



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

Regular Meeting  
Design Review Board  
October 20, 2016  
7:00 p.m.

**AGENDA**  
**TIBURON DESIGN REVIEW BOARD**

**CALL TO ORDER AND ROLL CALL**

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

**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)**

**PUBLIC HEARINGS & NEW BUSINESS**

**1. 8 APOLLO ROAD**

File Nos. DR2016080 & VAR2016021; Cedric Barringer, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for excess lot coverage. The floor area and the lot coverage of the house would be increased by 755 square feet for a lot coverage of 35.7%, which is greater than the 30.0% maximum lot coverage allowed in the R-1 zone. Assessor's Parcel No. 038-301-14. [DW]

Documents:

[8 APOLLO ROAD.PDF](#)

**2. 77 EAST VIEW AVENUE**

File Nos. DR2016104, VAR2016033, VAR2016034, VAR2016035 & FAE2016011; Clinton Yee, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with Variances

for reduced front and side setbacks and excess building height, and a Floor Area Exception. The applicant proposes to construct 1,603 square feet additions to an existing three-story house, which would result in a floor area ratio of 59.7%, which is greater than the 35.0% maximum for a lot of this size. The front setback would be 2 feet, 6 inches in lieu of the minimum 15 feet. The east side setback would be 6 feet, 3 inches in lieu of the minimum 8 feet. The house would be 37 feet tall, in lieu of the maximum building height of 30 feet. Assessor's Parcel No. 060-105-92. [DW]

Documents:

[77 EAST VIEW AVENUE.PDF](#)

### **ACTION ITEMS**

#### **3. 1900-1916 MAR WEST STREET**

File No. DR2016112; Point Tiburon Bayside Homeowners Association, Owners; Site Plan and Architectural Review to construct a fence along the Mar West Street side of a condominium project. Assessor's Parcel No. 059-380-34. [KO]

Documents:

[POINT TIBURON BAYSIDE.PDF](#)

#### **4. MINUTES**

Consider adoption of minutes of meeting of October 6, 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](http://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.



## STAFF REPORT

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

**From:** Planning Manager Watrous

**Subject:** 8 Apollo Road; File Nos. DR2016080/VAR2016021; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling, with a Variance for Excess Lot Coverage (Continued from September 15, 2016)

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

### BACKGROUND

The applicant is requesting Design Review approval for the construction of additions to an existing one-story single-family dwelling on property located at 8 Apollo Road. As more than 50% of the existing structure would be demolished as part of this application, the project has been deemed to be construction of a new single-family dwelling.

The application was first considered at the August 18, 2016 Design Review Board meeting. At that meeting, several neighboring property owners expressed concerns regarding the height of the rear portion of the house and potential view and light issues from higher portions of proposed windows. The Boardmembers shared these concerns and felt that the height of the rear portion of the house, including the ceiling and window heights, were excessive and would create massing, privacy and light issues for neighbors. The Board also noted that the subject property is situated at a higher elevation than some neighbors, making the building volume and windows more visible above fence lines. The Board continued the application to the September 15, 2016 meeting.

Revised plans were submitted for this project, which included the following changes to the project design:

- The height of the rear portion of the house was lowered. The previous roofline sloped and had a height of 14 feet, 10 inches on the side and 16 feet toward the center of the lot. The new roof was flat and had a height of 13 feet, 10 inches.
- The rear portion of the house was pulled back further from the west side property line, while this wing was 10 inches wider than the previous design. The windows on the rear of this wing were lowered 6 inches.

- The east side of the house was pulled forward approximately 5 feet toward the front.
- One additional skylight was proposed, bringing the total number of skylights to 4.

The floor area of the proposed house was 2,125 square feet, 50 square feet greater than before. The garage was reduced in size by 21 square feet to 375 square feet. The proposed house covered 2,500 square feet (35.7%) of the site, 29 square feet greater than before and in excess of the 30.0% maximum lot coverage permitted in the R-1 zone. A variance was still therefore requested for excess lot coverage.

The Design Review Board reviewed the revised plans at the September 15, 2016 meeting. At that meeting, one neighbor was still concerned about the mass of the proposed house. The Board determined that the changes were insufficient to address the previously raised concerns. The Board felt that the flat roof would be too tall and create excessive building volume, and that the rear windows were too tall for the neighbors. The Board continued the application to the October 6, 2016 meeting, and the applicant later requested an additional continuance to the October 20 meeting.

Revised plans have now been submitted for the project. The height of the rear portion of the house was lowered to a height of 11 feet, 10 inches on the side and 13 feet, 10 inches toward the center of the lot. The rear windows were reduced in height to 8 feet. The footprint and floor plans of the house remain unchanged.

## **ANALYSIS**

### **Design Issues**

The changes to the project design appear to be more responsive to the concerns raised by the neighboring residents and the Design Review Board than the previous revisions. The overall roof height of the rear portion of the house would be substantially lowered. The roof along the side would match the roof height of the rest of the house, with the higher roofline only toward the center of the lot. The rear windows have been reduced in height to lessen light exposure for neighboring homes along Juno Road.

The Design Review Board is encouraged to view the story poles from the homes at 6 Apollo Road and 13 Juno Road and determine whether the revised project design would sufficiently address the massing, privacy and light issues for neighbors.

### **Zoning**

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

As noted in the previous staff report, staff believes that there is sufficient evidence to support the findings for the requested variance.

### **Public Comment**

As of the date of this report, one letter has been received regarding the subject application since the September 15, 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 project be continued with more specific direction given to the applicant to address the previously raised concerns. 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. Design Review Board staff report dated August 18, 2016
3. Design Review Board staff report dated September 15, 2016
4. Minutes of the August 18, 2016 Design Review Board meeting
5. Minutes of the September 15, 2016 Design Review Board meeting
6. Letter from Todd Davis, dated October 10, 2016
7. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

## CONDITIONS OF APPROVAL

### 8 APOLLO ROAD

#### FILE #DR2016080/VAR2016021

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 June 20, 2016, or as amended by these conditions of approval. Any modifications to the plans of October 6, 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](http://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. A drainage plan shall be provided prior to issuance of building permits, showing existing and new drainage features and their location of dispersal. No lot-to-lot drainage is allowed except where easements for drainage are provided. No drainage shall discharge across sidewalks.
  13. 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.
14. 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. CFC 903.2
  - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
  - c. The vegetation on this parcel shall comply with the requirements of TFPD and the recommendations of Fire Safe Marin. CFC 304.1.2
  - d. The photovoltaic solar system shall comply with TFPD Policy 423.5, Alternate Power Supplies.
15. The project shall comply with all requirements of the Richardson Bay Sanitary District.
16. A construction staging plan shall be approved by the Building Official prior to issuance of a building permit for this project.
17. The existing shed to the rear of the house shall be removed as part of this project.



TOWN OF TIBURON  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
August 18, 2016  
Agenda Item: **3**

## STAFF REPORT

**To:** Members of the Design Review Board  
**From:** Planning Manager Watrous  
**Subject:** 8 Apollo Road; File Nos. DR2016080/VAR2016021; 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:** 8 APOLLO ROAD  
**OWNER:** CEDRIC BARRINGER  
**APPLICANT:** DAVUD ARMOUR ARCHITECTURE  
**ASSESSOR'S PARCEL:** 034-271-04  
**FILE NUMBERS:** DR2016080/VAR2016021  
**LOT SIZE:** 6,995 SQUARE FEET  
**ZONING:** R-1 (SINGLE-FAMILY RESIDENTIAL)  
**GENERAL PLAN:** MH (MEDIUM HIGH DENSITY RESIDENTIAL)  
**FLOOD ZONE:** X  
**DATE COMPLETE:** JULY 13, 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 one-story single-family dwelling on property located at 8 Apollo Road. As more than 50% of the existing structure would be demolished as part of this application, the project has been deemed to be construction of a new single-family dwelling.

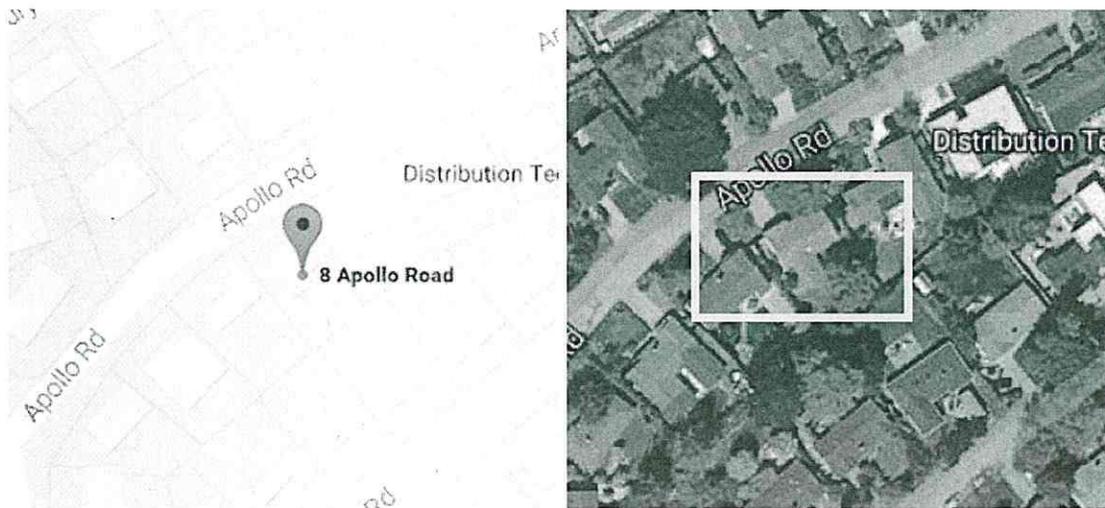
The existing house would be expanded to the front and rear. The new floor plan would include a master bedroom suite, three additional bedrooms and two more bathrooms, a living room, dining

room, kitchen and laundry room, along with a one-car garage. The roof would be changed from a flat roof to flat roof for the front portion of the building, with a raised, slightly sloped roof on the rear. Three skylights would be installed. A 6 foot tall wood fence would connect between the house and existing fencing along the side property lines. An existing cedar tree in the front would be removed and replaced with new trees and landscaping.

The floor area of the proposed house would be 2,075 square feet, with 396 square feet of garage space, which is 373 square feet less than the floor area ratio for a lot of this size. The proposed house would cover 2,471 square feet (35.3%) of the site, which is greater than the 30.0% maximum lot coverage permitted in the R-1 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 grey colored stucco and brown wood and aluminum trim. The flat roof would have a light grey finish.

## PROJECT SETTING



The subject property is situated in the interior portion of the Belveron East neighborhood. The lot is generally flat, but is situated at an elevation slightly above the properties to the rear along Juno Road.

