,350	25%	
20,000	2,000	+ 2,000	+ 600	= 4,600	23%	Typical Ridge Road &
22,500	2,250	+ 2,000	+ 600	= 4,850	22%	Straits View Drive Lots
25,000	2,500	+ 2,000	+ 600	= 5,100	20%	
27,500	2,750	+ 2,000	+ 600	= 5,350	19%	
30,000	3,000	+ 2,000	+ 600	= 5,600	19%	
32,500	3,250	+ 2,000	+ 600	= 5,850	18%	
35,000	3,500	+ 2,000	+ 600	= 6,100	17%	
37,500	3,750	+ 2,000	+ 600	= 6,350	17%	
40,000	4,000	+ 2,000	+ 600	= 6,600	17%	Subject lot & neighboring
42,500	4,250	+ 2,000	+ 600	= 6,850	16%	lots uphill of Vistazo East
45,000	4,500	+ 2,000	+ 600	= 7,100	16%	
47,500	4,750	+ 2,000	+ 600	= 7,350	15%	
50,000	5,000	+ 2,000	+ 600	= 7,600	15%	

Recent Approvals: building areas

Lot size	Address	Home Size	Garage Size	Total Building Area	B.A/Lot %
21,420	430 Ridge Road	5,678	+ 506	= 6,184	29%
24,960	440 Ridge Road	4,686	+ 545	= 5,231	21%
23,316	460 Ridge Road	4,998	+ 506	= 5,504	24%
21,728	1940 Straits View	4,475	+ 420	= 4,895	23%
21,318	2135 Vistazo East	4,744	+ 512	= 5,256	25%
41,470	2225 Vistazo East	5,730	+ 716	= 6,446	16%

Vistazo East, Ridge Road & Straits View Drive Neighborhood compatibility chart

Neighboring Homes (sq.ft. numbers are taken from assessor records)

Address	Zoning	Site Area	Building Area*	Building Area/Site
2110 Vistazo East	R-1	12,393 sq.ft	4,274 sq.ft.	35%
2120 Vistazo East	R-1	24,150 sq.ft	3,208 sq.ft.	13%
2131 Vistazo East	RO-2	21,736 sq.ft	1,069 sq.ft.	5%
2135 Vistazo East	RO-2	21,318 sq.ft	5,256 sq.ft.	25%*
2140 Vistazo East	R-1	8,050 sq.ft	3,925 sq.ft.	25%
2151 Vistazo East	RO-2	41,640 sq.ft	2,592 sq.ft.	6%
2160 Vistazo East	R-1	7,788 sq.ft	3,743 sq.ft.	48%
2180 Vistazo East	R-1	8,255 sq.ft	2,614 sq.ft.	32%
2200 Vistazo East	R-1	7,772 sq.ft	2,921 sq.ft.	38%
2220 Vistazo East	R-1	7,812 sq.ft	1,545 sq.ft.	20%
2225 Vistazo East	RO-2	41,470 sq.ft	6,446 sq.ft.	15.5%*
2228 Vistazo East	R-1	12,500 sq.ft	3,941 sq.ft.	31%
2236 Vistazo East	R-1	11,270 sq.ft	3,805 sq.ft.	34%
2243 Vistazo East	RO-2	48,720 sq.ft	1,470 sq.ft.	3%
2244 Vistazo East	R-1	7,140 sq.ft	3,150 sq.ft.	44%
2245 Vistazo East	RO-2	29,200 sq.ft	1,300 sq.ft.	5%
430 Ridge Road	RO-2	21,420 sq.ft	6,184 sq.ft.	29%*
440 Ridge Road	RO-2	24,960 sq.ft	5,231 sq.ft.	21%*
450 Ridge Road	RO-2	22,250 sq.ft	4,177 sq.ft.	19%
460 Ridge Road	RO-2	23,316 sq.ft	5,504 sq.ft.	24%*
480 Ridge Road	RO-2	21,594 sq.ft	2,333 sq.ft.	11%
490 Ridge Road	RO-2	21,242 sq.ft	4,907 sq.ft.	23%*
500 Ridge Road	RO-2	23,000 sq.ft	4,140 sq.ft.	18%
510 Ridge Road	RO-2	20,640 sq.ft	2,140 sq.ft.	10%
1910 Straits View Drive	RO-2	44,146 sq.ft	5,289 sq.ft.	16%*
1930 Straits View Drive	RO-2	24,289 sq.ft	2,036 sq.ft.	8%
1940 Straits View Drive	RO-2	21,728 sq.ft	4,895 sq.ft.	23%*

*Building Area = House + Garage.

*Recent approvals or renovation/modernizations



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

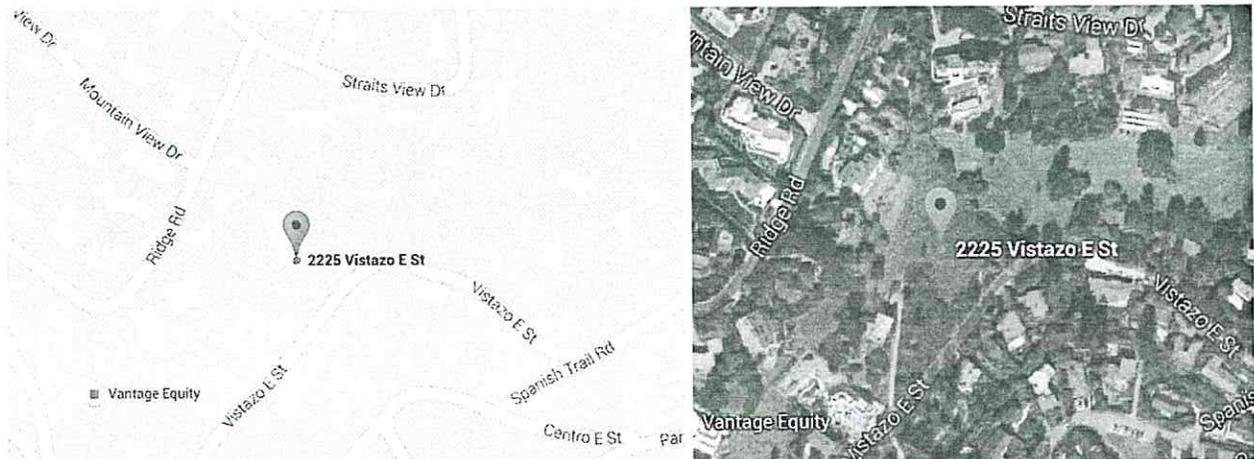
cellar and storage room. Decks would extend off both floors to the east and patios would be located at ground level on several sides of the building. A roof deck would cover much of the southern portion of the upper floor. A swimming pool would be situated off the upper floor. A 6 foot tall wood and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



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.

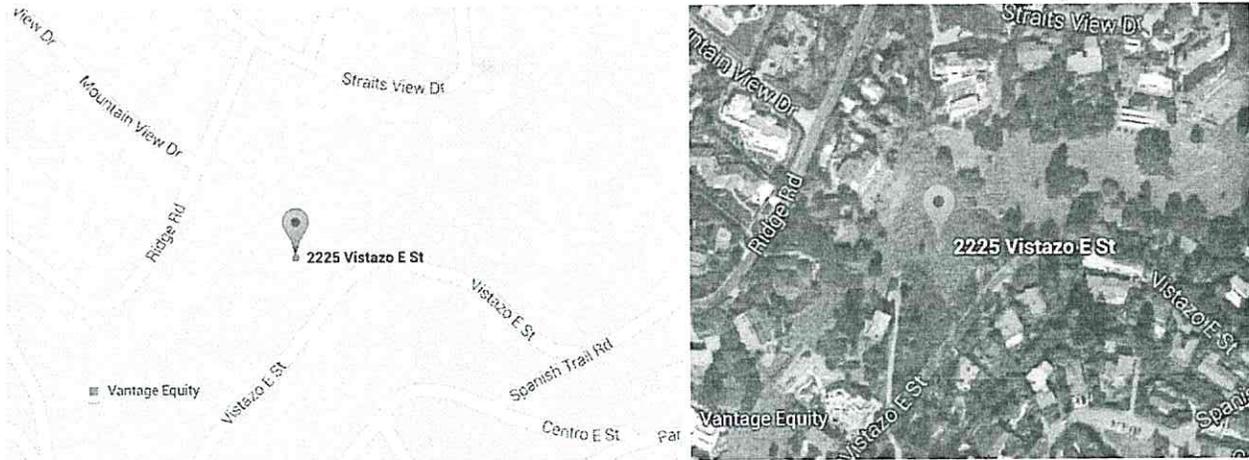
The Design Review Board shared the concerns about the overall size of the house, concluding that a variance for excess lot coverage was not warranted for a house of this size on such a large lot. The Board also raised objections to a proposed rooftop deck, the amount of glazing on the front of the house 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

**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 louvering 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.

**MINUTES #4
TIBURON DESIGN REVIEW BOARD
MEETING OF MARCH 17, 2016**

The meeting was opened at 7:03 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 Minutes Clerk Rusting

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING - None

D. OLD BUSINESS

1. **2225 VISTAZO EAST STREET:** File No. 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.

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 submitted revised plans for the project. 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 the 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.

Scott Couture, architect, reviewed the revisions made to the project. He said that they received good feedback on the architecture and materials and therefore did not want to make any drastic changes, but instead made a series of small changes to reduce the scale of the project. He said that they made four of the five windows on the eastern face translucent to address privacy concerns. He said that they removed 100 square feet of floor area and reduced the garage by 145 square feet and no longer are requesting any variances. He said that they pushed the front edge of the pool back one foot and the side by one foot.

Mr. Couture showed an aerial photograph of the area and noted the extent of development on neighboring properties compared to the proposed home. He noted that this lot is large for the neighborhood and he thought that the proposed home would fit nicely on the site. He described their neighborhood outreach, including neighbors behind the project which resulted in proposing to plant trees that would grow to 25 feet in height to cover the roof but not grow high enough to block views.

Mr. Couture reviewed the Hillside Design Guidelines and indicated how they felt that they have followed those guidelines. He displayed depictions of views of the house from the street and noted the locations of plantings. He stated that the house would have a low profile and would not protrude into the views of neighboring homes.

The public hearing was opened.

James Bernisel said that it is hard to see how steep and enormous this lot is. He said that the house would be situated at the top of the hill to become more a part of the Hillhaven neighborhood above and behind it instead of Old Tiburon. He thought that the right thing to do was put the solar panels on the roof or below the house. He stated that the Sunset Garden Book says that the trees proposed to be planted can grow to 40 feet.

Lawrence Stotter said that the people who live in Old Tiburon live there because they want to live there and be a part of the community and he was concerned that this project is being built for profit by people who do not want to live in the house. He felt that the applicants were coming back again and again with small changes until they wear down the Board. He summarized the Board's previous comments that the mass, size, and bulk of the house were not characteristic of Old Tiburon and do not belong in this area.

David Peterson said that only token changes were made to the house, but the above grade swimming pool on a 45 degree slope was not changed and would have a 12 foot tall, 50 foot long wall. He said that the house would have 2,500 to 3,000 square feet of decking. He said that 80

percent of the southern and western walls would be glazed and since the ceilings would be 11 to 13 feet high, everything would be glass. He felt that the overhangs over the decks were huge and would include flood lights shining down. He felt that the applicants were not responsive to the concerns raised at the last meeting and he thought that the aerial view was highly misleading. He said that this is a one acre lot because of its 45 degree slope. He said that this lot is serviced by a road that services neighboring houses that are less than half the size and he believed that this house would be out of character with the neighborhood.

Mr. Couture said they reached out to neighbors and care about the impact of the project on them. He said that the lot does not have a 45 degree slope and that this is a very large site but not one of the steeper sites on which they have built a house. He noted that the home at 2135 Vistazo East Street is developed to approximately the same extent as their proposed home. He believed that the size of the proposed home was in scale with the neighborhood and there would be substantial distance from the neighbors and a lot more privacy than other homes on the street. He reiterated that he felt that the design complied with the Hillside Design Guidelines. He said that they would not remove any trees from the site but would instead adding trees to it. He said that the proposed trees would not grow up to block the neighboring views and the lighting would be pointed down and shielded. He said that over 900 square feet was reduced from the previous design. He felt that the home would proportionally fit in with the scale of the neighborhood since the lot is so large.

The public hearing was closed.

Boardmember Cousins said that the biggest changes made to the plans were to the garage and the roof deck, which did not affect the mass of the building. He said that the other changes were minimal and were not enough to address the Board's previous concerns. He said that the house would have a lot of glazing and that the bathroom alone would have over 200 square feet of glass. He said that the building height was very high for a two-story home with a flat roof. He felt that there was a lot that could be done to revise the building design. He thought that the location of the house was acceptable and that it could be a large house, but the house did not have to be so massive and the amount of glass should be controlled.

Boardmember Chong said that he had had fewer concerns and he felt that the changes addressed most of his issues. He said that it is a shame that there are such different sized lots on the same street but a large home will be developed on this lot because of its size. He noted that the downhill neighbor would be 300 feet away from the downlights.

Boardmember Emberson stated that the applicant did the minimum necessary to avoid a lot coverage variance. She noted the Zoning Ordinance does not suggest that houses should be built to the maximum allowed. She believed that Ridge Road houses should not go on Vistazo East Street. She agreed with Mr. Peterson's comments that the reason this lot is so large is because the hill is steep. She thought that only incremental changes were made. She noted that the 12 foot tall wall around the swimming pool would be made of limestone and would be very white and large. She said that she loved the house design but felt that it did not work and needed to be tweaked more.

Vice Chair Kricensky said that he also liked the design, but not in this location. He thought that it was deceiving to compare this house to the neighboring homes above and below, as the house would have so much glass and was stretched along the hillside more like a Ridge Road house than one that belongs on Vistazo East Street. He said that the Zoning Ordinances clearly states that the FAR is not a goal to be achieved and that a house should fit in with its neighborhood. He said that the pool was artificially elevated and contrary to the Hillside Design Guidelines. He felt that the size of the pool wall was extreme and really adds to the mass of the project, which looks bigger than the house would really be. He noted that the Hillside Guidelines also state that framed views are better than large expanses of windows and said that the amount of glass on the bare hillside lit up at night would be excessive.