## ANALYSIS

### Design Issues

The front portion of the proposed home would be lower than the maximum height of the existing house, while the rear would be somewhat taller. The existing house has a pitched roof with a ridgeline height of 14 feet, 6 inches. The front portion of the house would have a flat roof with a height of 11 feet, 10 inches. The raised portion of the roof above the living room, dining room

and kitchen would be slightly sloped, with a height of 14 feet, 10 inches on the side and 16 feet toward the center.

The taller portion of the proposed house would be visible from the rear yard of the home at 13 Juno Road. The story poles indicate that much of this additional building height, including the upper living room windows, would be visually prominent when viewed from the neighboring back yard. Although the existing property line fence and landscaping along the shared property line would limit privacy impacts from the living room, the raised elevation of the subject property, combined with the taller building height and flat plane of the rear of the house, would make this structure appear more massive from this neighboring property. The Design Review Board is encouraged to view the story poles from the home at 13 Juno Road.

The contemporary building design of the proposed house is inconsistent with the architecture of the original homes in the Belveron East neighborhood and most of the remodeled homes in this subdivision. However, there have been other homes in the vicinity that have been remodeled in the recent past with similar updated designs. The Design Review Board should determine whether the proposed house design would be compatible with the prevailing architectural character of the surrounding neighborhood.

There is a small storage shed to the rear of the existing house that has not been calculated into the lot coverage of this property. To comply with the noticed variance for excess lot coverage, this shed shall be removed as part of the construction of the proposed house.

### **Zoning**

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-1 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 substantially smaller than the 10,000 square foot minimum lot size required in the R-1 zone and is located in the interior of the Belveron East subdivision where two-story homes have been discouraged. These characteristics are special circumstances applicable to this property whereby 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 R-1 or similar zones have received variances for excess lot coverage, particularly in areas where a two-story home would be discouraged.

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

The strict application of the maximum lot coverage requirement for this property would force the proposed house to add an upper story of living area which would be incompatible with the character of this portion of the surrounding neighborhood, and therefore would create a practical difficulty for the applicant.

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

As noted above, the proposed 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, one letter has been received regarding the subject application from the owners of 13 Juno Road.

### **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. Letter from Felicia Wolford and Charles Cathey, dated August 7, 2016
4. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager



TOWN OF TIBURON  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
September 15, 2016

Agenda Item: **I**

## STAFF REPORT

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

**From:** Planning Manager Watrous

**Subject:** 8 Apollo Road; File Nos. DR2016080/VAR2016021; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling, with a Variance for Excess Lot Coverage (Continued from August 18, 2016)

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

### BACKGROUND

The applicant is requesting Design Review approval for the construction of additions to an existing one-story single-family dwelling on property located at 8 Apollo Road. As more than 50% of the existing structure would be demolished as part of this application, the project has been deemed to be construction of a new single-family dwelling.

The application was first considered at the August 18, 2016 Design Review Board meeting. At that meeting, several neighboring property owners expressed concerns regarding the height of the rear portion of the house and potential view and light issues from higher portions of proposed windows. The Boardmembers shared these concerns and felt that the height of the rear portion of the house, including the ceiling and window heights, were excessive and would create massing, privacy and light issues for neighbors. The Board also noted that the subject property is situated at a higher elevation than some neighbors, making the building volume and windows more visible above fence lines. The Board continued the application to the September 15, 2016 meeting.

Revised plans have now been submitted for this project, which include the following changes to the project design:

- The height of the rear portion of the house has been lowered. The previous roofline sloped and had a height of 14 feet, 10 inches on the side and 16 feet toward the center of the lot. The new roof would be flat and have a height of 13 feet, 10 inches.

- The rear portion of the house has been pulled back further from the west side property line, while this wing would be 10 inches wider than the previous design. The windows on the rear of this wing have been lowered 6 inches.
- The east side of the house has been pulled forward approximately 5 feet toward the front.
- One additional skylight is proposed, bringing the total number of skylights to 4.

The floor area of the proposed house would be 2,125 square feet, 50 square feet greater than before. The garage has been reduced in size by 21 square feet to 375 square feet. The proposed house would cover now 2,500 square feet (35.7%) of the site, 29 square feet greater than before and in excess of the 30.0% maximum lot coverage permitted in the R-1 zone. A variance is still therefore requested for excess lot coverage.

## **ANALYSIS**

### **Design Issues**

The changes to the project design are somewhat responsive to the concerns raised by the neighboring residents and the Design Review Board. Although the rear portion of the house has been lowered and pulled back from the side property line, the reductions are insubstantial. The height of the house viewable from the property at 6 Apollo Road would be reduced by only one foot. Similarly, when viewed from the home at 13 Juno Road the house would be slightly shorter and the tallest portions of the rear-facing windows would still be visible above the fence line.

The Design Review Board is encouraged to view the story poles from the homes at 6 Apollo Road and 13 Juno Road and determine whether the revised project design would sufficiently address the massing, privacy and light issues for neighbors.

### **Zoning**

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-1 zone, with the exception of the requested variance for excess lot coverage. As noted in the previous staff report, 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 since the August 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 project be continued with more specific direction given to the applicant to address the previously raised concerns. 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. Design Review Board staff report dated August 18, 2016
3. Minutes of the August 18, 2016 Design Review Board meeting
4. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

Boardmember Tollini said that he also had not changed his opinion and agreed with Boardmember Chong. He noted that this is a substandard lot and felt that the findings for the exception could be easily made because the size and structure was compatible with the pattern of the neighborhood and with the site. He noted that there is no requirement that a request for exception must comply with the lot coverage maximum. He said that this would fit the pattern of two-story homes in the area. He said that nothing about the site suggests that this would be overbuilt and he noted that the changes would reduce the lot coverage. He felt that this proposal would turn the house into a more functional family house and that the bedrooms would be modestly shaped.

Chair Kricensky said that he was in between the two opposing opinions. He felt that it was important to be consistent with the idea that when a lot is over both lot coverage and floor area it is overbuilt. However, he thought that the design works and the revisions helped a great deal.

Boardmember Tollini asked what the other Boardmembers would prefer to see, noting that reducing the size of the second story would limit it to only a master suite and one bedroom.

Boardmember Cousins said the Board needs to draw a line somewhere and there is a reason for the floor area ratio. Boardmember Tollini respectfully disagreed with staff's findings regarding the exception and saw no inconsistency with the proposed structure on the lot. Boardmember Cousins stated that the house would completely fill the lot and be out of scale. Vice Chair Emberson stated that the other lots in the neighborhood feel more spacious. Boardmember Tollini stated that the question was whether the findings can be made, and he believed that the Board can make the findings.

Boardmember Chong said that there is a difficulty for a family with children in bedrooms on a different floor from the master suite and he did not believe that is a good design. Vice Chair Emberson stated that having children or how a family is raised is not relevant to the decisions that should be made regarding an exception and although she liked the design she felt that it would be overbuilt.

Chair Kricensky said that he believed that the argument about how the bedrooms work was a valid point. He said that this project would be only 320 square feet over the FAR and the lot is much smaller than the surrounding properties and the minimum lot size. He believed that it was possible to make the findings for the exception.

ACTION: It was M/S (Tollini/Chong) that the request for 4 Corte Las Casas is exempt from the California Environmental Quality Act and to approve the request, subject to the attached conditions of approval. Vote: 3-2 (Emberson and Cousins opposed).
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## E. NEW BUSINESS

3. **8 APOLLO ROAD:** File Nos. DR2016080 & VAR2016021; Cedric Barringer, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for excess lot coverage. The floor area and the lot coverage of the house would be increased by 726 square feet for a lot coverage of 35.3%,

which is greater than the 30.0% maximum lot coverage allowed in the R-1 zone.  
Assessor's Parcel No. 038-301-14.

The applicant is requesting Design Review approval for the construction of additions to an existing one-story single-family dwelling on property located at 8 Apollo Road. As more than 50% of the existing structure would be demolished as part of this application, the project has been deemed to be construction of a new single-family dwelling.

The existing house would be expanded to the front and rear. The new floor plan would include a master bedroom suite, three additional bedrooms and two more bathrooms, a living room, dining room, kitchen and laundry room, along with a one-car garage. The roof would be changed from a flat roof to flat roof for the front portion of the building, with a raised, slightly sloped roof on the rear. Three skylights would be installed. A 6 foot tall wood fence would connect between the house and existing fencing along the side property lines. An existing cedar tree in the front would be removed and replaced with new trees and landscaping.

The floor area of the proposed house would be 2,075 square feet, with 396 square feet of garage space, which is 373 square feet less than the floor area ratio for a lot of this size. The proposed house would cover 2,471 square feet (35.3%) of the site, which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. A variance is therefore requested for excess lot coverage.

Cedric Barringer, owner and architect, described the project and said that they proposed to add garage and floor area to extend the house to the north and south. He said that the house would be a contemporary design and that the neighborhood is a mixture of contemporary updated houses so he believed this would fit into the neighborhood. He stated that he spoke with neighbors and addressed some of the items they raised. He stated that there are several homes in the neighborhood that are over 20 feet tall and he therefore did not believe that the 16 foot height was excessive, particularly since only a portion would be at this height and it would be set back from the street. He acknowledged that the ceilings would be high, but he felt that that is necessary since it is a single story structure. He noted that the bedroom windows would go up to the eaves and he intended to install shades on them. He displayed some small changes he was willing to make after discussions with neighbors, including reducing the plate height on the left side to 12 feet, reducing the other plate height to 13.6 feet, and reducing the depth of the eave to 3 feet.

Boardmember Tollini said that the existing house looks like it is built into the setback on the southwest. Mr. Barringer said that the existing house extends into the setback by about 2 feet and the new design includes a stepped design in that area to stay out of the setback.

The public hearing was opened.

Pezh Beykpour said that their primary concern was the great room and the impact of its height. He said that they met with the owner and he agreed to reduce the height by 2 feet, though tonight he said 18 inches. He said that they would like to see new story poles prior to any approval.

Andrew Wisner said that they have similar concerns. He appreciated the applicant discussing the plans and they want to be supportive, but when the story poles went up they felt that this was very vertical and there would be a lot of glass. He appreciated wanting to keep the contemporary style, but they had talked about lowering the height by 2 feet. He stated that most houses in the neighborhood have a gable roof and do not have a 10 foot plate height. He said that the flat roof design would extend the height to the edges of the building. He felt that with a 10 foot plate height there should not also be a pop-up flat roof.

Mr. Barringer said that they had talked about lowering the structure by 2 feet but when he sketched it out it ended up less and he did not intend to be misleading.

The public hearing was closed.

Vice Chair Emberson said she loves the design and believed it would be a great addition to the neighborhood. However, she felt that it would be too large and she noted that shades on the windows are not permanent. She stated that the plate heights were huge and would feel intrusive with the flat roof. She said that the windows would go up to the 11 foot roof height and be visible over the fence. She said that could not support the application.