Chair Tollini agreed with the other Boardmembers regarding the glazing, height, wall size, pool elevation, and overall fit with the neighborhood. He appreciated the changes that were made, but said that they were modest and incremental and did not made a meaningful difference in the building massing. He felt that not enough had been done to address the Board's concerns. He said that the style of the home was dramatic and that it needed to be more subtle to coexist with the other homes on the street. He noted that the home at 2135 Vistazo East Street has much less glazing and is a more traditional home that fits in better. He also suggested finding smaller range of tree heights than the wax myrtle.

Planning Manager Watrous stated that the applicant would need to grant an extension to the Permit Streamlining Act deadlines for the application to be continued. Mr. Couture verbally agreed to the extension.

ACTION: It was M/S (Emberson/Kricensky) to continue the application for 2225 Vistazo East Street to the April 21, 2016 meeting. Vote: 5-0.
--

E. NEW BUSINESS

- 73 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.

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.

Wes Dodds, owner, said that he shares a property line fence with his neighbor whose pool deck looks directly down into his yard. He said that he would like to build a nine foot tall fence and a trellis for privacy. He said that his neighbor supports this requests and would look directly into his yard with only a six foot tall fence.



STAFF REPORT

To: Members of the Design Review Board
From: Community Development Department
Subject: 4000 Paradise Drive; File Nos. DR2016017 and VAR2016005;
Site Plan and Architecture Review for Construction of Additions to
Existing Single-Family Dwelling, with a Variance for Reduced Front
Setback

PROJECT DATA

ADDRESS: 4000 PARADISE DRIVE
OWNER: BRUCE AND DONNA BLOCK
APPLICANT: JAMES SCOTT FLEMING (ARCHITECT)
ASSESSOR'S PARCEL: 039-091-09
FILE NUMBERS: DR2016017 AND VAR2016005
LOT SIZE: 19,200 SQUARE FEET
ZONING: R-O2 (RESIDENTIAL-OPEN)
GENERAL PLAN: M (MEDIUM DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: APRIL 11, 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 4000 Paradise Drive. The property is currently developed with a 2,649 square foot two level, single-family dwelling with a detached 480 square foot carport.

As part of an interior remodel and additions to the existing home, the proposal would add a 534 square foot addition to the main level, which would include an expansion to the kitchen, dining room, and master bedroom closet, and add a sunroom. A 34 square foot minor addition on the lower level would include an office expansion. Other proposed improvements would include modified windows and doors on the west, east and south sides of the existing home, five (5) new skylights on the roof above the kitchen and sunroom, a new ramp from the carport to the existing bridge, and a new entry door and entry canopy.

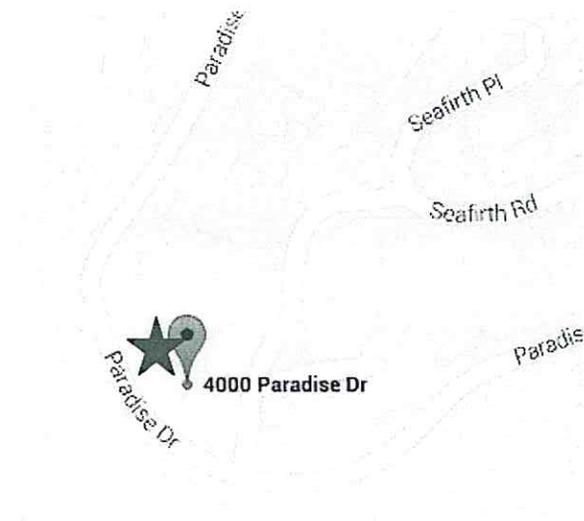
The proposal would result in a floor area of 3,415 square feet, which is below the maximum permitted floor area for the property (3,920 square feet). The proposal would result in lot

coverage of 2,774 square feet (14.4%), which is below the maximum permitted lot coverage in RO-2 zones (15.0%).

The existing nonconforming single-family house currently is situated 22 feet to the front property line. The proposed addition would be within the same footprint as the existing house and also be approximately 20 feet to the front property. As the minimum front setback in RO-2 zone is 30 feet, the applicant has request a variance for reduced front setback.

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

Project Setting



The subject property is located on Paradise Drive and slopes down from Paradise Drive to Seafirth Road. The home and neighborhood has views of San Rafael-Richmond Bridge and the bay. The property currently is surrounded by a large amount of existing mature trees that reduces potential privacy impacts between the adjacent neighbors and the subject property. The majority of the trees would remain and maintain a privacy buffer between the neighbors.

ANALYSIS

Design Issues

The site layout of the proposed improvements would not appear to create any view or privacy impacts or light pollution for the adjacent neighbors. The closest adjacent neighbors' homes are at 4020 Paradise Drive and 17 Seafirth Road, which both are located downhill from the subject property and oriented towards the bay. The majority of the new windows would be facing uphill towards Paradise Drive and not towards the adjacent neighbors.

The majority of the addition would be on the east side of the home and hidden by the existing footprint of the dwelling with a portion of the proposed addition situated in the same footprint as the existing main level deck. The closet addition on the northwest side of the home would be hidden by existing mature trees and would be oriented towards the front of the property and

would be adjacent to the neighbor's driveway. In addition, the amount of glazing from the window and door modifications would appear to be similar as the glazing of the existing windows and doors.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-2 zone, with the exception of the previously noted 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.**

The 19,200 square foot lot size for this property is smaller than the minimum lot size required in the RO-2 zone. The lot also has an unusual shape and has been developed with the majority of the home uphill closer to the Paradise Drive, which results in a reduced amount of buildable area for the lot. 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.**

Many properties in the RO-2 zoning district have been granted variances for reduced setbacks in order to construct small encroachments because of the substandard lot sizes and shapes within the neighborhood.

- 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 as a 30 foot front setback would require the master bedroom closet to be located in another location or design with a different orientation, which could create an unusual shape and architectural layout for the main level and could create practical difficulty for the applicant. The closet addition could be reduced in size to comply with the required front setback as the home already has a master bedroom suite with closet space and this would only be an expansion of that space.

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 reduced front setback would not be detrimental or injurious to neighboring properties, as the proposed addition would be at a lower elevation than the street level and would be screened by existing mature vegetation.

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, 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[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. Submitted Plans

Prepared by: Kyra O'Malley, Associate Planner

ATTACHMENT 1

**DRAFT CONDITIONS OF APPROVAL
4000 PARADISE DRIVE
FILE NOS. DR2016017 AND VAR2016005**

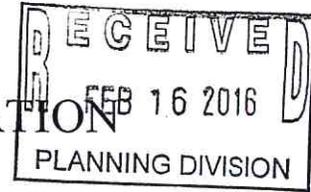
1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform to the application and plans dated by the Town of Tiburon on February 16, 2016, as amended by these conditions of approval. Any modifications to the plans dated April 11, 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, 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 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)
 - c. The vegetation on this parcel shall comply with the requirements of TFPD and the recommendations of Fire Safe Marin (CFC 304.1.2).



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: 4000 PARADISE Drive PROPERTY SIZE: 73990 SF
PARCEL NUMBER: 039-091-09-00 ZONING: RO-2

PROPERTY OWNER: BRUCE & DONNA BLOCK
MAILING ADDRESS: 4000 PARADISE Dr.
TIBURON, CA 94920
PHONE/FAX NUMBER: 415 789 0374 E-MAIL: _____

APPLICANT (Other than Property Owner): JAMES SCOTT FLEMING - ARCHITECT
MAILING ADDRESS: 1700 LE ROY AVE #4
BERKELEY, CA 94709
PHONE/FAX NUMBER: 619 743 5770 E-MAIL: SFLEMINGAIA@AOL.COM

ARCHITECT/DESIGNER/ENGINEER JAMES SCOTT FLEMING *
MAILING ADDRESS: 1700 LE ROY AVE #4
BERKELEY, CA 94709
PHONE/FAX NUMBER: 619 743 5770 E-MAIL: SFLEMINGAIA@AOL.COM

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

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

568 SF ADDITION TO EXIST. 2640 SF RESIDENCE
VARIANCE REQ'D FOR N. END CLOSET EXPANSION
FOR FRONT SETBACK

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: * Donna Bloch Date: 2/2/16 *

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: * Donna Bloch Date: 2/2/16 *

**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*

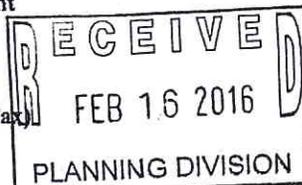
NOTICE TO APPLICANTS

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

DEPARTMENTAL PROCESSING INFORMATION		
Application No.: DR2016-017/VAR2016-005	GP Designation:	Fee Deposit: <u>\$1395</u>
Date Received: <u>2/16/16</u>	Received By: <u>LS</u>	Receipt #: <u>RL093/RL094</u>
Date Deemed Complete: <u>4/14/16</u>	Action:	By: <u>LD</u>
Acting Body:	Resolution or Ordinance # _____	Date:
Conditions of Approval or Comments: _____		

MINOR ALTERATION SUPPLEMENT



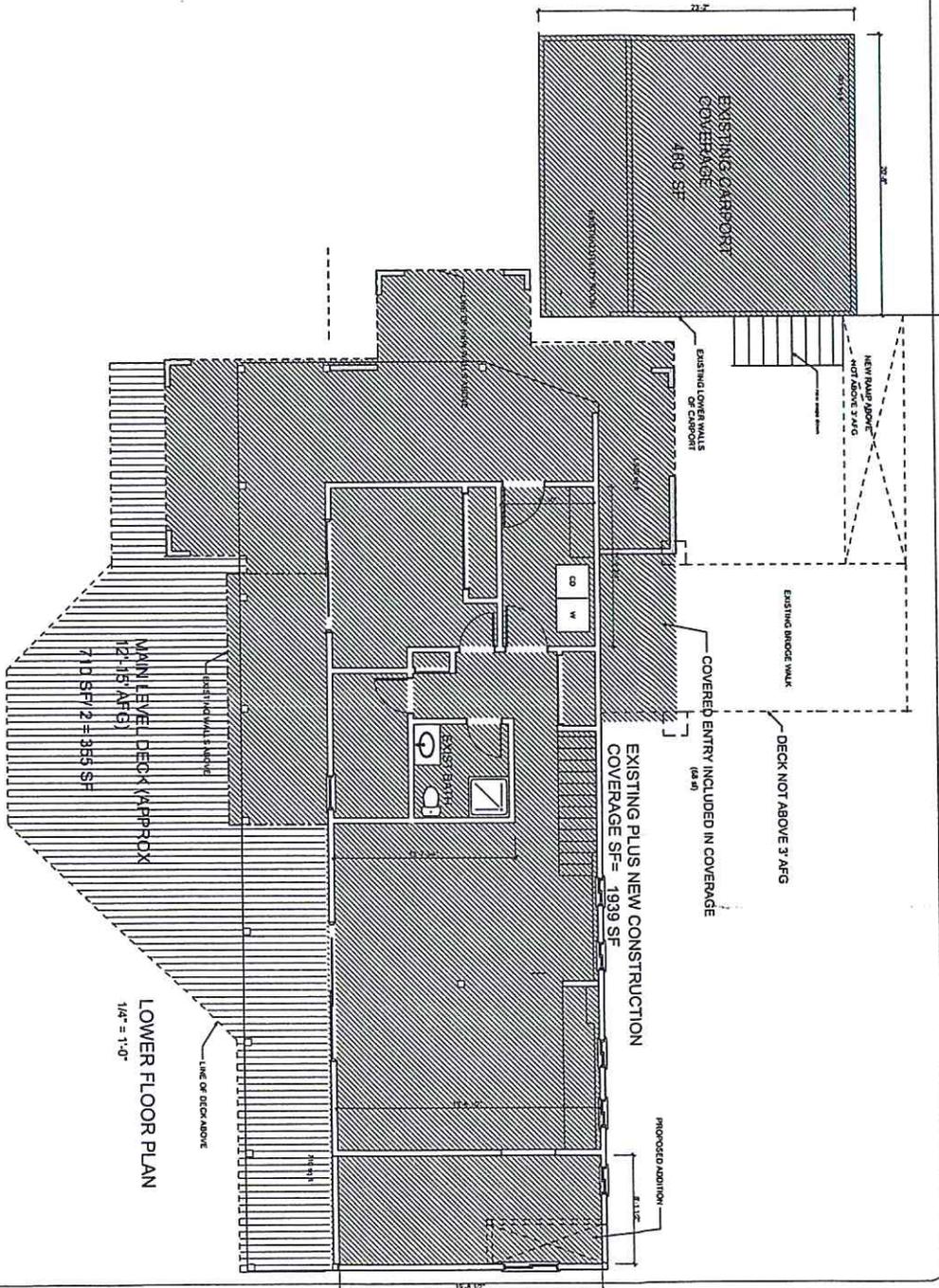
Please fill in the information requested below:

- Briefly describe the proposed project (attach separate sheet as needed):
508 S.F. ADDITION TO FIRST & LOWER FLOOR OF EXISTING RESIDENCE, W/ LIVING
EXPANDED KITCHEN, ADDED SUNROOM AND EXPANDED CLOSET AREAS.
ALL EXTERIOR FINISHES & COLORS TO MATCH EXISTING.
- Lot area in square feet (Section 16-100.020(L))*: 19200 Zoning: RO-2
- Square footage of Landscape Area: 16413 SF + 500 UNDER UPPER DECK.
- Proposed use of site (example: single family residential, commercial, etc.):
 Existing SFR
 Proposed SFR
- Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.
NO CHANGES

ITEM	TO BE COMPLETED BY APPLICANT			STAFF USE ONLY	
	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
Yards (Setbacks from property line) (Section 16-100.020(Y))* Front	22 22 ft.	20 20 ft.	20 ft.	ft.	ft.
Rear	27 ft.	25 ft.	25 ft.	ft.	ft.
Right Side	113 ft.	108 ft.	108 ft.	ft.	ft.
Left Side	ft.	ft.	ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	27 27 ft.	24 ft.	(ADDITION) 24 ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B))*	2138 sq.ft.	1236 sq.ft.	2774 sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	12.5 %	6.0 %	14.5 %	%	%
Gross Floor Area (Section 16-100.020(F))*	3327 sq.ft.	568 sq.ft.	3895 sq.ft.	sq.ft.	sq.ft.