Boardmember Tollini also complemented the applicant for being proactive with the neighbors, but he believed that the comments of the neighbors were fair. He said that his main concerns were the height of the back volume and the height of the glazing throughout the house. He said that there is a difference in comparing roof heights to a maximum height across a flat roof to a maximum height along a ridgeline. He felt that the design would have too much height and volume for the immediate neighbors. He believed that some compromises were in order and that seeing new story poles made sense. He acknowledged that pulling the house out of the setback helps. He thought that the design was very attractive and noted that there are homes on Juno Road with a flat roof, but reducing the roof height and the glazing would make the house fit better with the neighborhood.

Boardmember Chong agreed with Boardmember Tollini. He said that this was a gorgeous design but he had the same concerns as the other Boardmembers. He said that the volume was too present when viewed from 6 Apollo Road and the height was an issue. He suggested some significant changes to reduce the height and perhaps move it further away from the property line to allow room for more mature plantings.

Boardmember Cousins said that increasing the whole house height to 15 feet and bringing it to the setback line would result in a massive increase in building volume. He said that other existing houses typically have a plate height of 8 feet and the other house with a flat roof at 12 Apollo Road still looks pretty tall. He did not believe that a 14 foot height would work with a flat roof because the scale would be too large for this area. He added that the house would have a huge impact on the homes along Juno Road that are set 3 feet below in elevation. He said that he liked the design and materials.

Chair Kricensky agreed with the other Boardmembers. He felt that the height, windows, and flat roof would be too much. He said that it is not appropriate to simply compare the height of a flat

roof to that of a roof ridgeline. He said that the house would place the whole mass of the building, with windows, against the setback line. He stated that fences and landscaping usually cover views of windows and light pollution, but when the windows are pushed that high they create light pollution and perceived intrusion of privacy. He said that the pop-up would be too intrusive on the neighbors.

Vice Chair Emberson noted that an 18 inch height reduction would not be enough. The other Boardmembers agreed. Boardmember Tollini suggested that there might be more tolerance for height in the middle of the site.

**ACTION:** It was M/S (Chong/Emberson) to continue the request for 8 Apollo Road to the September 15, 2016 meeting. Vote: 5-0.

4. **143 GILMARTIN DRIVE:** File Nos. DR2016081 & FAE2016008; Lynn Pieper and David Lewis, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Floor Area Exception. The project would add to both floors of a two-story home. The floor area of the house would be increased by 1,467 square feet to a total of 6,040 square feet, which is 322 square feet greater than the floor area ratio for this site. Assessor's Parcel No. 039-290-35.

The applicant is requesting design review approval for construction of additions to an existing single-family dwelling, with a floor area exception, on property located at 143 Gilmartin Drive. The property is currently developed with a 4,544 square foot two level, single-family dwelling with an attached 629 square foot two-car garage.

As part of an interior remodel and additions to the existing home, the proposal would add a 437 square foot addition to the main level, which would include an expansion to the kitchen, add a breakfast nook, family room, powder room, mud room, guest room, a bathroom and expand the garage to a three-car garage. A 988 square foot addition on the second level would include three bathrooms, two bedrooms, exercise room, office/au pair room, and laundry room. Other proposed improvements would include modified windows and doors on all sides of the existing home, one (1) new skylight on the roof above the hallway, three new roof decks, a 42 square foot cabana with bathroom and storage, pool, spa, trellises, BBQ island, outdoor shower, new landscaping, and stucco walls with a variety of heights.

The floor area of the property would be increased by 1,467 square feet to a total of 6,040 square feet, which is 322 square feet greater than the 5,718 square foot floor area ratio for this site. The application has therefore requested a floor area exception. The proposed additions would be within the established building envelope, and the precise plan does not include any lot coverage requirements.

David Lewis, owner, said they moved to Tiburon two years ago and designed the plans to minimize the impact to the neighbors.

Ted Bonneau, architect, showed an aerial view of the property and noted the general character of the neighborhood consists of large lots with large single-family homes and generous amounts of

**MINUTES #15  
TIBURON DESIGN REVIEW BOARD  
MEETING OF SEPTEMBER 15, 2016**

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

**A. ROLL CALL**

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

Absent: None

Ex-Officio: Associate Planner O'Malley

**B. PUBLIC COMMENTS - None**

**C. STAFF BRIEFING - None**

**D. PUBLIC HEARINGS**

1. **8 APOLLO ROAD:** File Nos. DR2016080 & VAR2016021; Cedric Barringer, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for excess lot coverage. The floor area and the lot coverage of the house would be increased by 755 square feet for a lot coverage of 35.7%, which is greater than the 30.0% maximum lot coverage allowed in the R-1 zone. Assessor's Parcel No. 038-301-14.

The applicant is requesting Design Review approval for the construction of additions to an existing one-story single-family dwelling on property located at 8 Apollo Road. As more than 50% of the existing structure would be demolished as part of this application, the project has been deemed to be construction of a new single-family dwelling.

The application was first considered at the August 18, 2016 Design Review Board meeting. At that meeting, several neighboring property owners expressed concerns regarding the height of the rear portion of the house and potential view and light issues from higher portions of proposed windows. The Boardmembers shared these concerns and felt that the height of the rear portion of the house, including the ceiling and window heights, were excessive and would create massing, privacy and light issues for neighbors. The Board also noted that the subject property is situated at a higher elevation than some neighbors, making the building volume and windows more visible above fence lines. The Board continued the application to the September 15, 2016 meeting.

Revised plans were submitted for this project, which included the following changes to the project design:

- The height of the rear portion of the house was lowered. The previous roofline sloped and had a height of 14 feet, 10 inches on the side and 16 feet toward the center of the lot. The new roof would be flat and have a height of 13 feet, 10 inches.
- The rear portion of the house was pulled back further from the west side property line, while this wing would be 10 inches wider than the previous design. The windows on the rear of this wing were lowered 6 inches.
- The east side of the house was pulled forward approximately 5 feet toward the front.
- One additional skylight was proposed, bringing the total number of skylights to 4.

The floor area of the proposed house would be 2,125 square feet, 50 square feet greater than before. The garage has been reduced in size by 21 square feet to 375 square feet. The proposed house would cover now 2,500 square feet (35.7%) of the site, 29 square feet greater than before and in excess of the 30.0% maximum lot coverage permitted in the R-1 zone. A variance is still therefore requested for excess lot coverage.

Cedric Barringer, owner and architect, said that after hearing the Board's feedback about the design being too bulky for the neighborhood, he researched projects in the neighborhood and revised the design to be more consistent. He displayed photographs of similar homes in the neighborhood and pointed out the similarities with his design. He noted other approvals by the Board that were similar to the proposed house, including similar roof heights, setbacks, clerestory windows, and plate heights. He said that the house at 12 Apollo Road is very similar to the proposed design and he did not see any mass issues that would impact the neighborhood.

Mr. Barringer went over the revisions to the design, including reducing the height of the rear volume, with a flat roof and plate heights of 12 feet, which would be 8 inches lower than the existing ridgeline. He said that he pushed back the corner of the structure from the property line to create a better buffer for 6 Apollo Road. He reduced the windows in the bedrooms to 8 feet in height, which would be the same as many of the neighbors. He reduced the height of the windows in the rear to 10 feet 5 inches and reconfigured the interior spaces. He said that the square footage of glazing was reduced by 21% to 202 square feet. He reduced the eave overhangs on the taller portion to reduce the mass and added a third citrus tree to the area between neighboring houses to reduce concerns about light pollution. He believed that he had effectively addressed his neighbors' concerns and that the house would fit in with other projects that have been approved in the neighborhood.

Vice Chair Emberson asked about the overhangs and questioned the purpose of the eaves. Mr. Barringer said that it was a design element and would provide sun shade on the south side. Vice Chair Emberson asked why he did not just reduce the windows. Mr. Barringer said that the windows were part of what he felt was appropriate for the design of this house.

The public hearing was opened.

Melissa Hopps said the project would still be massive in size and block her entire back view. She stated that some of the other houses Mr. Barringer listed were on the outer portion of the neighborhood.

Mr. Barringer said that he understood that the building might look more massive to the neighbors that are lower, but said that he cannot do anything about the grade change. He said that this lot only shares 6 feet of fence with Ms. Hopps' property.

The public hearing was closed.

Boardmember Tollini said that he felt the same about the project because not much was changed. He said that much of the applicant's presentation was about a neighborhood that the Board already knows very well and that many applicants push the envelope in this neighborhood. He felt that not enough was done on this project for him to support it. He stated that some of the larger houses work in their particular locations. He believed that the mass of the house viewed from the street was not an issue, but the issue was solely the back mass that would affect the neighbors in the back and on both sides. He believed that the house was still too tall and that the 10.5 foot tall windows would upset the balance of the neighborhood and could probably be addressed with some screening, but the citrus trees in planters did not address it.

Vice Chair Emberson agreed with Boardmember Tollini's comments. She stated that there is a difference between a maximum height of a flat roof, and a maximum height of a ridgeline. She felt that the 10.5 foot height of the windows was too high. She did not believe that it was appropriate to compare the flat roof height to shed roofs and gabled roofs. She pointed out that the houses the applicant presented are unique situations and locations that are not comparable to the current project. She said that she likes flat roofs, but not when the windows are so tall.

Boardmember Cousins agreed with the other Boardmembers. He said that the view of the house from the street would be fine, but the Board is also concerned about the impact on surrounding neighbors. He did not think that the height reduction was sufficient and that not enough was done to reduce the impact on the neighbors.

Boardmember Chong said that his only concern was the impact on 6 Apollo Road. He said that the changes did not feel substantial enough and that the landscaping had not been fully addressed. He said that if there was mature landscaping around the perimeter of the property, he probably would have a different opinion, but the landscape plan did not address this enough.

Chair Kricensky said that he liked the house and it was a great design, but he did not appreciate the comparison of this house to the others in the neighborhood. He said that the volume created by the continuance of the high flat roof was the problem, as it would create a very different feeling of mass. He stated that all of the houses cited as comparisons have gable roofs. He said that the position of the house in relation to 12 Apollo Road would make the house loom even more and the high windows would add to that feeling. He believed that the design was close in many areas, but it would look very big when viewed from the neighbor's yard and house.

Boardmember Tollini said that he had the same experience standing in the neighbor's backyard in that same location and felt that the house seemed disproportionate to the lot.

Mr. Barringer said that he understood the guidance on the mass and asked if it would make the project acceptable if the plate height was reduced in that area to 10 feet. Chair Kricensky said that that would help but he did not want to dictate the design. Boardmember Tollini said if that area's plate height was brought down to match the rest of the house and the glazing was reduced it would be easier for the Board to support it. Boardmember Chong said that he would like to see the trees in the ground instead of planters, since planters are removable. Boardmember Tollini pointed out that citrus trees generally are not used for screening and suggested more typical screening plantings.

<p><b>ACTION:</b> It was M/S (Cousins/Emberson) to continue the application for 8 Apollo Road to the October 6, 2016 meeting. Vote: 5-0.</p>
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- 2. 488 WASHINGTON COURT:** File No. DR2016069/VAR2016019; Matthew Mesa, Owner; Site Plan and Architecture Review for construction of a fence for an existing single-family dwelling, with a Variance for excess fence height. A new fence in the rear property would be 8 feet tall, in lieu of the maximum fence height of 6 feet. Assessor's Parcel No. 034-251-29.

The applicant is requesting design review approval for construction of a fence for an existing single-family dwelling, with a variance for excess fence height, on property located at 488 Washington Court in the Belveron West neighborhood. The property is currently developed with a single-family dwelling.

The proposed redwood fence would be located near the rear property line towards Tiburon Boulevard and would have a maximum height of eight feet (8'). The existing 5 foot tall wooden fence would be raised to the proposed height of 8 feet. The existing vegetation along the rear of the property would remain on the inside of the fence. An existing second wooden fence is located on the outside of the existing 5 foot tall fence and it is unclear if that fence would remain or be removed from the property.

The proposed eight foot fence would connect to the remaining perimeter six foot (6') fence along the other property lines with the exception of the proposed 8 foot tall fence would extend a small portion on the east side property line instead of the 6 foot tall wooden fence.

The maximum permitted fence height within a required setback in any zone is six feet (6'). The applicant is therefore requesting a variance for excess fence height, in order to construct an eight foot fence near the rear property line and a small portion on the east side property line.

Arin Mesa, owner, said that they hope to increase the size of the fence of their house from 6 feet to 8 feet. She said that the house is across from Blackie's Pasture and headlights shine into the house. She said that by increasing the size of the fence, that light would be blocked and additional privacy would be provided for the rear of the residence.

## Dan Watrous

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**From:** Todd Davis [gurudavis@gmail.com]  
**Sent:** Monday, October 10, 2016 8:48 PM  
**To:** Dan Watrous  
**Subject:** 8 Apollo design

Hello Dan- I attended the last town hall meeting regarding this revision the owner did to the property on 8 Apollo and like the results. The story poles help convey the end result and it matches other completed and approved properties nearby. I'm not going to miss 1% of the old property at all. This looks like it would be fun home to live in when done and seems very fair to all the surrounding neighbors as well. Excited to see more positive change in this awesome neighborhood! I'm looking forward to my two boys hanging out with Cedric's kids as well! Todd Davis. I live at 9 Mercury Ave. Emmy nominated TV show host for five HGTV home improvement shows, General Contractor holding both B and C licenses, Ca. Licensed Landscape Architect, Realtor, and Author of the Handy Dad books series. I love this neighborhood... I know 30 of my neighbors and their kids and am so glad to be able to call this incredible area home!

## Dan Watrous

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**From:** Cedric Barringer [Cedric@ArmourArchitecture.com]  
**Sent:** Thursday, October 13, 2016 1:30 PM  
**To:** Dan Watrous; Kyra O'Malley  
**Subject:** 8 Apollo Road: DR3 list of changes

Hi there Dan and Kyra,

I know you and the Design Review Committee have probably already looked at my revised Drawings, but attached is a list of changes that I supplied to the neighbors as I went through the revisions with them.

### **8 APOLLO ROAD, Design Review 3 October 20<sup>th</sup>, 2016**

#### List of Revisions from September 15<sup>th</sup> Design Review Meeting

Hello Neighbors,

Attached are a list of the revisions I have made to my plans in hopes of getting approved at the next Design Review meeting. No changes to the Area have been made. I hope you see that these changes address the key committee concerns about the Roof height of the tall volume, and the Landscaping not providing enough screening. I also hope that you see my changes as fair to you all, and well within the fabric and precedent of other homes in the neighborhood.

-The key change is in the roof height itself. I have lowered the Eave line at the West side of the tall Volume 24" to align with the other eaves throughout the project. This takes the eave line at the entire perimeter of the property--at all setbacks—to 11'-10" high.

-The Tallest point of the tall volume remains at 13'-10", but is roughly at the center of my property (and lower than the Existing ridge by 8"). To pull the high point as far away from my 10 Apollo neighbors, I pushed this volume to the side yard setback (where it was located at the August 18<sup>th</sup> DR meeting)

-I eliminated the 3 tall Living room windows on the West property line

-I eliminated the transoms on both the Kitchen window, and on the door to the western side yard. The remaining windows match all others at 8'-0" high.

-I eliminated the transoms on the French doors on the South Elevation. The doors match all others at 8'-0" high.

-The two 3-Panel Multi-slide doors on the East Elevation are now designed to be 8' tall doors, with fixed transom windows above. The Top of the transoms would be at 11'-6 above Finish Floor (about 11'-9" above Grade). Just as a comparison point, 12 Apollo's living room transoms start at 11', and go up to about 14'-6.

-I planted a row of Podocarpus Gracilior (Fern Pine) hedge along the East property line, from the corner of my Master Bedroom Volume, all the way back to the Rear Property line. These fast-growing thick screening hedges can grow as tall as 15' if allowed, though I would work with you (Andy & Dora) to keep them trimmed at a mutually desired height—likely somewhere in the 8-10' range. I will buy as close to fully-mature plants as I can get, and plant them as early as reasonable in the construction process.

Please let me know if you have any questions.

Also, if I might ask you guys to send any received letters in opposition or in support of my project, that would be greatly appreciated. You can just do this on the day of the hearing, as I'm sure there will be late-arrivals!

All my best,  
Cedric

Cedric Barringer



**TOWN OF TIBURON**  
 1505 Tiburon Boulevard  
 Tiburon, CA 94920

Design Review Board Meeting  
 October 20, 2016  
 Agenda Item: **2**

<b>STAFF REPORT</b>	
<b>To:</b>	<b>Members of the Design Review Board</b>
<b>From:</b>	<b>Planning Manager Watrous</b>
<b>Subject:</b>	<b>77 East View Avenue; File Nos. DR2016104, VAR2016033, VAR2016034, VAR2016035 &amp; FAE2016011 ; Site Plan and Architecture Review for Construction of Additions to an Existing Single-Family Dwelling, with Variances for Reduced Front and Side Setbacks and Excess Building Height, and a Floor Area Exception</b>
<b>Reviewed By:</b>	_____

**PROJECT DATA**

**ADDRESS:** 77 EAST VIEW AVENUE  
**OWNER:** CLINTON YEE  
**APPLICANT:** MICHAEL HECKMANN (ARCHITECT)  
**ASSESSOR'S PARCEL:** 060-105-92  
**FILE NUMBERS:** DR2016104, VAR2016033, VAR2016034, VAR2016035 & FAE2016011  
**LOT SIZE:** 5,274 SQUARE FEET  
**ZONING:** R-1 (SINGLE-FAMILY RESIDENTIAL)  
**GENERAL PLAN:** MH (MEDIUM HIGH DENSITY RESIDENTIAL)  
**FLOOD ZONE:** X  
**DATE COMPLETE:** SEPTEMBER 28, 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 three-story single-family dwelling on property located at 77 East View Avenue. On the upper level, the existing great room would be expanded and converted into a living room, kitchen and dining room, along with a new two-car garage and a large deck to the rear. On the middle level, the existing living room, kitchen and dining room would be expanded and converted into a master bedroom suite, laundry room and storage, while also expanding another existing bedroom and adding a bathroom and a deck to the rear of the master bedroom. On the lower level, the

existing master bedroom suite would be expanded and converted into two bedrooms and bathrooms, with a deck off one bedroom. Seven skylights would be installed.

The lot coverage of the site would increase by 769 square feet to 1,536 square feet (29.1%), which is less than the 30.0% maximum lot coverage permitted in the R-1 zone. The floor area of the house would more than double, increasing from the current size of 1,546 square feet by 1,603 square feet to a total of 3,149 square feet (59.7%), which is greater than the 35.0% maximum floor area permitted for a lot of this size. A floor area exception is therefore requested.

In addition, the following variances would be required for the proposed house:

- The proposed house would extend to within 2 feet, 6 inches of the front property line, which would be less than the 15 foot front setback required in the R-1 zone.
- The proposed house would extend to within 6 feet, 3 inches of the east (right) side property line, which would be less than the 8 foot side setback required in the R-1 zone.
- The height of the proposed house would be 37 feet, which is greater than the 30 foot maximum building height in the R-1 zone.

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 off-white wood walls, with off-white and black trim. Grey asphalt shingle roofing would be installed.

## PROJECT SETTING



The subject property is steeply sloped, with frontage on East View Avenue above, and extends down to the portion of Alcatraz Avenue below leading to Ark Row. The site is visible from the Ark Row portion of Main Street below.

Corinthian Island is a neighborhood with very small, steeply sloped lots. The northern half of Corinthian Island lies within Tiburon, while the southern half lies within Belvedere. Due to the steep topography and small lot sizes, most, if not all, homes on Corinthian Island have either received variances or have nonconforming conditions related to setbacks, lot coverage, building height and floor area ratio.

## **ANALYSIS**

### **Design Issues**

The homes on the Tiburon portion of Corinthian Island are generally small, ranging in size from 490 to 2,918 square feet. Only three homes in this area are larger than 2,500 square feet. The 3,149 square feet of floor area proposed as part of this application would make this the largest home in the immediate vicinity.

Story poles have been erected for the proposed additions. The poles do not appear to indicate substantial view impacts for any homes uphill from the site, but would be most visible from the homes on either side at 75 & 81 East View Avenue. The residence at 75 East View Avenue to the west has a guest room and deck below a parking pad which has some views toward downtown Tiburon and hillsides that might be affected by the proposed additions. However, views from the primary living areas of the home which are lower on the site would not appear to be affected by the additions.

The proposed additions feel very close to the home at 81 East View Avenue to the east of the site, but would not appear to affect primary views from this residence. Although the additions would comply with the required 8 foot side setback, the neighboring dwelling appears to be only about 2 feet from the side property line, resulting in a relatively narrow distance between the two buildings. The mass of the additions would most affect the windows closest to the street on both floors of the adjacent home and views to the west could be impacted for these windows, but other windows further to the rear appear to be situated beyond the line of the additions. The Design Review Board is encouraged to view the story poles from the homes at 75 & 81 East View Avenue.

The proposed additions would substantially widen the existing home and would make the footprint of the house stretch across nearly the entire width of the lot. The additions would extend up to the west side setback and 1 foot, 9 inches into the east side setback. As noted above, the additions would make the house feel very close to the residence at 81 East View Avenue. In addition, stairways leading down the east side of the house would make the home feel even closer to the home at 75 East View Avenue. Due to these concerns and given the large proposed size of the house relative to other homes on Corinthian Island, Staff believes that the additions should at least be pulled back to comply with the east side setback and possibly pulled back from the west side setback to better separate the building from the home at 81 East View Avenue.