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

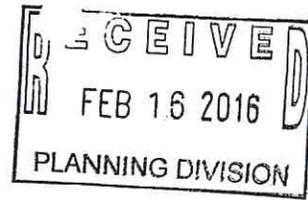
RECEIVED
 APR 12 2016
 PLANNING DIVISION



SITE COVERAGE DIAGRAM
1/4" = 1'-0"

SITE AREA 13,200 SF
TOTAL COVERAGE 282 SF = 1%

<p>CV-1</p>	<p>SHEET</p>	<p>BLOCK RESIDENCE ADDITION</p>		<p>JAMES SCOTT FLEMING AIA ARCHITECTURE PLANNING GRAPHICS</p> <p>1750 LE ROY AVENUE # 804/808 BURLINGAME, CA 94010 TEL 678 433 9778 SCOTT@JSCFG.COM</p>
<p>DATE: DECEMBER, 2014</p>		<p>REVISIONS</p>		
<p>TITLE</p>				



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

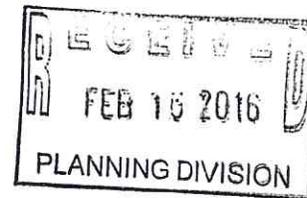
APPLICATION FOR VARIANCE

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	30'	22	20	10'
Rear Yard Setback	_____	_____	_____	_____
Left Side Yard Setback	_____	_____	_____	_____
Right Side Yard Setback	_____	_____	_____	_____
Lot Coverage	_____	_____	_____	_____
Height	_____	_____	_____	_____
Parcel Area Per Dwelling Unit	_____	_____	_____	_____
Usable Open Space	_____	_____	_____	_____
Parking	_____	_____	_____	_____
Expansion of Nonconformity	_____	_____	_____	_____
Other (Please describe):	_____			

JAMES SCOTT FLEMING, AIA- ARCHITECT



February 9, 2016

Block Residence Addition
4000 Paradise Drive

FINDINGS FOR PROPOSED VARIANCE FOR FRONT YARD SETBACK

1. SPECIAL CIRCUMSTANCES

The existing residence is located on a 73000 sf parcel, irregular in shape, and located in the narrowest portion of the lot. The majority of the existing house is compliant with the 30' front yard setback, however due to the irregular north end of the lot, the current corner is only 22' from the front property line. The lot also reflects a past right of way adjustment to the front property line which further restricts this area.

The proposed addition only projects 12" farther to the north than the current house, and fills in a small corner cutout on the lower floor, therefor the proposed extension is very minor in nature as to existing conditions. The current house on the adjacent property to the north sits well away from the north/northeast property lines and sits at a lower elevation than this home, and there is no development to the west across the street on the upper hillside and therefor there would be no impact to neighbors, views etc. Because of the restrictions to any addition due to the unusual nature of the house location on the large lot, it is asked that this variance be granted to allow the minor closet/office expansion to make these rooms workable and useful in size.

2. SPECIAL PRIVILEGE

Granting of this variance would not result in a special privilege for this lot. Due to the large lot size, the projected square footage total for the home is well below maximum FAR and coverage requirements. However, the restricted position of the home on the lot due to setbacks and height restrictions does not allow much leeway for remodeling as most other homes in the area are afforded. Therefor this variance is requested.

See next page:

1700 LE ROY AVENUE, #4 BERKELEY, CA 94709
3152 GRAPE STREET, SAN DIEGO, CA 92102 (619) 743 5770

SITE CONFIGURATION/PRACTICAL DIFFICULTY

3. Strict application of the zoning regulations regarding setbacks results in a physical hardship for this property to enjoy practical enlargement of the structure that would be enjoyed by most other properties in the area. Due to the strict narrowing of the site to a point at the north end, and the current house location, no enlargement of the bedroom wing of the home can be accomplished without a variance, either to the west, north or east. The current house setbacks in this area are already below code minimum. The approx. 12' extension is minor, and would have no detrimental effect to adjacent properties or views.

NOT DETRIMENTAL

The proposed minor addition would not be detrimental to the public welfare or injurious to other property in the area. The home sits well below the elevation of the road. This addition would be at the same level as the existing, with no increase in building height, and would not conflict with views from street level. There are no developed properties directly across the street, therefore would be no view impact. The minor addition would not effect the adjacent property to the north in any way. No other impacts that would be detrimental can be conceived as to this addition/variance.



TOWN OF TIBURON
 1505 Tiburon Boulevard
 Tiburon, CA 94920

Design Review Board Meeting
 April 21, 2016
 Agenda Item: **3**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 2 Audrey Court; File Nos. DR2015139, VAR2015021 & FAE2015013; Site Plan and Architectural Review for the Construction of Additions to an Existing Single-Family Dwelling, with a Variance for Excess Lot Coverage and a Floor Area Exception

Reviewed By: _____

PROJECT DATA

ADDRESS: 2 AUDREY COURT
OWNER: ARVAND SABETIAN
APPLICANT: MASSEY SABETIAN (CIVIL ENGINEER)
ASSESSOR'S PARCEL: 058-231-10
FILE NUMBERS: DR2015139/VAR2015021/FAE2015013
LOT SIZE: 18,580 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN: M (MEDIUM HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: MARCH 16, 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 additions to an existing single-family dwelling on property located at 2 Audrey Court. The existing three-story building includes a single-family dwelling and a secondary dwelling unit.

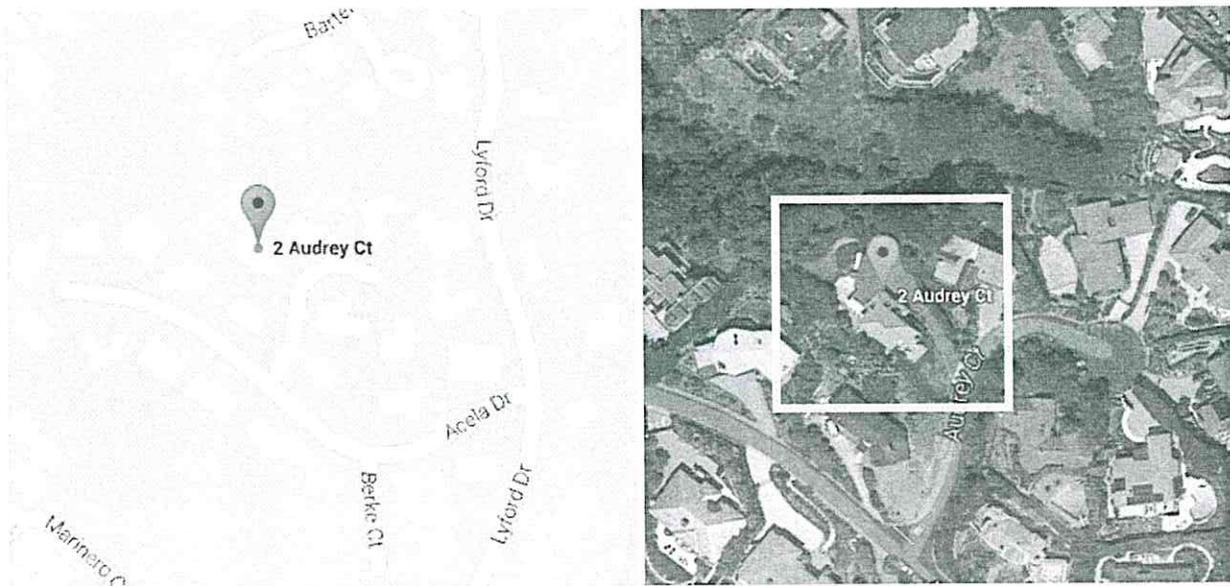
The project would make changes to all three levels of the house. On the main level, the existing garage and secondary dwelling unit would be converted into a master bedroom suite with an adjacent deck, the existing kitchen and living room and adjacent deck would be expanded, and a

new two-car garage would be constructed. On the lower level, the existing living area would be converted into the secondary dwelling unit and expanded, with two bedrooms, a kitchen, living room and two bathrooms. A new second master bedroom suite would be added on the upper level above the main level master suite.

The floor area of the property would be increased by 1,649 square feet to a total of 5,279 square feet, which is 1,421 square feet greater than the 3,858 square foot floor area ratio for this site. The applicant has therefore requested a floor area exception. The proposal would increase the lot coverage on the site by 1,374.5 square feet to a total of 3,835.5 square feet (20.6%), which is greater than the 15.0 % maximum lot coverage permitted in the RO-2 zone. As a result, a variance is 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 additions to the structure would be finished with similar materials to the existing house, including beige stucco siding, white trim and red tile roofing.

PROJECT SETTING



The subject property is situated on a relatively level site midway up Audrey Court, above the level of homes along Acela Drive. Mature vegetation extends along the rear and south side of the house.

BACKGROUND

In 2005, a Site Plan and Architectural Review application (File No. 20540) was submitted for construction of additions to the existing house, with a variance for excess lot coverage and a floor area exception. The application originally requested a total floor area of 4,903 square feet and 16.6% lot coverage.

The Design Review Board reviewed the application on November 3, 2005 and approved the request on December 1, 2005. The neighboring property owner at 6 Audrey Court appealed the decision to the Town Council. On February 1, 2006, the Council remanded the application back to the Design Review Board with direction to make changes to the roof height, windows and deck area. On March 2, 2006, the Board approved the floor area exception for a design with 4,813 square feet of floor area and a variance for 16.6% lot coverage. The project was never constructed and these approvals subsequently expired.

ANALYSIS

Design Issues

The existing house has a somewhat boxy appearance, particularly when viewed from Audrey Court, with a large plane of roofing angling toward the street. The proposed second story additions would exacerbate this condition by extending the upper story mass across almost the entire main level of the house. The architecture of the additions is poorly articulated and does little to break up the visual mass of the additions.

The overall size of the house with the proposed additions is generally inconsistent with the size of homes approved in recent years in Tiburon. The combination of lot coverage variance and floor area exception that was approved for this in 2006 is usually not approved today. Most recently, an application at 4 Audrey Court (File # VAR2015010) was not approved for a 5,255 square foot house and 24.2% lot coverage which would have been 1,047 square feet over its FAR. The floor area of the current application is also 466 square feet larger and the lot coverage requested 4.0% greater than what was approved in 2006. The current size of the house on this site is 225 square feet below the FAR and 1.8% under the maximum allowable lot coverage, and may be very close to reasonable maximum size of a house and secondary dwelling unit for this property.

The driveway leading to the existing two-car garage has an adequate turnaround area to prevent exiting cars from having to back up the driveway. The project would convert the existing garage into living space and a new two-car garage would be constructed in front of the existing garage. The new garage would be situated in the existing turnaround area, resulting in poor conditions for cars baking out of the garage. The proposed garage also has a parallelogram shape, which could create practical difficulties for two full-sized vehicles attempting to park inside.

The proposed additions would be most visible from the adjacent residence directly uphill at 6 Audrey Court. The proposed upper level addition would be visible from the living room, dining room, breakfast nook and adjacent deck of the neighboring home. The addition would block almost all views of Richardson Bay from these areas and its proximity would make the addition appear massive from these vantage points.

The upper level addition would also be visible from other homes further away and interfere with some views from these locations. As of the date of this report, staff has received additional complaints from the owners of 4 & 8 Bartel Court and 23 & 25 Meadowhill Drive. The addition would block views of the Golden Gate Bridge from the living room of the home at 4 Bartel Court

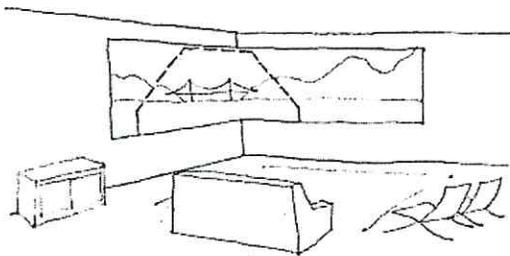
and extend slightly further into views of San Francisco from the living areas of the homes at 8 Bartel Court and 23 & 25 Meadowhill Drive.

The following principles of the Hillside Design Guidelines should be used in evaluating the potential view impacts from these neighboring homes:

Goal 3, Principle 7 (A) of the Hillside Design Guidelines states that “view protection is more important for the primary living areas of a dwelling (e.g. living room, dining room, family room, great room, kitchen, and decks associated with these rooms) than for less actively used areas of a dwelling (e.g. bedroom, bathroom, study, office, den).” The upper level addition would block views from the living room, dining room, breakfast nook and adjacent deck of the home at 6 Audrey Court and views from the living room of the homes at 4 & 8 Bartel Court and from the living areas of the homes at 23 & 25 Meadowhill Drive.

NO

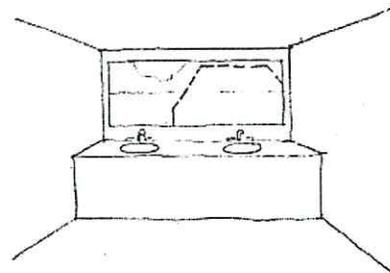
• PROPOSED STRUCTURE
BLOCKS LIVING ROOM VIEW



• GREAT IMPACT ON
LIVABILITY

YES

• PROPOSED STRUCTURE
BLOCKS BATHROOM VIEW

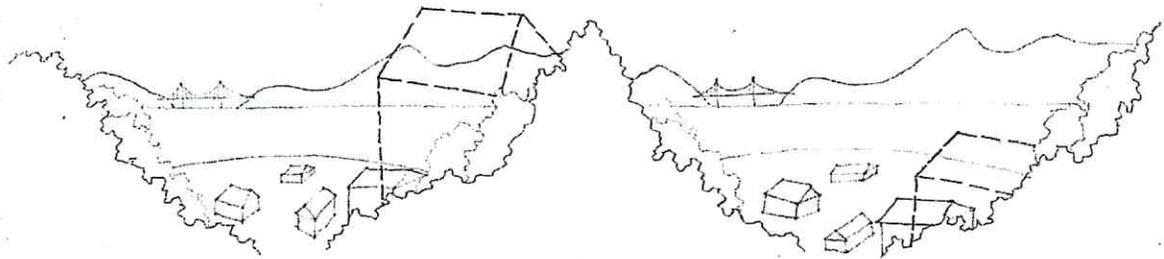


• LITTLE IMPACT ON
LIVABILITY

Goal 3, Principle 7 (B) of the Hillside Design Guidelines states that “horizon line is [the] most sensitive part of [a] view, then foreground, then middleground. If possible, avoid cutting [the] horizon line of a neighbor’s view.” The proposed upper level addition would extend past the horizon line above Sausalito when viewed the home at 6 Audrey Court, above the horizon line above the Golden Gate Bridge from the home at 4 Bartel Court, and extend above a portion of the horizon line above San Francisco from the homes at 8 Bartel Court and 23 & 25 Meadowhill Drive.

NO

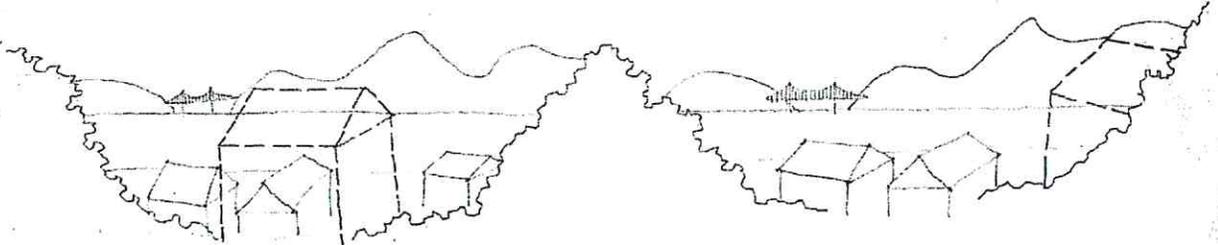
YES



Goal 3, Principle 7 (C) of the Hillside Design Guidelines states that “blockage of center of [the] view [are] more damaging than blockage of [the] side of [the] view.” The proposed upper level addition would intrude into the center of the view from the home at 6 Audrey Court and into the side of the views from the homes at 4 & 8 Bartel Court and 23 & 25 Meadowhill Drive.

NO

YES



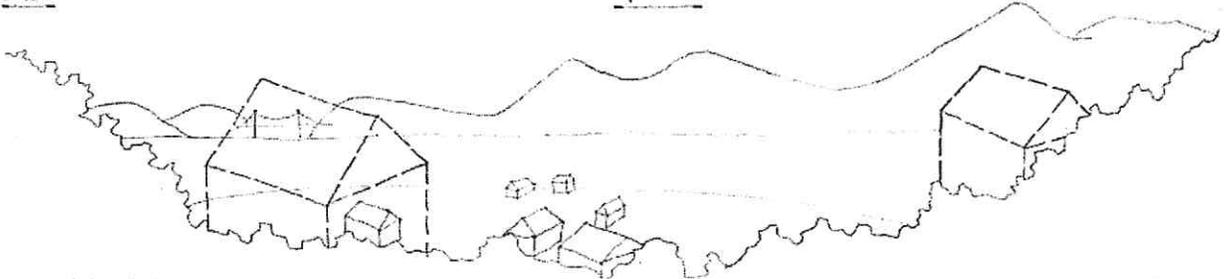
• PROPOSED STRUCTURE
BLOCKS CENTER OF VIEW

• PROPOSED STRUCTURE
BLOCKS SIDE OF VIEW

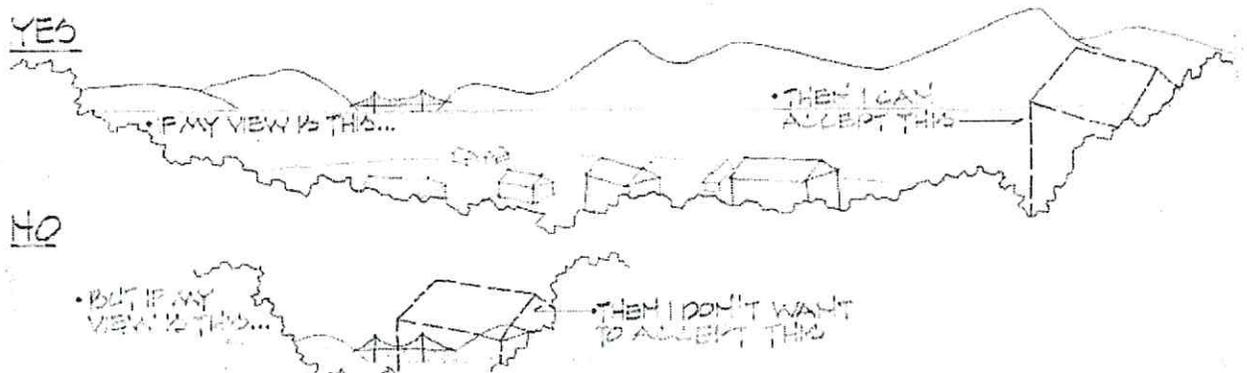
Goal 3, Principle 7 (D) of the Hillside Design Guidelines states that “blockage of important object in the view (Golden Gate Bridge, Belvedere Lagoon, Sausalito, Angel Island) is more difficult to accept than blockage of other, less well-known landmarks.” The proposed upper level addition would block the entire view of Richardson Bay from the home at 6 Audrey Court and views of the Golden Gate Bridge from the home at 4 Bartel Court.

NO

YES



Goal 3, Principle 7 (E) of the Hillside Design Guidelines states that “a wide panoramic view can accept more view blockage than the smaller slot view.” The homes at 6 Audrey Court, 4 & 8 Bartel Court and 23 & 25 Meadowhill Drive have relatively panoramic views that run from San Francisco to Mt. Tamalpais.



The Design Review Board is encouraged to view the story poles for the proposed second story addition from the homes at 6 Audrey Court, 4 & 8 Bartel Court and 23 & 25 Meadowhill Drive.

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 and the floor area exception.

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 18,580 square foot size of the lot is somewhat smaller than the 20,000 square foot minimum lot size required in the RO-2 zone, but is similar in size to many of the lots in the surrounding Marinero subdivision. The lot is relatively level and roughly rectangular. Staff does not believe that these physical characteristics would create special circumstances that would deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones if the maximum lot coverage 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 lot coverage. However, in most instances such variances are granted to prevent adding upward to an existing house and are usually not accompanied by a floor area so far above the floor area ratio for the site. Therefore, the requested variance would appear to be a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.

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.***

Staff therefore does not believe that the strict application of the maximum lot coverage requirements would result in practical difficulty or unnecessary physical hardship. As noted above, the existing house is developed to near its maximum floor area and lot coverage. It would not be a practical difficulty or an unnecessary hardship to preclude the applicants from adding a second master bedroom suite and expansive decks and maintaining a secondary dwelling unit on the site.

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 create view and other visual impacts for other homes in the vicinity.

In order to grant the requested floor area exception, the Design Review Board must make the following findings as required by Section 16-52.020(I[4]) of the Tiburon Zoning Ordinance:

1. ***The applicant has demonstrated that the visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood.***

The proposed additions would substantially extend the existing upper level of the house with little architectural articulation, which is inconsistent with more articulated visual size and scale of other homes in the immediate vicinity.

2. ***The applicant has demonstrated that the proposed structure is compatible with the physical characteristics of the site. The characteristics include, but are not limited to, shape and steepness of the lot, ease of access, and the presence of natural features worthy of retention, such as trees, rock outcroppings, stream courses and landforms.***

The proposed additions would result in a house design that is more vertical on the lot and less compatible with the generally level terrain of the subject property.

From the evidence provided, Staff believes that there is insufficient evidence to support the findings for the requested variance and floor area exception. It should be noted that the Design Review Board has generally not supported large floor area exceptions in connection with a request for a lot coverage variance.

Public Comment

As of the date of this report, three letters have been received regarding the subject application from the owners of the homes at 6 Audrey Court, 8 Bartel Court and 23 Meadowhill Drive and objections have been received from the owners of 4 Bartel Court and 25 Meadowhill Drive.

CONCLUSION

Staff believes that the revised project design does not sufficiently address the concerns raised at the February 18 and March 17, 2016 meetings. In particular, the Design Review Board should note that Section 16-52.020 (H[2]) (Guiding Principles for Site Plan and Architectural Review) of the Tiburon Zoning Ordinance states that the Board should review “the location of proposed improvements on the site in relation to the location of improvements on adjoining sites, with particular attention to view considerations, privacy, location of noise-generating exterior mechanical equipment, adequacy of light and air, and topographic or other constraints on development imposed by particular site conditions.” Section 16-52.020 (H[2]) states that the Board should ensure that “the architectural style and exterior finish are harmonious with existing development in the vicinity and will not be in stark contrast with its surroundings.”

Staff believes that the proposed additions would substantially block views for neighbors, are too visually massive and represent a poorly articulated design with poor provisions for vehicle parking and turnaround. As noted above, staff cannot make the findings for the requested lot coverage variance and floor area exception.

As a result, staff believes that in order to approve this application, the project would require such fundamental changes to its design that the Design Review Board needs to give clear direction to the applicant as to what additions, if any, would be acceptable and about any other design issues. In particular, the Board should indicate whether an upper level addition is possible in the currently proposed location and whether a floor area exception and/or a lot coverage variance can be supported for this property and, if so, provide general direction as to the scale of such an approvable exception and/or variance.

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 application be continued to the May

19, 2016 meeting, with specific direction regarding substantial project design changes to be made. If the Board wishes to deny the application, staff should be directed to prepare a resolution of denial for adoption at the next meeting. If the Board wishes to approve the application, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Letter from Kathleen and Michael King, dated April 11, 2016
4. Letter from Mark Casillas, dated April 12, 2016
5. Letter from Nancy Todes-Taylor, dated April 13, 2016
6. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

2 AUDREY COURT

FILE #DR2015139/VAR2015021/FAE2015013

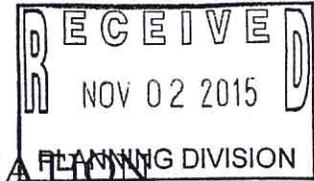
1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform with the application dated by the Town of Tiburon on November 2, 2015, or as amended by these conditions of approval. Any modifications to the plans of March 8, 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 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

8. 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.
9. 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.
10. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
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 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. Due to the size of the structure, the system shall be designed to meet NFPA 13R standards. CFC 903.2
 - b. Approved carbon monoxide and 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. CFC 304.1.2
12. The project shall comply with all requirements of the Richardson Bay Sanitary District.



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: 2 Audrey Ct, Tiburon, CA PROPERTY SIZE: 18580 SF
PARCEL NUMBER: 058-231-10 ZONING: RO-2

PROPERTY OWNER: Arvand Sabetian*
MAILING ADDRESS: 2 Audrey Ct, Tiburon, CA

PHONE/FAX NUMBER: 805-235-6414* E-MAIL: i@arvand.com*

APPLICANT (Other than Property Owner): Kristina Nakashima*
MAILING ADDRESS: 1420 Holly Ave, Los Altos, CA

PHONE/FAX NUMBER: 650-492-1241 E-MAIL: kshnakashima@gmail.com

ARCHITECT/DESIGNER/ENGINEER Avesta Engineering Group - Massy Sabetian*
MAILING ADDRESS: 611 Drake Ave, Sausalito, CA

PHONE/FAX NUMBER: 7075404146 E-MAIL: massy@avestaengineering.com

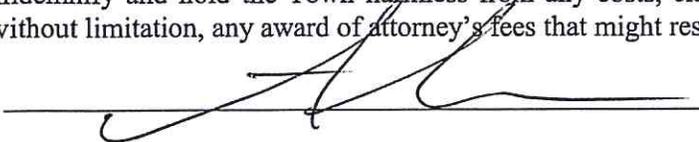
Please indicate with an asterisk () persons to whom Town correspondence should be sent.*

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

- _____ Addition of 2 bedrooms _____
- _____ Reconfiguring of secondary dwelling unit _____
- _____ Extension of living room _____
- _____ Non-bearing wall removals/reconfigurations _____

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.

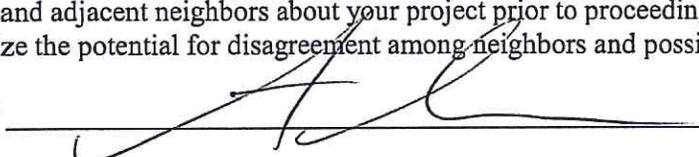
I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility 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:* 

Date: 11/2/2015

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:* 

Date: 11/2/2015

**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*

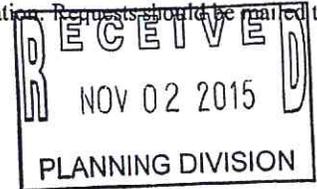
NOTICE TO APPLICANTS

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.

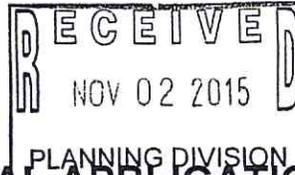
The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks 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

DEPARTMENTAL PROCESSING INFORMATION					
Application No.:	DR2015-139	GP Designation:			
Date Received:	11/2/15	Received By:	LS	Fee Deposit:	\$2005.00
Date Deemed Complete:	3/16/16	Receipt #:	R225	By:	Dev
Acting Body:		Action:		Date:	



DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

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

1. Briefly describe the proposed project:

	Addition of 2 bedrooms	
	Reconfiguring of secondary dwelling unit	
	Extension of living room	
	Non-bearing wall removals/reconfigurations	

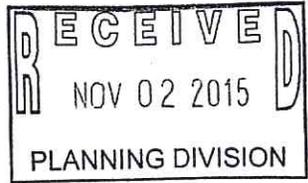
2. Lot area in square feet (Section 16-100.020(L)): 18548 SF
3. Square footage of Landscape Area: NA (non-building area 15905 SF)
4. Proposed use of site (example: single family residential, commercial, etc.):

Existing	<u>SFR + SDU</u>
Proposed	<u>SFR + SDU</u>
5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.

<u>New Garage for 2 parking spots - Old Garage space being converted to living space</u>
<u>2 Side Parking (for SDU)</u>

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE <u>RO-2</u>
Yards (Setbacks from property line) (Section 16-100.020(Y))* Front	> 30 ft.	NA ft.	> 30 ft.	ft.	30 ft.
Rear	> 25 ft.	NA ft.	> 25 ft.	ft.	<u>20% - 25 ft.</u>
Right Side	> 15 ft.	NA ft.	> 15 ft.	ft.	15 ft.
Left Side	> 15 ft.	NA ft.	> 15 ft.	ft.	15 ft.
Maximum Height (Section 16-30.050)*	< 30 ft.	NA ft.	< 30 ft.	ft.	30 ft.
Lot Coverage (Section 16-30.120(B))*	2461 sq.ft.	<u>1374.5</u> 839 sq.ft.	<u>3835.5</u> 3300 sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	13.2 %	4.5 %	17.7 %	%	%
Gross Floor Area (Section 16-100.020(F))*	<u>3630</u> 3493 sq.ft.	<u>1649</u> 1528 5021 sq.ft.	<u>5219</u> 3493 sq.ft.	5279 sq.ft.	3855 sq.ft.