Issues have been raised on other lots on Corinthian Island regarding the location of property lines, with different deeds and historical maps creating confusion over the actual property lines for individual lots. The neighboring property owners at 81 East View Avenue have raised questions about the accuracy of the property lines shown on the submitted plans and have requested that a survey be completed to determine the side property line between the two lots. A pin has been

recently installed in the street at the shared property line by the applicant's civil engineer. The Design Review Board should determine whether there is sufficient doubt over the accuracy of the submitted plans to require such a survey.

## **Zoning**

Staff has reviewed the proposal and finds that it is generally not in conformance with the development standards for the R-1 zone, as variances are requested for reduced front and side setbacks and excess building height, along with a floor area exception.

In order to grant the requested variances, 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 has a small size and steep topography by both the standards of Corinthian Island and of Tiburon as a whole. The strict application of the R-1 development standards would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity which have pulled homes into the front setback and exceed the maximum building height on such steep lots.

However, the lot is approximately 68 feet wide in the area of the house, which exceeds the 40 foot minimum lot width required in the R-1 zone. There are no special circumstances applicable to this property that would make the strict application of the side setback requirement deprive the applicant of 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 on Corinthian Island have received variances for reduced setbacks and excess building height.

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

The strict interpretation of the required front setback and maximum building height would result in a house that would be pushed further down the steep site and kept lower in a manner that would be inconsistent with the development pattern of other homes on Corinthian Island. The strict application of the required side setback would not substantially alter the design of the house and would not result in a practical difficulty or unnecessary hardship on the applicant.

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

As noted above, the proposed project may create view impacts for the home at 81 East View Avenue. However, these view impacts would not appear to be the result of the requested reductions in front or side setbacks. Although the height of the additions could add to this concern, there are also portions of the proposed additions which would exceed the maximum building height that would not result in any impacts on neighboring homes.

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.***

Many of the homes on Corinthian Island are visually prominent, similar to the design of the house with the proposed additions.

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 overall design of the proposed additions would be considered to be generally compatible with the steep physical layout of the site and the limited lot size. As noted above, the additions would appear to be wider than necessary for the site and would make the house feel too close to the home at 81 East View Avenue.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variances for reduced front setback and excess building height and floor area exception, but not for the side setback variance.

### **Public Comment**

As of the date of this report, one letter has been received regarding the subject application from the owners of 81 East View Avenue.

### **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 should be continued with direction to redesign the project to comply with the required side setback and address any other design concerns. If the Board can make the findings required to approve the requested side

setback variance, along with the other variances and exception, it is recommended that the attached conditions of approval be applied.

#### **ATTACHMENTS**

1. Conditions of approval
2. Application and supplemental materials
3. Letter from Andrina and Ken Weller, dated September 19, 2016
4. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

## CONDITIONS OF APPROVAL

### 77 EAST VIEW AVENUE

#### FILE # DR2016104, VAR2016033, VAR2016034, VAR2016035 & FAE2016011

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 August 4, 2016, or as amended by these conditions of approval. Any modifications to the plans of August 31, 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. 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](http://www.mcstoppp.org).
11. 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 site must provide at least one Post Construction mitigation in accordance with E.12 of the Town's Municipal Stormwater Permit and the BASMAA Post-Construction Manual Design Guidance for Stormwater Treatment and Control for Projects in Marin, Sonoma, Napa, and Solano Counties. Prior to building permit issuance complete the Project Data Form indicating which runoff reduction measure will be used and delineate the areas and locations of runoff reduction measures on a site plan.
  - b. A detailed construction management plan shall be submitted prior to building permit issuance and shall be subject to review and approval by the Public Works Department. The maximum limit of road closures during construction shall be 18 days for the duration of the project in accordance with the amount specified in the preliminary construction management plan.
  - c. An Encroachment Permit from DPW is required for any work within the Town's road right-of-way, including, but not limited to, utility trenching, installation of new utility connections, and modifications to the driveway apron. The plans shall clearly identify all proposed work in the right of way and an Encroachment Permit shall be obtained prior to conducting such work. If no work is proposed within the public right-of-way this comment may be disregarded.
  - d. Prior to building permit issuance specify on the building permit plan set the total volume of displaced earth (cut and fill).
  - e. Prior to building permit issuance an erosion and sediment control plan shall be submitted as part of the plan set.

- f. Prior to building permit issuance the applicant shall complete the Construction Erosion and Sediment Control Applicant Package that can be found on the Town's website.
  - g. Prior to building permit issuance provide a geotechnical report prepared by a licensed soils engineer.
  - h. Plans, reports, calculations and other relevant project files shall be reviewed and approved by the Public Works Department for impacts to the public right-of-way prior to building permit issuance.
  - i. Prior to building permit final all damage to the streets that result from the subject construction activities shall be restored by applicant/developer. Inspections by the Public Works Department shall take place prior construction, during construction and prior to final to identify extent of restoration and to ensure its adequacy.
12. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
13. 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. 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. 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. This may require landscape stairs around the exterior of the structure. CFC 304.1.2
  - e. East View Avenue is an existing nonconforming street that is not wide enough to meet current Fire District standards. As the street is unlikely to be widened, an alternate means of protection shall be provided, subject to the review and approval of the Fire Marshal.
14. The project shall comply with all requirements of Sanitary District No. 5.
15. A construction staging plan shall be approved by the Building Official and Public Works Department prior to issuance of a building permit for this project. The staging plan shall include the following information:

- a. Staging areas and means of construction during the various stages of the projects.
- b. Indicate the impacts to the roadway.
- c. Specify which street frontages will be affected, if any, and whether traffic in Belvedere will be affected. If street frontages will be affected by construction activities, staging or parking, provide traffic control plans and the expected frequency of road closures.
- d. Expected project duration and preliminary construction schedule.
- e. Specify whether East View Avenue will be closed during the demolition and re-construction of the retaining wall and means of retaining the soil and street during construction. The maximum limit of road closures is 5 days for the duration of the project in accordance with the amount specified in the construction management plan. Road closures shall not conflict with garbage pickup days or street sweeping days. Work within the public right of way, including road closures, shall not be permitted on weekends.
- f. Specify the expected frequency and quantity of dump truck trips for the various stages of the project.
- g. Specify what heavy equipment will be utilized at the various stages of the projects and its expected location and duration of use.



# TOWN OF TIBURON LAND DEVELOPMENT APPLICATION



## TYPE OF APPLICATION

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Conditional Use Permit   | <input checked="" type="checkbox"/> Design Review (DRB)    | <input type="checkbox"/> Tentative Subdivision Map   |
| <input type="checkbox"/> Precise Development Plan | <input type="checkbox"/> Design Review (Staff Level)       | <input type="checkbox"/> Final Subdivision Map       |
| <input type="checkbox"/> Secondary Dwelling Unit  | <input checked="" type="checkbox"/> Variance(s) <u>3</u> # | <input type="checkbox"/> Parcel Map                  |
| <input type="checkbox"/> Zoning Text Amendment    | <input checked="" type="checkbox"/> Floor Area Exception   | <input type="checkbox"/> Lot Line Adjustment         |
| <input type="checkbox"/> Rezoning or Prezoning    | <input type="checkbox"/> Tidelands Permit                  | <input type="checkbox"/> Condominium Use Permit      |
| <input type="checkbox"/> General Plan Amendment   | <input type="checkbox"/> Sign Permit                       | <input type="checkbox"/> Seasonal Rental Unit Permit |
| <input type="checkbox"/> Temporary Use Permit     | <input type="checkbox"/> Tree Permit                       | <input type="checkbox"/> Other _____                 |

## APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 77 EASTVIEW AVE. PROPERTY SIZE: 5274 S.F.  
 PARCEL NUMBER: 060-105-92 ZONING: R-1

PROPERTY OWNER: CLINTON YEE  
 MAILING ADDRESS: P.O. BOX 330141  
SAN FRANCISCO, CA 94133  
 PHONE/FAX NUMBER: 415-812-1470 E-MAIL: clintonbuilder@gmail.com

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

ARCHITECT/~~DESIGNER~~/ENGINEER MICHAEL HECKMANN  
 MAILING ADDRESS: 1680 TIBURON BLVD. #1  
TIBURON, CA 94920  
 PHONE/FAX NUMBER: 415-435-2446 E-MAIL: heckmannarchitects@earthlink.net  
435-2875

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

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):  
REMODELING & ADDITIONS TO A 3-STORY SINGLE FAMILY  
RESIDENCE

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: \* \_\_\_\_\_ Date: \_\_\_\_\_

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: \* [Signature] \_\_\_\_\_ Date: 8.4.16

*\*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*

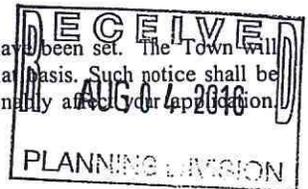
**NOTICE TO APPLICANTS**

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](http://www.townoftiburon.org)



VAR2016-035  
VAR2016-034  
FAE2016-011

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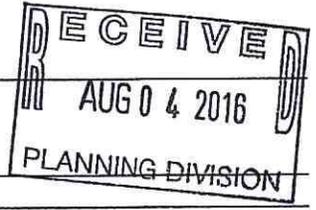
**DO NOT WRITE BELOW THIS LINE**

<b>VAR2016-033 DEPARTMENTAL PROCESSING INFORMATION</b>		
Application No.: DR2016-104	GP Designation:	Fee Deposit: \$2905
Date Received: 8/4/2016	Received By: [Signature]	Receipt #: R1655
Date Deemed Complete: 9/28/16	Action:	By: [Signature]
Acting Body:	Date:	
Conditions of Approval or Comments: _____	Resolution or Ordinance # _____	

## DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

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

1. Briefly describe the proposed project: REMODELING & ADDITIONS TO A  
3-STORY SINGLE FAMILY RESIDENCE
  
2. Lot area in square feet (Section 16-100.020(L)): 5274
3. Square footage of Landscape Area: 3535
4. Proposed use of site (example: single family residential, commercial, etc.):  
Existing SINGLE FAMILY RESIDENCE  
Proposed " " "
5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.  
EXISTING 2 CAR DECK PARKING SPACES REPLACED BY  
NEW 2-CAR GARAGE



TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
<b>Yards</b> (Setbacks from property line) (Section 16-100.020(Y))* Front	5.6 ft.	-3.0 ft.	2.6 ft.	ft.	ft.
Rear	37.0 ft.	+ .3 ft.	37.3 ft.	ft.	ft.
Right Side	12.3 ft.	-6.1 ft.	6.2 ft.	ft.	ft.
Left Side	17.5 ft.	-9.3 ft.	8.2 ft.	ft.	ft.
<b>Maximum Height</b> (Section 16-30.050)*	31.5 ft.	+5.5 ft.	37.0 ft.	ft.	ft.
<b>Lot Coverage</b> (Section 16-30.120(B))*	767 sq.ft.	769 sq.ft.	1536 sq.ft.	sq.ft.	sq.ft.
<b>Lot Coverage as Percent of Lot Area</b>	14.5 %	14.6 %	29.1 %	%	30 %
<b>Gross Floor Area</b> (Section 16-100.020(F))*	1546 sq.ft.	1603 sq.ft.	3149 sq.ft.	sq.ft.	1846 sq.ft.