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



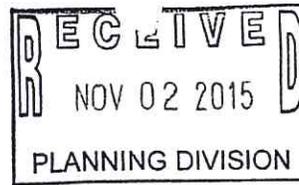
COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Division (415)-435-73
www.ci.tiburon.ca

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 may be caused by physical conditions on, or in the immediate vicinity of, a site. Please refer to Section 16.52.030 of Chapter (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	<u>15% Max</u>	<u>13.2%</u>	<u>17.7%</u>	<u>2.7</u> 4.5%
Height	_____	_____	_____	_____
Parcel Area Per Dwelling Unit	_____	_____	_____	_____
Usable Open Space	_____	_____	_____	_____
Parking	_____	_____	_____	_____
Expansion of Nonconformity	_____	_____	_____	_____
Other (Please describe):	_____			
Floor Area Exception	<u>3855 SF</u>	<u>3493 SF</u>	<u>5021 SF</u>	<u>1166</u>



Variance

- 1) *Describe what special circumstances apply to the property that cause a strict application of the zoning regulations to deprive you of privileges enjoyed by other properties in the vicinity and same or similar size.*

The 18,548 square foot lot size is 7.3% smaller than the 20,000 square foot minimum lot size for RO-2 zone. This condition creates special circumstances that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity.

- 2) *Explain how granting of the variance would not result in special privilege that is inconsistent with the limitations on other properties in the vicinity and in the same or similar zone.*

Numerous other undersized properties in the RO-2 Zone have received variances for excess lot coverage. Therefore, granting the excess lot coverage variance would not be a special privilege inconsistent with properties in the vicinity.

- 3) *Explain how the strict application of zoning regulations would result in practical difficulty or unnecessary physical hardship. Self-created hardships shall not be considered.*

Further expansion of the second story, beyond what's been proposed, would be more intrusive than the proposed addition. Because a second story expansion would likely be difficult to approve due to potential view impacts, it would be a hardship to strictly apply the Ordinance in regards to lot coverage.

- 4) *Explain how granting of the variance would not be detrimental to the public welfare or injurious to other property in the vicinity.*

As proposed, the excess lot coverage variance would not appear to have an adverse impact on views, privacy, or otherwise on the properties in the vicinity.

Floor Area Exception

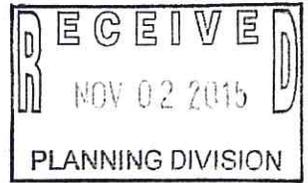
- 1) *Visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood.*

The proposed addition would be consistent with the development of properties in the vicinity. Numerous homes in the area significantly exceed the floor area requirements, and this project would not be incompatible with structures in the surrounding neighborhood.

- 2) *Proposed structure is compatible with the physical characteristics of the site. The characteristics include, but are not limited to, the scale of trees, rock outcroppings, stream courses, land forms, and the dimensions of the lot.*

The applicant has stated the proposed project would be compatible with the physical characteristics of the site because due to the lot orientation and topography, the additions

would not be highly visible from surrounding properties or the street. The topography of the lot would reduce the visual impact of the addition on the property.



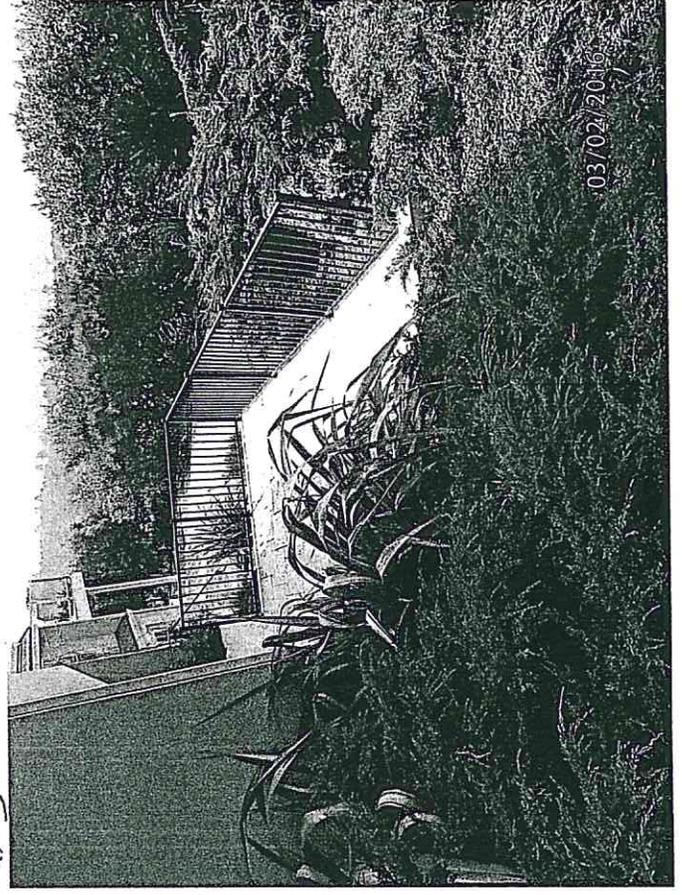
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PLANNING DIVISION



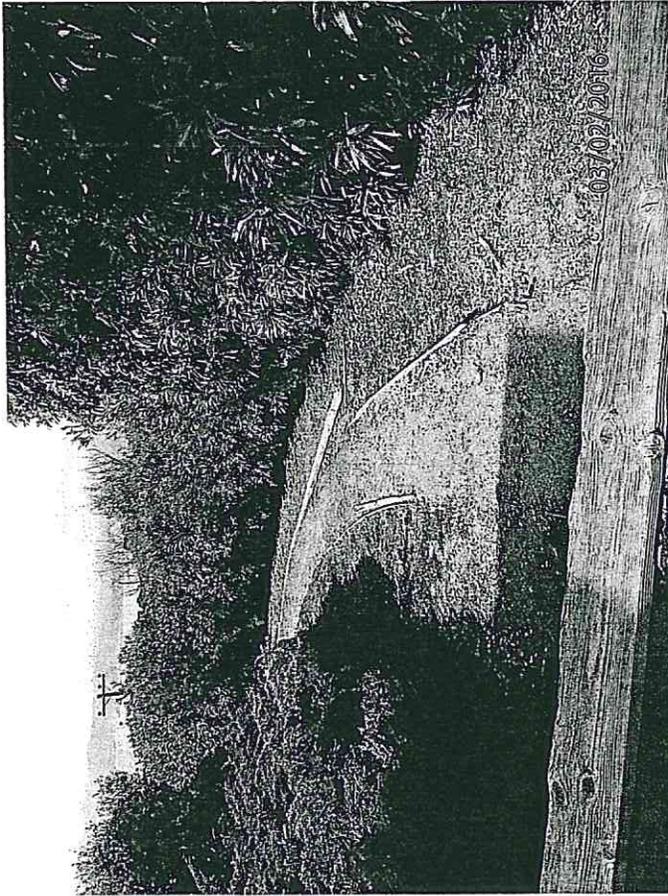
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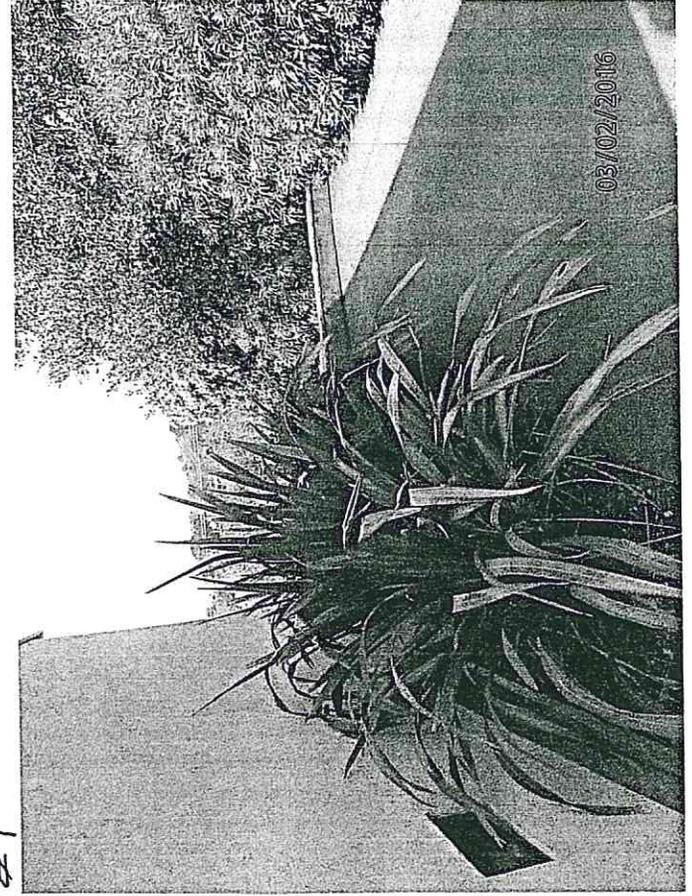
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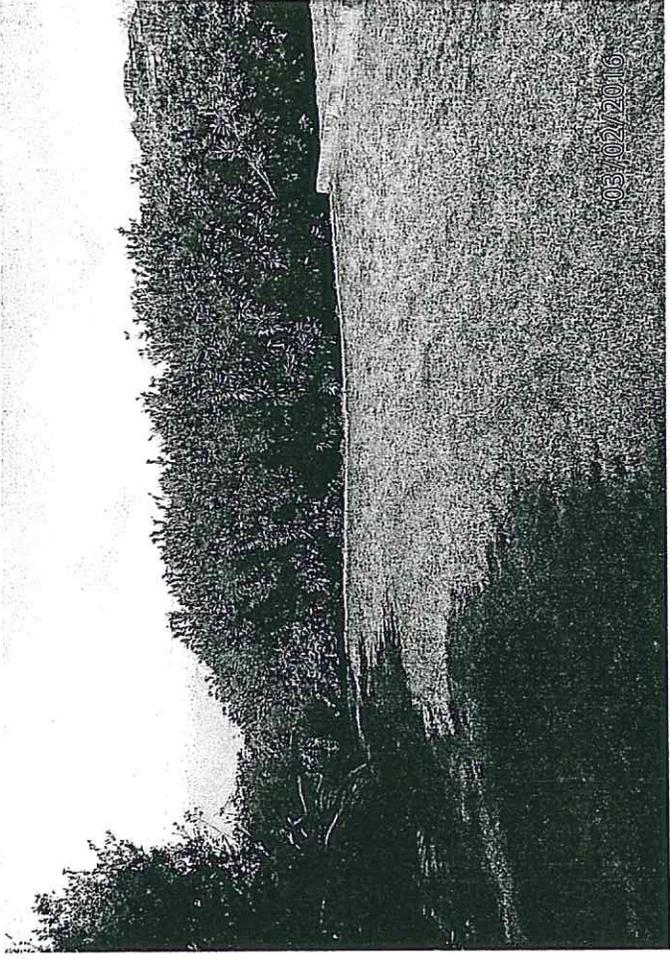
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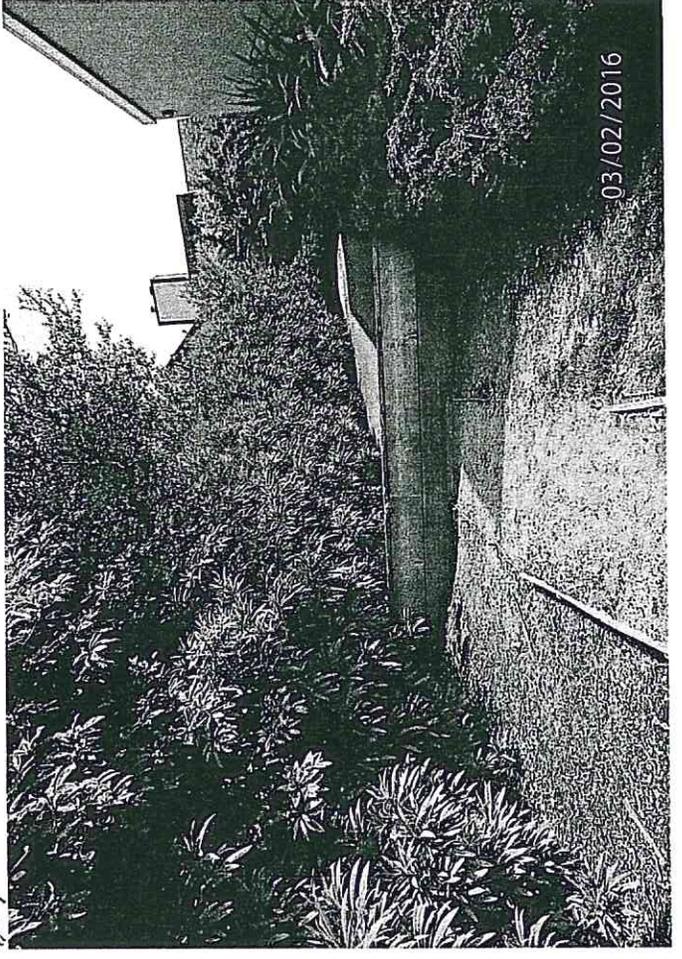
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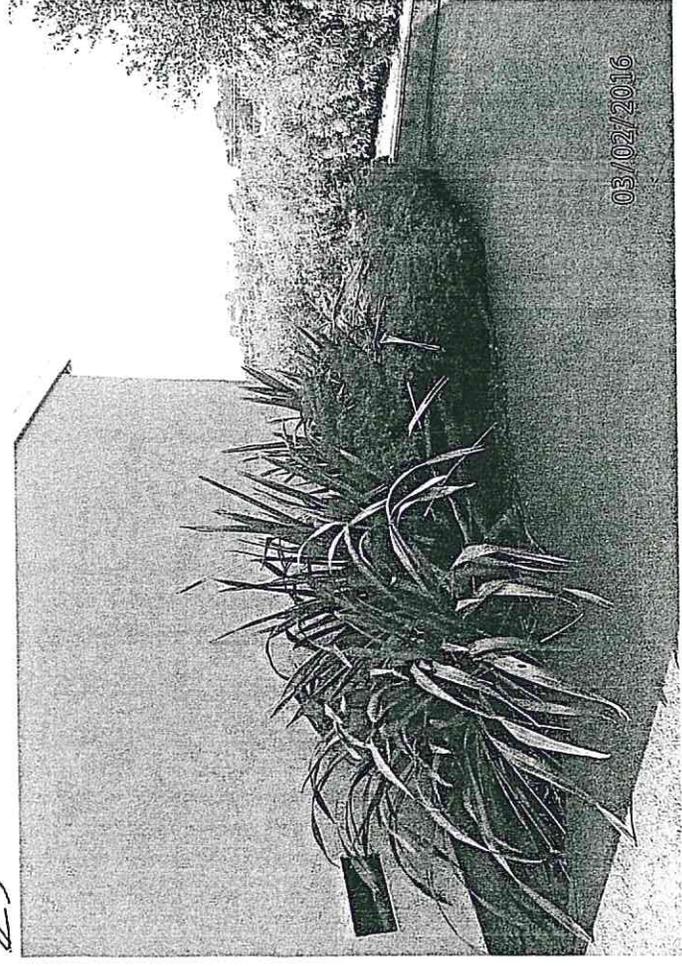
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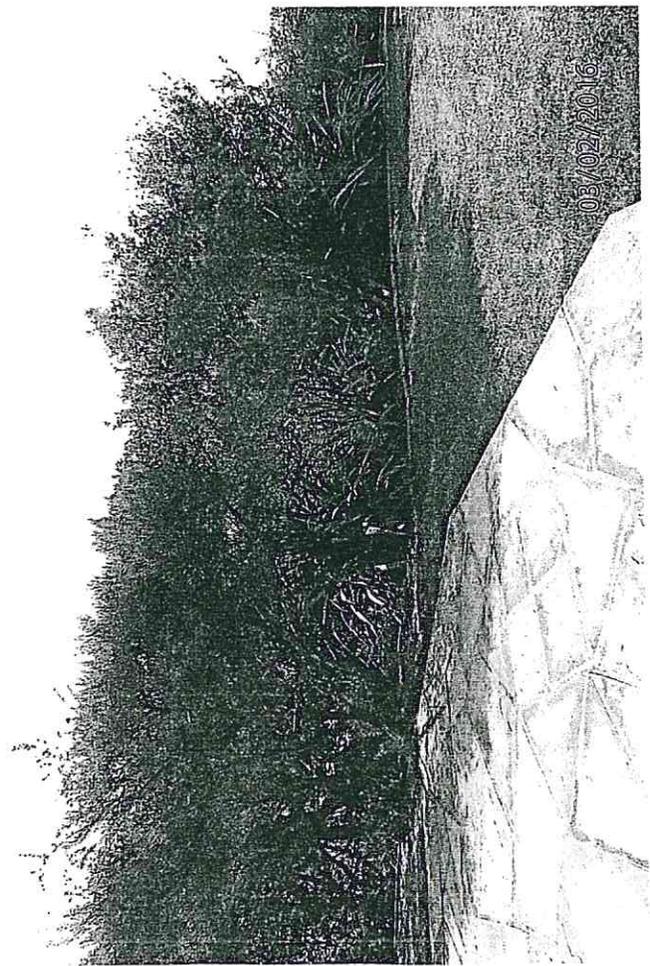
(E)
Junipers
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#5