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

Garage-431 #



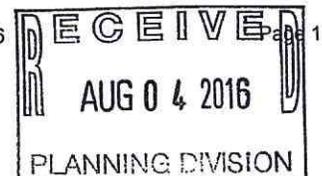
COMMUNITY DEVELOPMENT DEPARTMENT  
 Planning Division (415)-435-7390  
[www.ci.tiburon.ca.us](http://www.ci.tiburon.ca.us)

## APPLICATION FOR VARIANCE

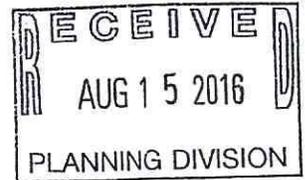
A Variance is a form of regulatory relief available when a strict or literal application of zoning development standards would result in practical difficulties or unnecessary physical hardships for an applicant. These difficulties and/or hardships must be caused by physical conditions on, or in the immediate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

### WHAT VARIANCE(S) ARE YOU REQUESTING?

Condition	Zoning Requirement	Existing Condition	This Application Proposes	Magnitude Of Variance Requested
Front Setback	15'	2.3'	2.6'	14.3'
Rear Setback				
Left Side Setback				
Right Side Setback	8.0'	20.0'	6.25'	1.75'
Lot Coverage				
Height	30'	28.6'	37'	7'
Parcel Area Per Dwelling Unit				
Usable Open Space				
Parking				
Expansion of Nonconformity				
Other (Please describe):				



# Heckmann Architects

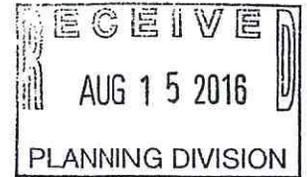


RE: 77 East View Ave.

## Findings to support Front Setback Variance      15 Aug 16

1. The property is a steeply sloping downslope lot with the edge of slope beginning at the street edge. The only functional access must be at this edge of slope which is typical of most of the existing residences on this side of the street.
2. Most residences in this vicinity are also located very close to the front property line with very little setback.
3. Locating the structure beyond the front setback would push the structure to a precipitous and very difficult to build position on the property. This would also cause the structure to be oddly and impracticably narrow since the property depth is quite narrow.
4. Shifting the structure east to respect the front setback would place the structure and interior spaces such that they would impact the privacy and views of the two adjacent residences.

# Heckmann Architects

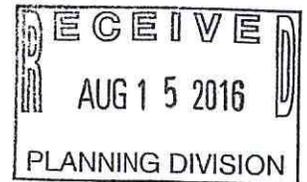


RE: 77 East View Ave.

## Findings to support Right Side Yard Variance      15 Aug 16

1. The functional size of interior elements needs the increased building width and sideyard encroachment which is impacted by the small property size. The neighbor residence on the right side also has a 10 foot easement along the property line which when combined with the proposed 6'-3" building setback allows the separation of the two structures to be 16'-3". This is commensurate to providing the two 8' setbacks required by the zoning ordinance.
2. Many other residences in this vicinity encroach on the sideyard setback. The residence at 81 Eastview appears to be about 2 feet from the property line at the right side instead of the 8 feet required.
3. Pushing back the proposed addition on the right side to respect the setback would seriously disrupt the practical layout of the interior elements. This additional 1'-9" reduction to this section of the proposed structure is also quite unnecessary since the proposed 16'-3" separation of the two structures respects the intent of the zoning ordinance.
4. There are no public impacts of this encroachment since the 16'-3" structure separation still allows the openness and view outlook for the public that is intended by the zoning ordinance. Also, no adjacent properties are negatively impacted by this minor encroachment of the proposed structure into the setback.

# Heckmann Architects



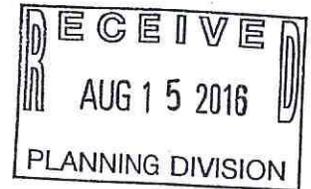
RE: 77 East View Ave.

## Finding to support Height Variance

15 Aug 16

1. The steeply sloping nature of the existing property contributes to the need for encroachment of the roof of any practical building depth and roof shape that is compatible to the design character.
2. Many residences in this vicinity on similar steep terrain extend up beyond the height restriction.
3. If the structure respected the height limit, the resulting size and shape of the roof would be oddly configured and incompatible with the architectural style that is appropriate for the context of this property.
4. No adjacent residences have view impacts or imposing mass issues by the proposed roof height. The public has no clear view of the roof encroachment from the street frontage. The public view from the streets below will be of a structure that is the appropriate scale compared to the adjacent homes.

# Heckmann Architects



RE: 77 East View Ave

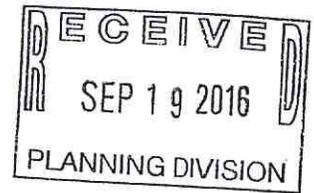
Findings to support Floor Area Exception

15 Aug 16

1. The scale and massing of the proposed residence is quite similar to the adjacent residences on this street. The structure will also be complimentary to the surrounding homes on this hillside.
2. The vertical shape of the proposed structure and its limited depth from the street is compatible to the general shape and steepness of the existing property.

September 19, 2016

Andrina & Ken Welter  
81 Eastview Ave  
Tiburon, CA 94920



Dear Tiburon Planning Department & The Design Review Board:

We are writing in regards to the application for review at 77 Eastview Ave, Tiburon. Our family resides next door at 81 Eastview Ave. We have reviewed a copy of the plans and we have serious concerns over the property lines noted in the topographic map. The topographic map displays 77 Eastview Ave property lines on top of where our property currently resides. Michael Heckmann has based all of their setbacks, (8 Ft) from what they "believe" to be their property. Less than 2-3 ft away from our home and on top of current structures connected to our house.

After initially reviewing the plans we contacted the previous owner of our property, Jeff Kaiser. Jeff went through the design review process for our home. He stated that this was an impossibility as our remodel was built on the same footprint of the original structure, and they relied on the existing markers during planning and construction. The site map for our property and all of the plans match the numbers and coordinates on our title insurance, deed and the Marin County assessors map.

There have been lot line issues on Eastview Ave, recently between the properties at 85 and 87 Eastview Ave. It is our understanding, that dispute was due to the title insurance referencing different maps. And more importantly, an exception to the deed of 85 Eastview Ave, noting an overlapping land area deeded to 87 Eastview Ave. We have reviewed the deed for our property at 81 Eastview Ave and the deed for 77 Eastview Ave and both properties note the 1906 map. There is not an exception referring to either property.

We have sent several emails to Michael Heckmann requesting a true copy of their survey for review. We have yet to hear back in reference to the survey. Currently all that is available for review is the topographic map, which after consulting with a surveyor is not an accurate portrayal of property lines. We are not certain a true boundary survey was performed. We would like to review their survey with an educated surveyor and determine if this is a true boundary.

Can you please reach out to Michael Heckmann and request a copy of their survey for us all to review? Our main concern is that until this is resolved, it is impossible to accurately review the plans for 77 Eastview Ave. We appreciate your attention to this matter. Please keep us up to date on the progress of this application.

Sincerely,

Andrina & Ken Welter



## STAFF REPORT

**To:** Members of the Design Review Board  
**From:** Community Development Department  
**Subject:** 1900-1916 Mar West Street; File No. DR2016112;  
Site Plan and Architectural Review for Construction of a Fence Along  
the Mar West Street Side of an Existing Condominium Project

### PROJECT DATA

**ADDRESSES:** 1900-1916 MAR WEST STREET  
**ASSESSOR'S PARCELS:** 059-380-33, -34, -36, -37, -39, AND -40  
**FILE NUMBER:** DR2016112  
**OWNER/APPLICANT:** POINT TIBURON BAYSIDE HOMEOWNERS ASSOCIATION  
**ZONING:** RMP (RESIDENTIAL MULTIPLE PLANNED)  
**GENERAL PLAN:** VH (VERY HIGH DENSITY RESIDENTIAL)  
**FLOOD ZONE:** X  
**DATE COMPLETE:** SEPTEMBER 27, 2016

### PROJECT DESCRIPTION

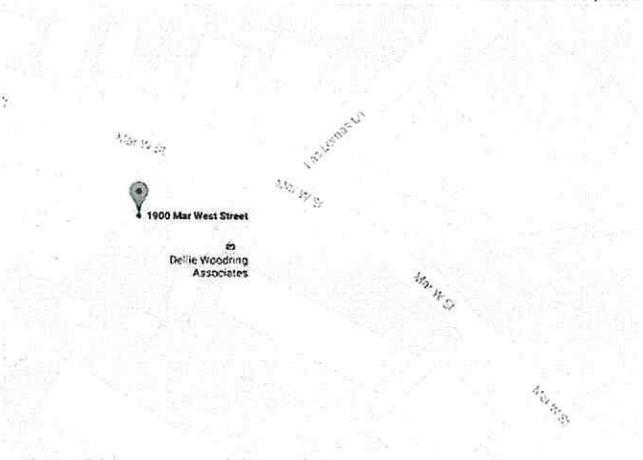
The applicant is requesting design review approval for construction of a wooden fence along Mar West Street side for an existing condominium project near properties located between 1900-1916 Mar West Street.

The wooden lattice fence would replace a 187 foot portion of an existing wire fence. The proposed fence would appear to be in the same location as the previous existing fence. The proposed fence would have a maximum height of six feet (6') from grade.

This application was first submitted for staff-level design review. Due to the change of material from an open material to a solid material, the Community Development Director referred this application to the Design Review Board for action.

### PROJECT SETTING

The subject property is located on Mar West Street and Paradise Drive, near Shoreline Park with views of Angel Island, San Francisco, bay, Golden Gate Bridge and Belvedere.



## ANALYSIS

### Design Issues

The existing fence is a wire fence located near the street. The majority of the existing fence is covered with overgrown landscaping. The proposed fence would be a wooden lattice fence in a similar location as the existing fence. According to the Homeowners Association (HOA), the request for a solid fence material would be for privacy and aesthetics. The HOA would like to have the fence be consistent with the other architectural details on the existing condominium buildings.

The proposed fence would be located 3 feet from the curb along Mar West Street starting near Las Lomas Lane and continue for 187 linear feet towards Paradise Drive. Mar West Street is a narrow street and a solid fence near a narrow street would potentially make the street appear even narrower. An open material such as a wood and wire fence would lessen the visual impact from the street. In addition, the majority of the existing vegetation would remain and would provide the privacy for the adjacent condominiums.