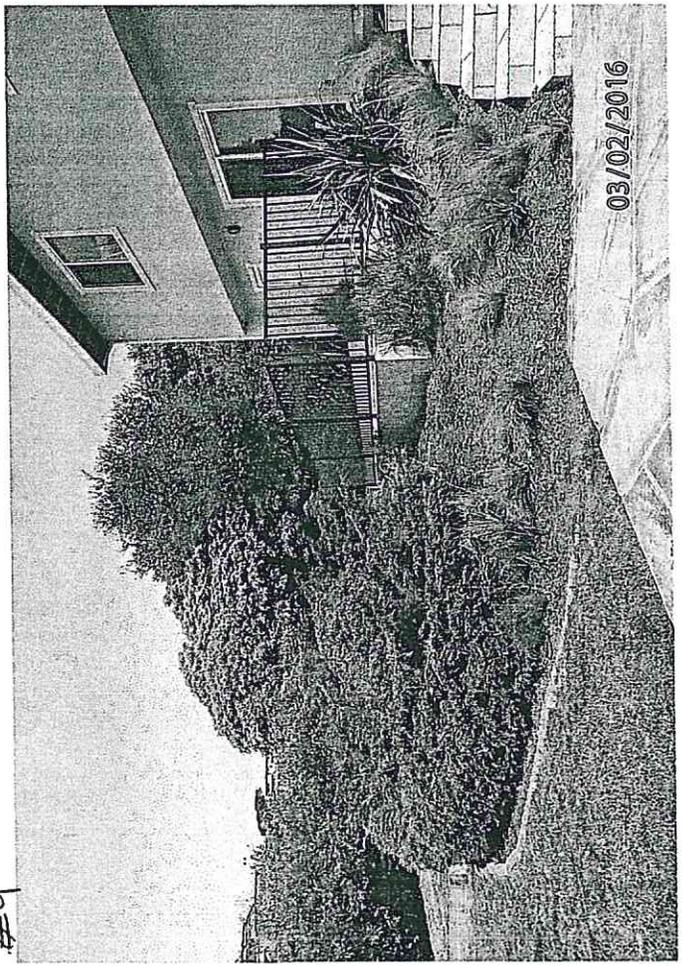
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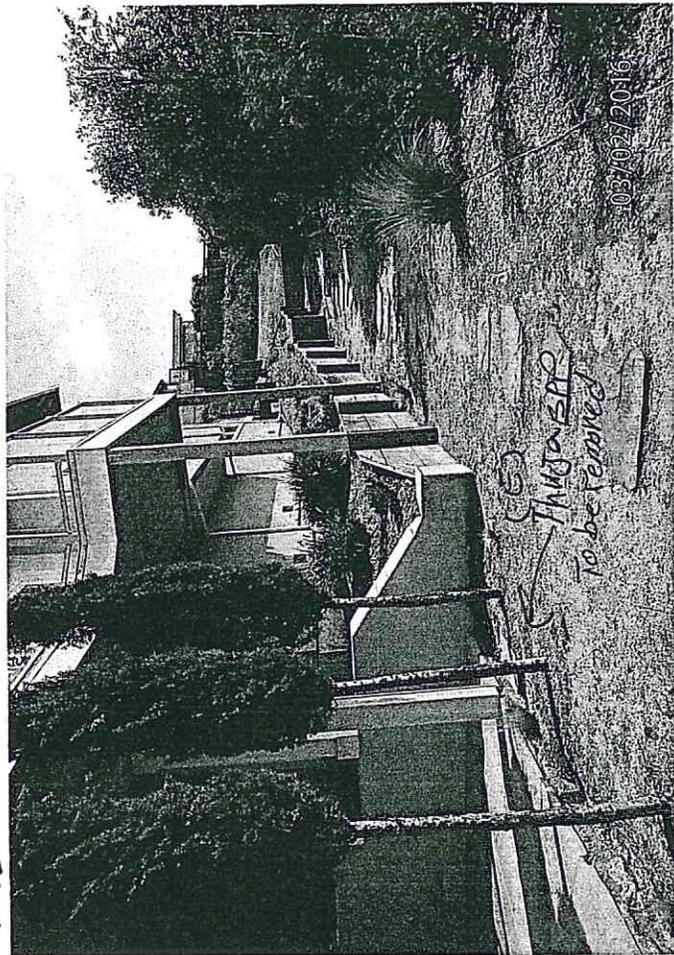
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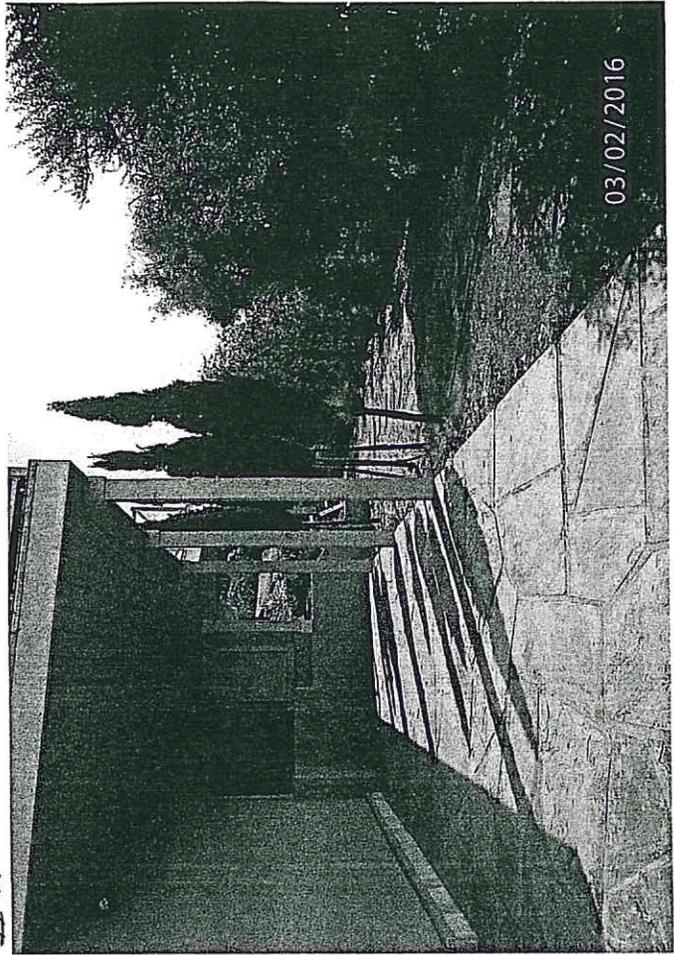
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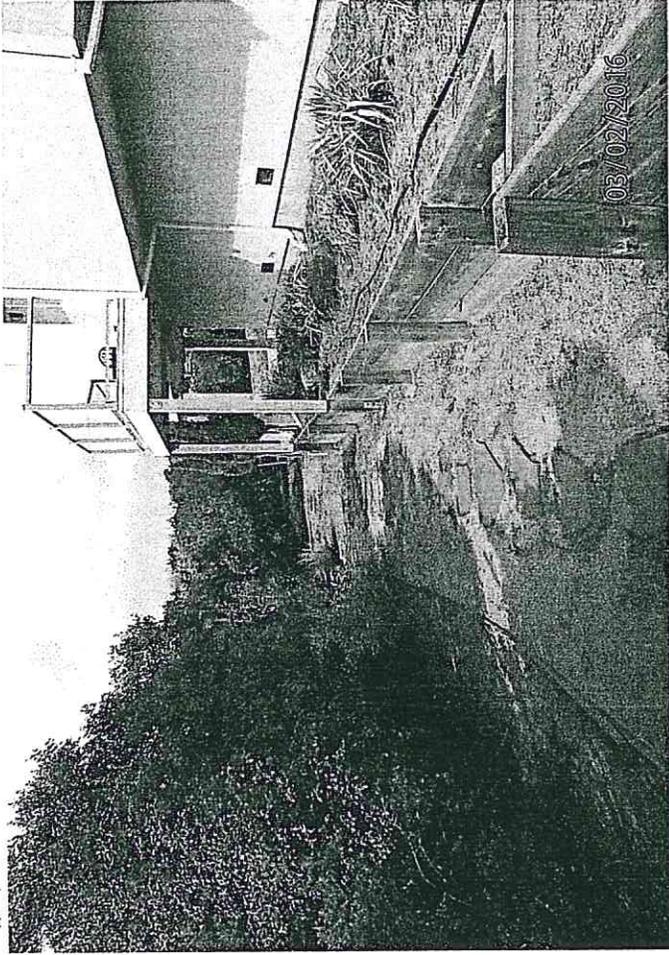
Impassable
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#11



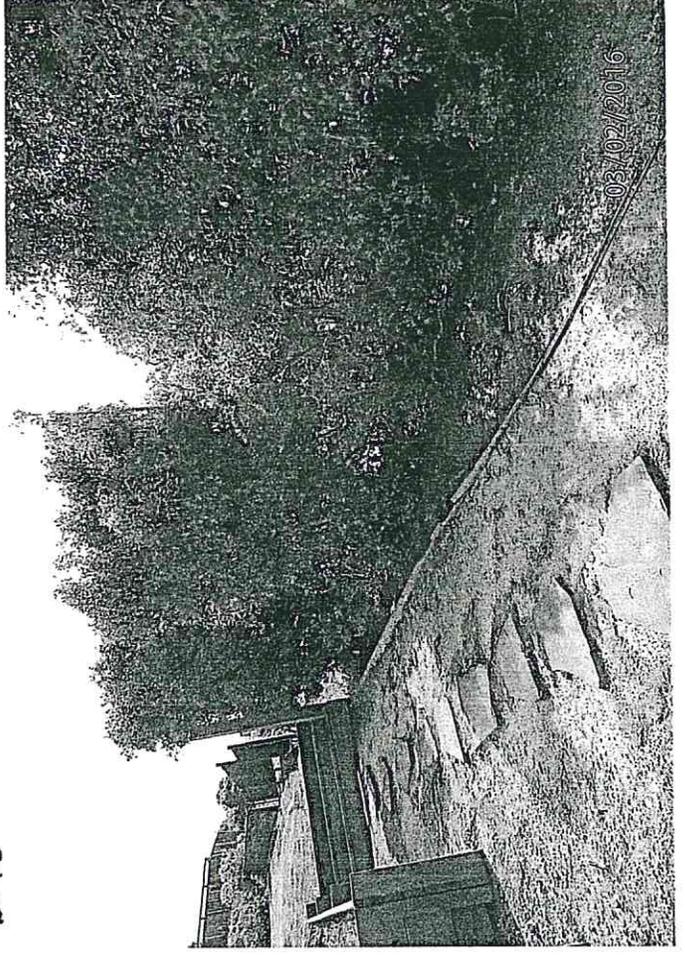
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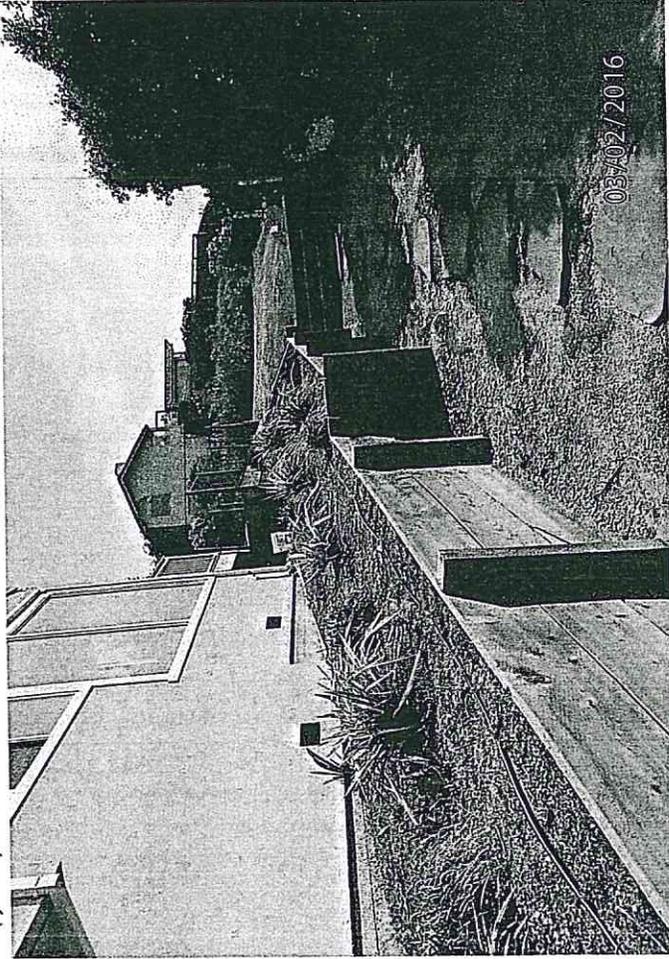
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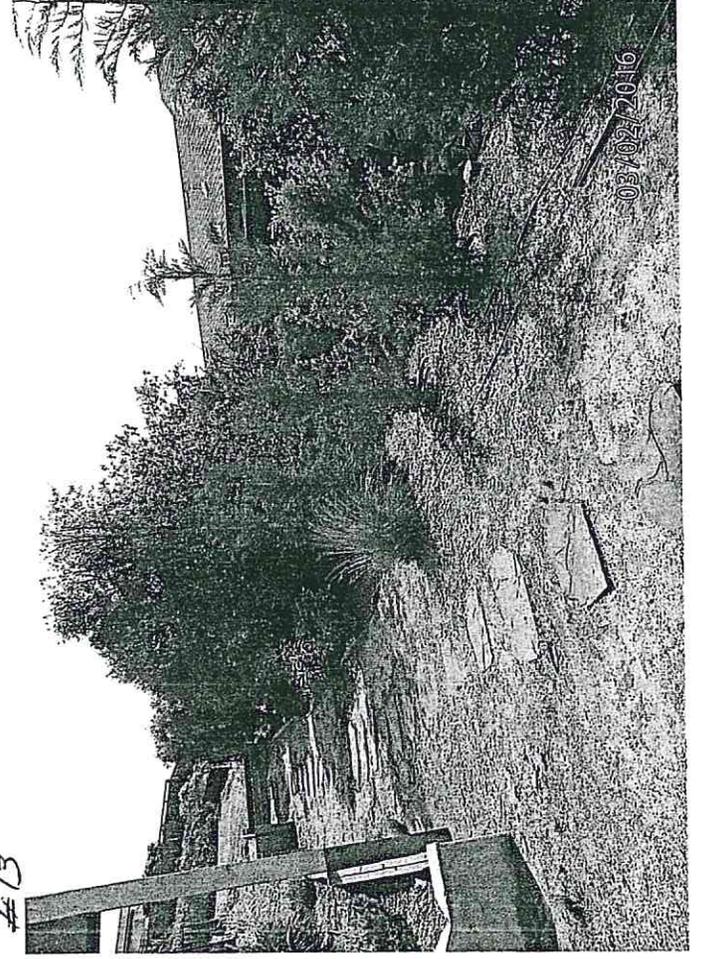
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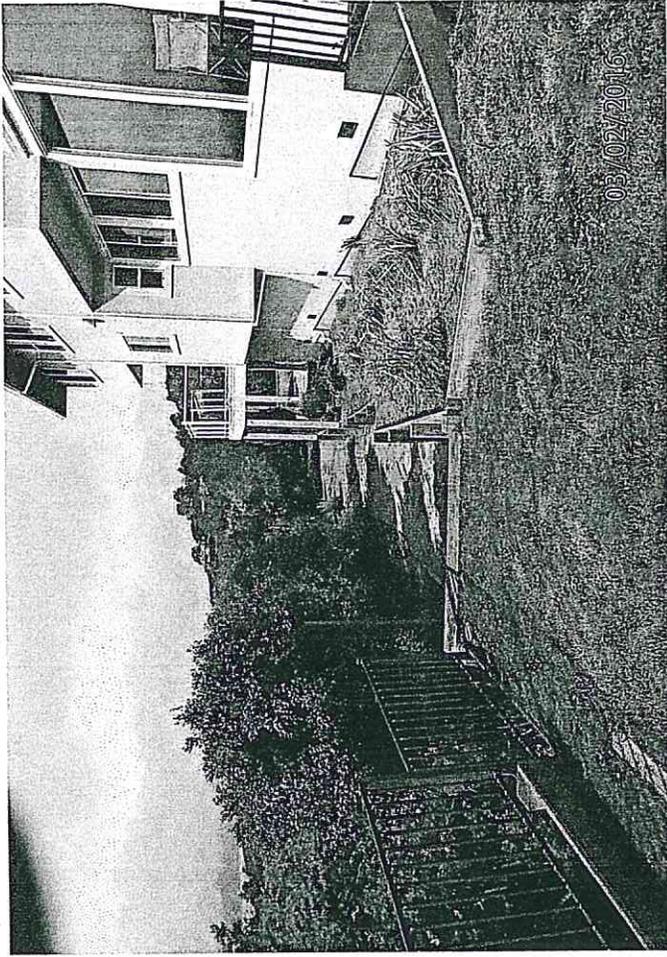
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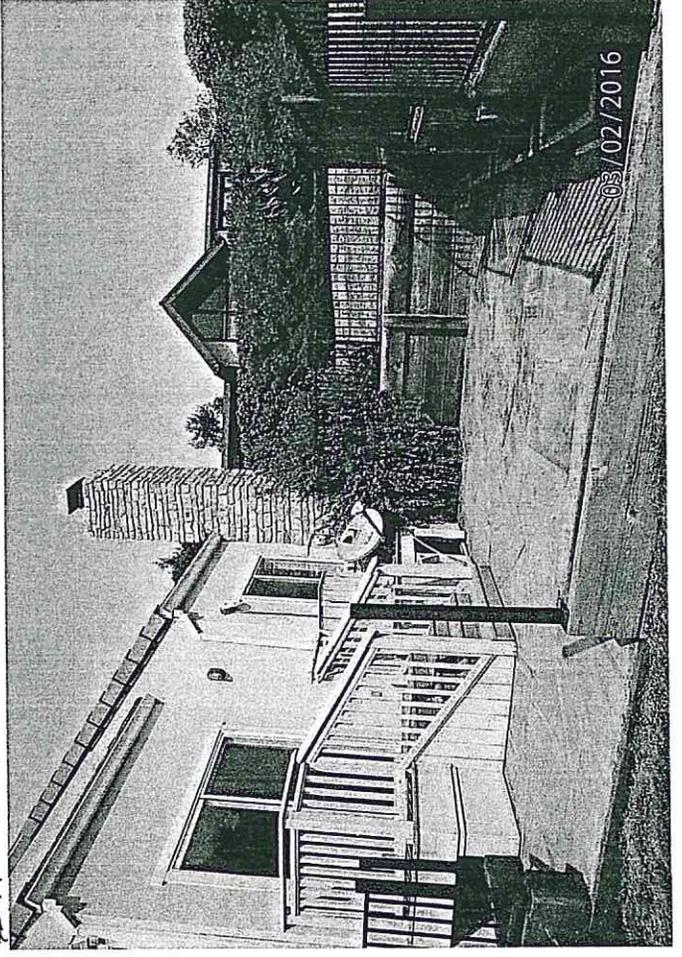
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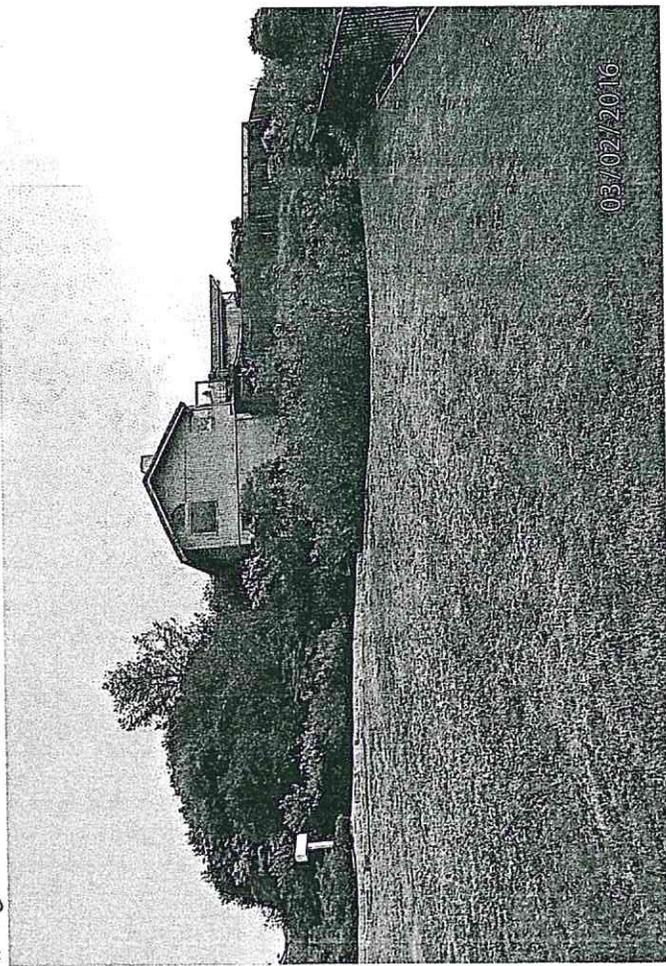
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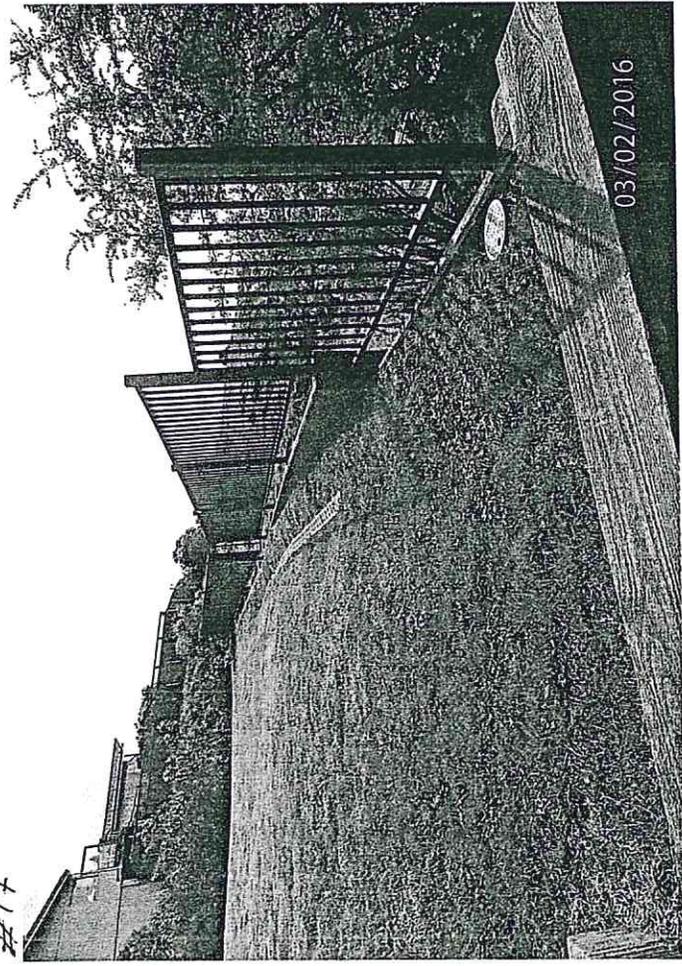
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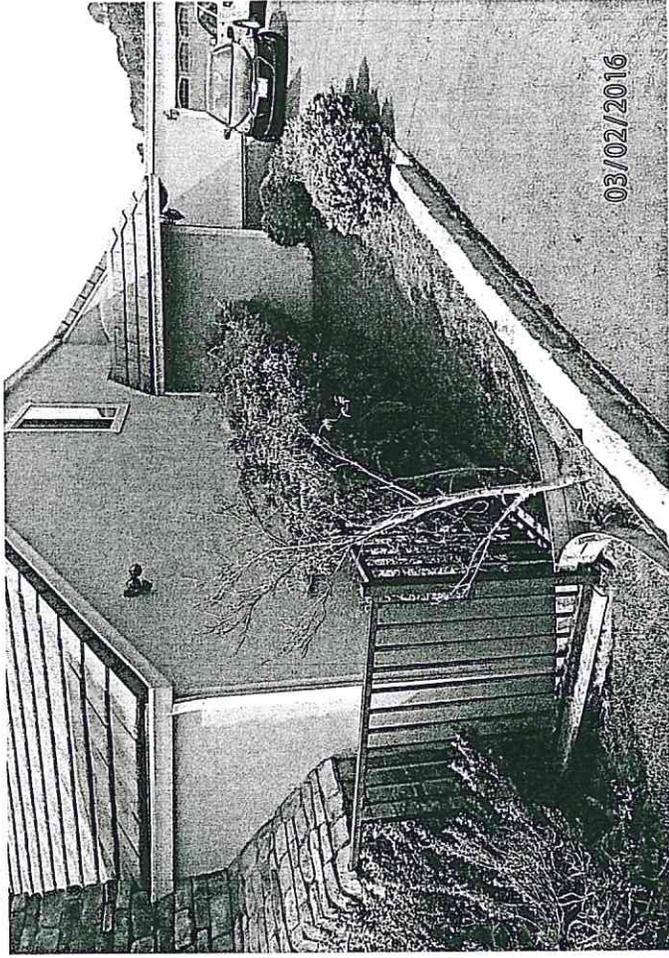
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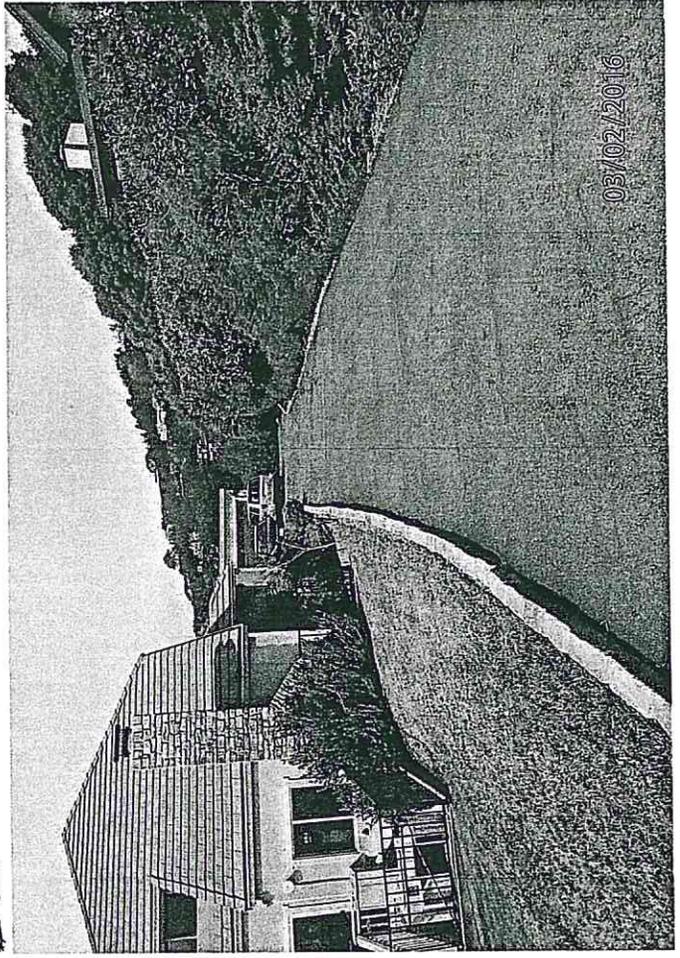