The Design Review Board is encouraged to view the story poles from Mar West Street and from the adjacent properties to determine if the wooden fence would be necessary to lessen the privacy impacts on the subject property and would be consistent with the visual character of the surrounding neighborhood.

### Zoning

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

### PUBLIC COMMENT

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

## **PRELIMINARY ENVIRONMENTAL DETERMINATION**

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 Sections 15301 and 15303 of the CEQA Guidelines.

## **RECOMMENDATION**

Staff recommends that the Board:

The 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 Sections 15301 and 15303. If the Board agrees with the staff's conclusion, a condition shall be added to the conditions of approval that the fence shall be constructed with an open material. If the Board wishes to approve the application as submitted, it is recommended that the attached conditions of approval be applied.

## **ATTACHMENTS:**

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

**ATTACHMENT 1**

**DRAFT CONDITIONS OF APPROVAL  
1900-1916 MAR WEST STREET  
FILE NO. DR2106112**

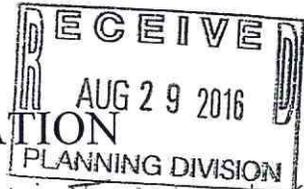
1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform to the application and plans dated by the Town of Tiburon on August 29, 2016, as amended by these conditions of approval. Any modifications to the plans of October 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. 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.
6. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
7. Fencing shall not exceed six feet (6') in height at any point, measured from grade.
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. All new fencing and footings shall be located entirely on the subject property (Point Tiburon Bayside Condominiums property)
10. All requirements of the Tiburon Public Works Department shall be met, prior to issuance of a building permit.



TOWN OF TIBURON  
LAND DEVELOPMENT APPLICATION



TYPE OF APPLICATION

\* in Trakt under closest parcel - 1904 Mar West

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

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 210 Paradise Drive Tiburon CA 94920 PROPERTY SIZE: \_\_\_\_\_  
PARCEL NUMBER: 059-380-34 ZONING: \_\_\_\_\_

PROPERTY OWNER: Point Tiburon Bayside Condominium Assn.  
MAILING ADDRESS: 210 Paradise Drive, Tiburon CA 94920

PHONE/FAX NUMBER: 415-435-2851 E-MAIL: baysidentiburon@sbcglobal.net

APPLICANT (Other than Property Owner): FME construction  
MAILING ADDRESS: 1653 Indian Valley Rd Novato CA 94947

PHONE/FAX NUMBER: 415-342-0358 E-MAIL: rolling.karma@yahoo.com

ARCHITECT/DESIGNER/ENGINEER: N/A  
MAILING ADDRESS: \_\_\_\_\_

PHONE/FAX NUMBER: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

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

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

187' ft Long x 6' ft tall fence with double Lattice planned in the center of the framing with 1x1's support and back about 36" from the street & existing wire mesh fence.

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

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge, 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:\* *[Signature]* FME construction Date: 8/16/16

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:\* *[Signature]* FME construction Date: 8/16/16

*\*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*

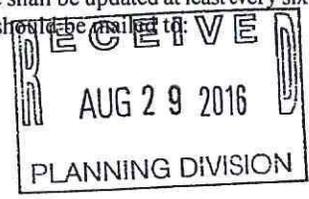
**NOTICE TO APPLICANTS**

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](http://www.townoftiburon.org)



**DO NOT WRITE BELOW THIS LINE**

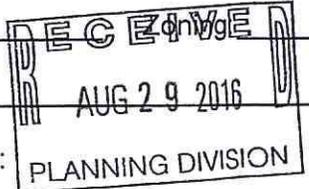
DEPARTMENTAL PROCESSING INFORMATION		
Application No.: DR2016112	GP Designation:	Fee Deposit: \$255
Date Received: 8/29/16	Received By: LS	Receipt #: R1768
Date Deemed Complete: 9/27/16	Action:	By: jw
Acting Body:	Date:	Resolution or Ordinance #
Conditions of Approval or Comments:		

## MINOR ALTERATION SUPPLEMENT

X

Please fill in the information requested below:

1. Briefly describe the proposed project (attach separate sheet as needed): 187' fence about 36" from the curve of the Marwest street. No more than 6' ft tall with double diagonal lattice pined on center of ramming with 1x1's back and front.
  
2. Lot area in square feet (Section 16-100.020(L))\*: \_\_\_\_\_
3. Square footage of Landscape Area: \_\_\_\_\_
4. Proposed use of site (example: single family residential, commercial, etc.):  
 Existing \_\_\_\_\_  
 Proposed \_\_\_\_\_
  
5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.  
 \_\_\_\_\_  
 \_\_\_\_\_

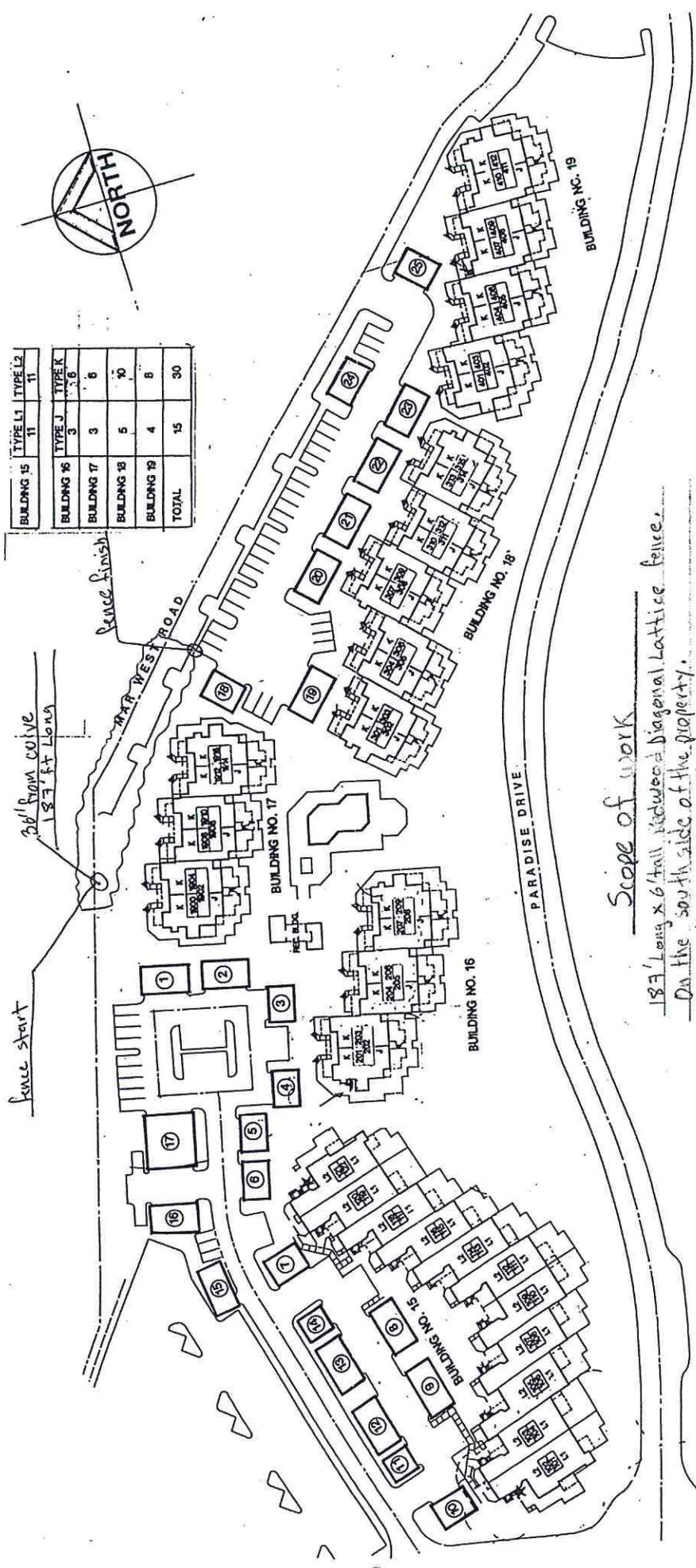
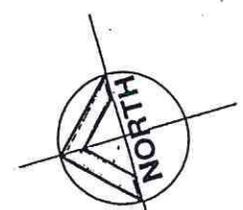


TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
<b>Setbacks from property line</b> (Section 16-100.020(Y))*					
<b>Front</b>	ft.	ft.	ft.	ft.	ft.
<b>Rear</b>	ft.	ft.	ft.	ft.	ft.
<b>Right Side</b>	ft.	ft.	ft.	ft.	ft.
<b>Left Side</b>	ft.	ft.	ft.	ft.	ft.
<b>Maximum Height</b> (Section 16-30.050)*	6.0 ft.	ft.	ft.	ft.	ft.
<b>Lot Coverage</b> (Section 16-30.120(B))*	sq.ft.	sq.ft.	sq.ft.	sq.ft.	sq.ft.
<b>Lot Coverage as Percent of Lot Area</b>	%	%	%	%	%
<b>Gross Floor Area</b> (Section 16-100.020(F))*	sq.ft.	sq.ft.	sq.ft.	sq.ft.	sq.ft.

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

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

BUILDING 15	TYPE L1	TYPE L2	TYPE L1	TYPE L2
	11	11	11	11
BUILDING 16	TYPE J	TYPE K	TYPE J	TYPE K
	3	6	3	6
BUILDING 17	3	6	3	6
BUILDING 18	5	10	5	10
BUILDING 19	4	8	4	8
TOTAL	15	30	15	30