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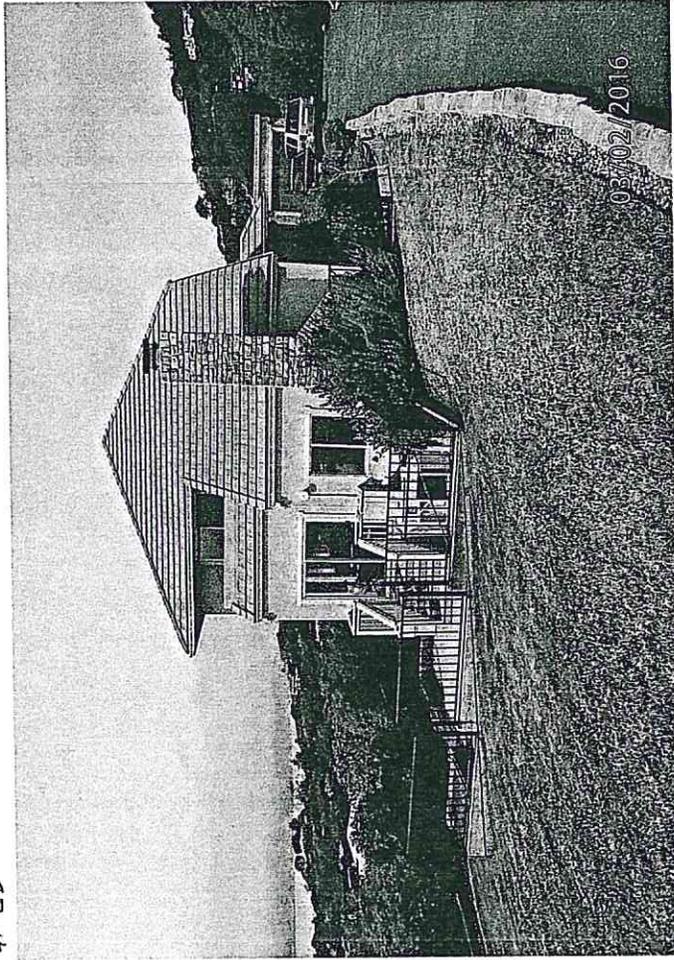
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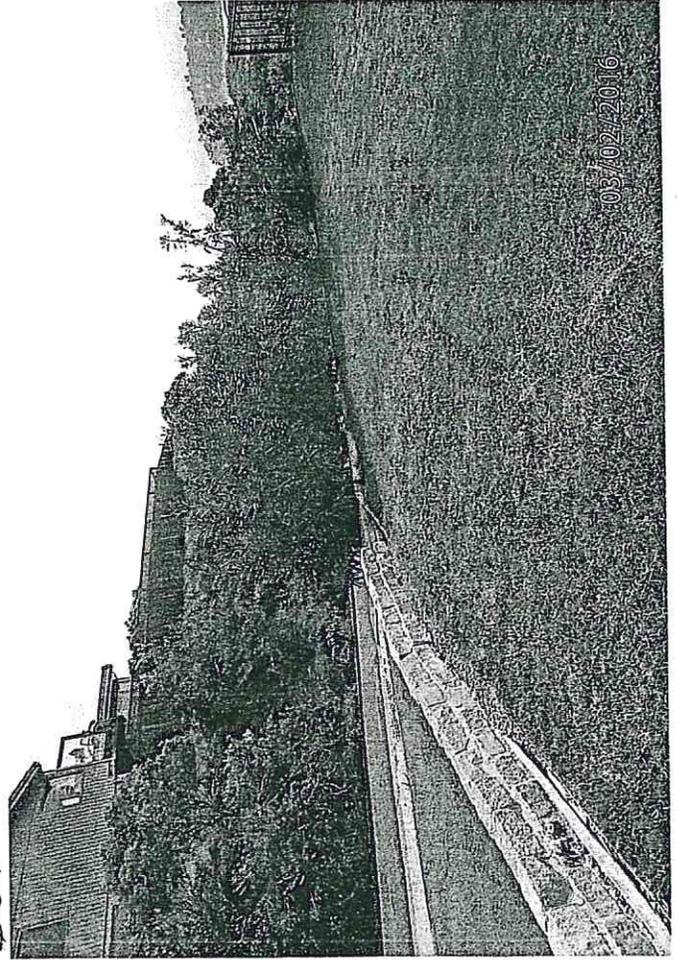
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23



24



11 APRIL 16

TO DANIEL WATROUS
PLANNING MANAGER
TOWN OF TIBURON



FROM KATHLEEN & MICHAEL KING
6 AUDREY COURT, TIBURON

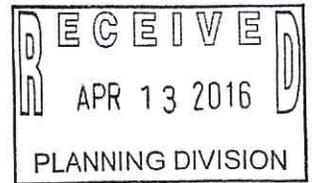
RE: PUBLIC HEARING FOR 2 AUDREY COURT
THURSDAY APRIL 21, 2016

DAN

PER YOUR INSTRUCTION TO US, WE ASK YOU
PLEASE TO ASK ASAP INDIVIDUAL MEMBERS OF THE
DESIGN REVIEW BOARD TO CONTACT US AT
415 435 3245 TO ARRANGE A TIMELY MEETING
WITH US AT OUR HOME (45 YEARS) TO REVIEW
AND DISCUSS THE PROPOSED EXPANSION OF
2 AUDREY COURT - POLES ARE IN PLACE. PLEASE
CALL US IF YOU HAVE ANY QUESTIONS REGARDING
THIS REQUEST.

THANK YOU FOR YOUR COURTESY
Kathleen King
MKP

Mark and Natalia Settembrini Casillas
8 Bartel Court
Tiburon, CA 94920



Cell 415-533-6455 • mark@casillaslaw.com

April 12, 2016

To: Daniel M. Watrous
Planning Manager, via email to dwatrous@townoftiburon.org

Re: 2 Audrey Court, Tiburon – construction additions; variance request

My wife and I object to the above-referenced project as currently planned. Last Thursday we received the Town's notice of public hearing (copy enclosed), and we see the story poles and flags at 2 Audrey Court, which were set up late Saturday afternoon. Yesterday I reviewed the documents on file for this project at the Town planning office.

The height and roofline at 2 Audrey Court have long been a major problem. It tops a three-story house on a lot that would hardly justify a two-story house. Its construction pre-dates our arrival in 1987. About 10 years ago an agreement was reached which would have lowered the 2 Audrey Court roofline by four feet as part of a renovation project then under review (an agreement that is referenced in the 2006 Minutes of the Design Review Board contained in the file). For reasons unknown to me, that project did not proceed.

Now, instead of lowering the roofline, the owner wants to maintain its height and expand the entire roof profile into a rectangular shape (versus the current triangular shape). The net result will be a massive monolithic structure, atop a three-story house, right in front of the left side of our view. This would worsen an already bad problem. See the enclosed photo, taken today.

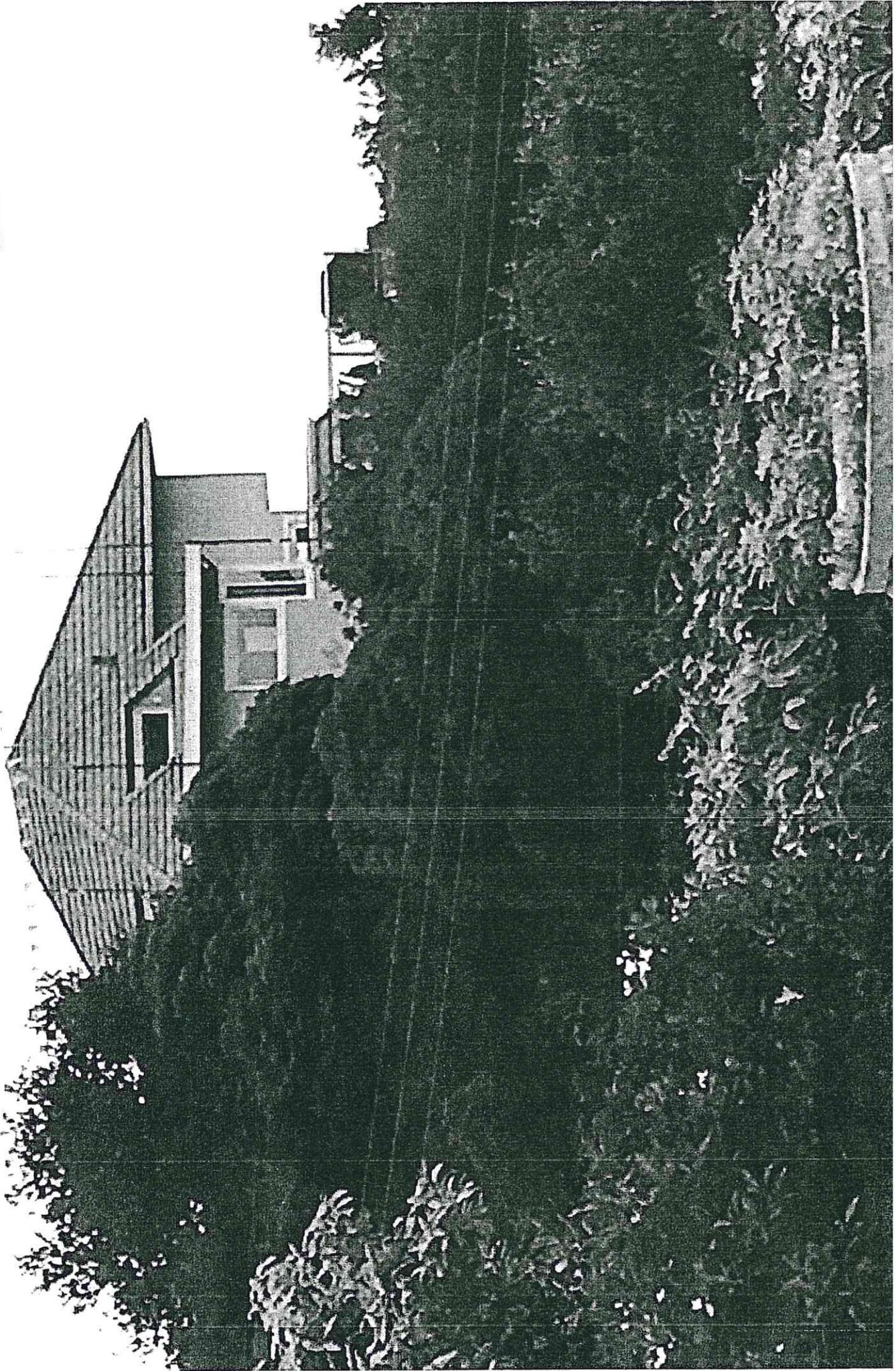
When we renovated our house in 2000, it never even occurred to us to expand the roofline of our home, because we knew this would deteriorate the views of our neighbors. For the past 29 years we have enthusiastically supported the many renovation projects in our neighborhood. The major exception has been 2 Audrey Court, which has long been a problem crying out for a reasonable solution.

Thank you for your attention to this matter.

A handwritten signature in black ink, appearing to read "Mark Casillas".

Mark Casillas
Enclosures

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PLANNING DIVISION



Dan Watrous

From: Nancy Todes Taylor [aussiestay@aol.com]
Sent: Wednesday, April 13, 2016 5:42 PM
To: Dan Watrous
Subject: Fwd: 2 Audrey Ct proposed Addition and roofline

To Mr. Watrous
Please see my letter below. Thank you for our conversation today.

Regards
Nancy Todes-Taylor MD

Sent from my iPhone

Begin forwarded message:

From: Nancy Todes Taylor <aussiestay@aol.com>
Date: April 13, 2016 at 5:20:41 PM PDT
To: destroys@townoftiburon.org
Subject: **2 Audrey Ct proposed Addition and roofline**

To Mr. Watrous,

I have lived at 23 MeadowHill Dr Tiburon for over 25 years .
I am now writing to you to notify you of our objection to the proposed construction of 2 Audrey Ct. Although we are beyond 300 ft from the property the proposed construction as marked by the story poles directly impedes our water bay view
And has a significant deleterious effect on our overall outward view. The said property already a decade ago received a variance which took away part of our bay view without any consultation on our part.
This subsequent proposal is totally out of character of the Neighborhood and presents a significant unwarranted obstruction of SF Bay view and should not be approved.

Thank you.

Dr.Nancy Todes-Taylor
23 MeadowHill Dr
Tiburon

April 13,2016

Sent from my iPhone