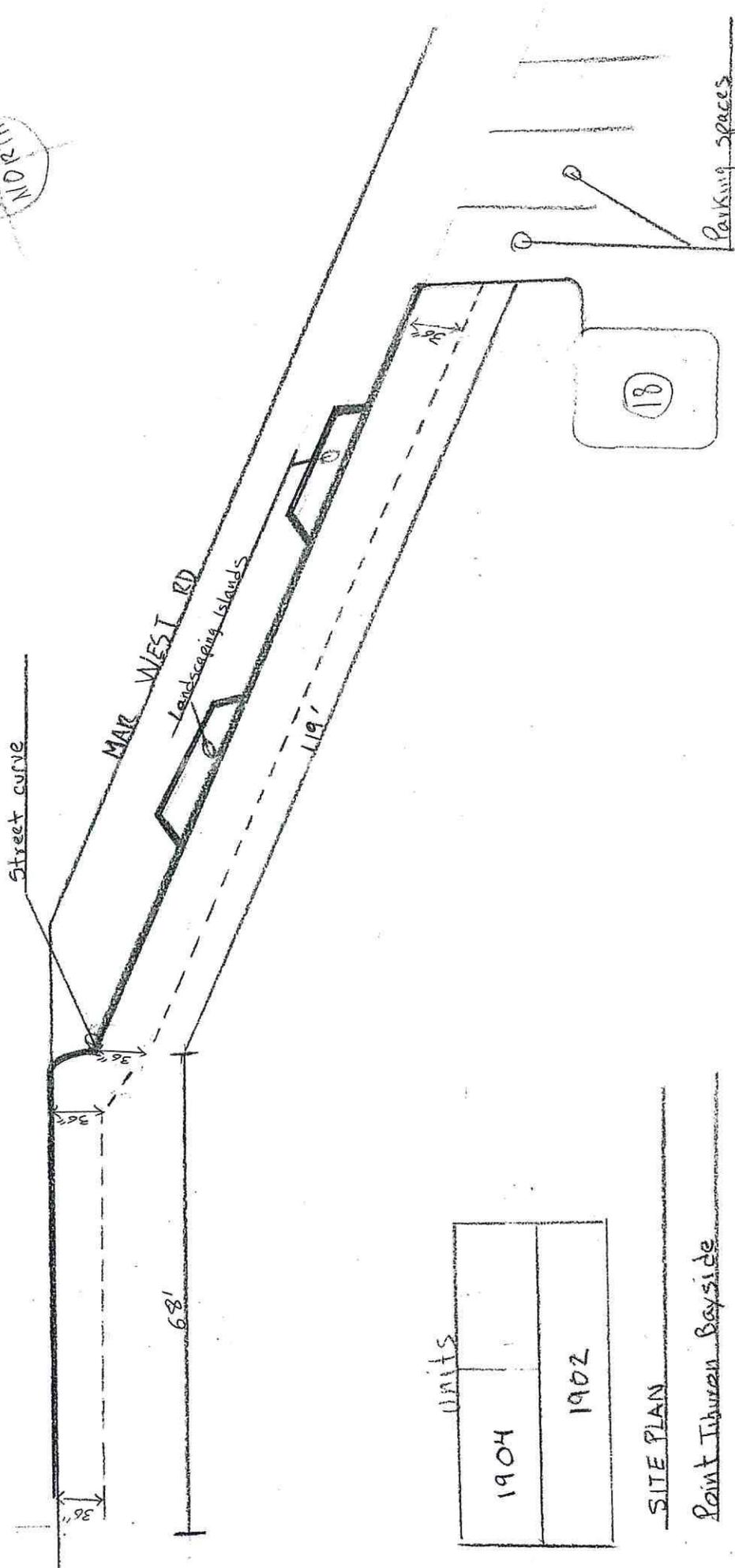
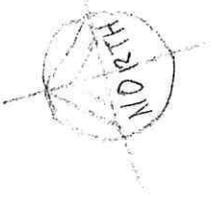
Scope of work  
 187' Long x 6' tall wooden diagonal lattice fence,  
 On the south side of the property.  
 No less than 36" from the Mar west Road curve

**SITE PLAN  
 POINT TIBURON BAYSIDE**

Point Tiburon Bayside Condominium Assn.  
 210 Paradise Dr, Tiburon, Ca. 94920

RECEIVED  
 AUG 29 2016  
 PLANNING DIVISION

PG 1-H



units	
1904	
	1902

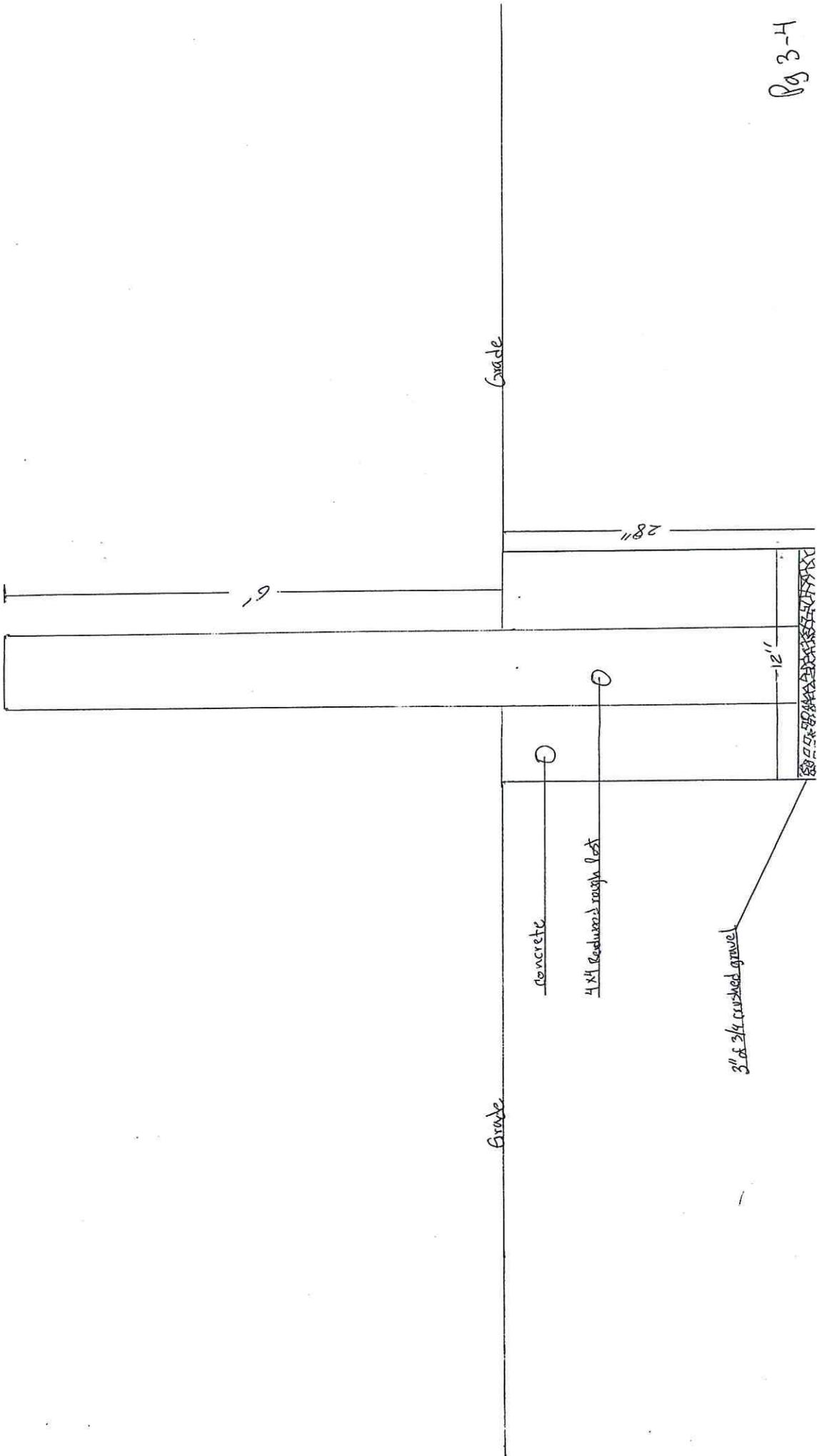
SITE PLAN

Paint Tiberian Bay side

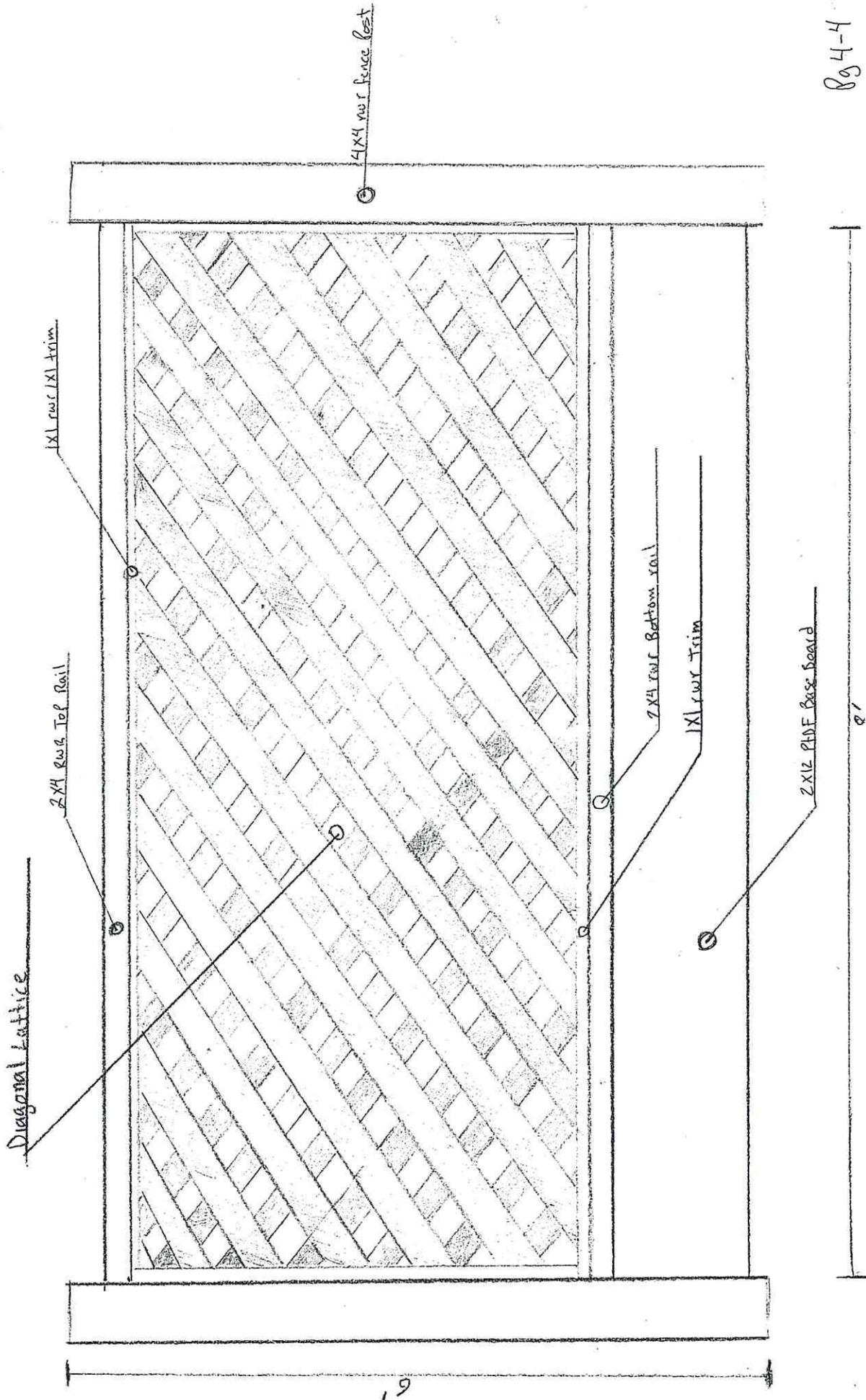
Proposed fence to be kept no less than 36" from curve start to finish,

Pa 2-H

Post Hole Detail - Post Height Detail from grade



# FENCE DESIGN DRAWING



B94-4