



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

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

AGENDA
TIBURON DESIGN REVIEW BOARD

CALL TO ORDER AND ROLL CALL

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

ORAL COMMUNICATIONS

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

STAFF BRIEFING (If Any)

OLD BUSINESS

1. 681 HAWTHORNE DRIVE

File No. DR2015151; Bahram Seyedin-Noor and Maysa Namakian, Owners; Site Plan and Architectural Review for construction of a new single-family dwelling. The applicant proposes to construct a new 2,850 square foot house with 2,880 square feet (29.9%) of lot coverage. Assessor's Parcel No. 059-091 -55. [KO]

Documents: [681 HAWTHORNE STAFF REPORT.PDF](#)

PUBLIC HEARINGS & NEW BUSINESS

2. 4000 PARADISE DRIVE

File Nos. VAR2016005/DR2016017; Bruce and Donna Block, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for reduced front setback. The addition would extend to within 20 feet of the front property line, which is less than the 30 foot minimum front setback required in the RO-2 zone. Assessor's Parcel No. 039-091 -09. [KO] **CONTINUED TO APRIL 21, 2016**

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

3. 47 SOUTHRIDGE WEST

File Nos. VAR2016006/VAR2016007/DR2016025; Geoff and Marjorie Baylor, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with Variances for reduced side setback and excess lot coverage. The applicant proposes to add 466 square feet of additions to an existing single-family dwelling. The addition would extend to within 9 feet, 8 inches of the side property line, which is less than the 23 foot minimum side setback required in the RO-2 zone. The project would result in 2,644 square feet (17.1%) of lot coverage, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Assessor's Parcel No. 059-400 -10 [DW]

Documents: [47 SOUTHRIDGE WEST STAFF REPORT.PDF](#)

MINUTES

4. Regular Meeting Of March 3, 2016

5. Regular Meeting Of March 17, 2016

ADJOURNMENT

GENERAL PUBLIC INFORMATION

ASSISTANCE FOR PEOPLE WITH DISABILITIES

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

AVAILABILITY OF INFORMATION

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

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

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

PUBLIC HEARING ITEMS AND BUSINESS ITEMS

Public Hearing items and Business items provide the general public and interested parties an opportunity to speak regarding items that typically involve an action or decision made by the Board. If you challenge any decision in court, you may be limited to raising only those

issues you or someone else raised at the meeting, or in written correspondence delivered to the Board at, or prior to, the meeting.

GENERAL PROCEDURE ON ITEMS AND TIME LIMIT GUIDELINES FOR SPEAKERS

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

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

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

ORDER AND TIMING OF ITEMS

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

NOTE: ALL DESIGN REVIEW BOARD MEETINGS ARE AUDIO RECORDED

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

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

DEFINITION

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

IDENTIFICATION OF LATE MAIL

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

POLICY

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

- (1) All late mail that is received on an agenda item prior to distribution of the agenda packet to the reviewing authority shall be stamped or marked as “Late Mail” and shall

be distributed to the reviewing authority with the agenda packet.

(2) All late mail received on an agenda item before 5:00 PM on the Monday prior to the meeting shall be date-stamped and marked as "Late Mail" and distributed to the reviewing authority as soon as practicable. Such mail shall be read and considered by the reviewing authority whenever possible. If the Monday, or Monday and Tuesday, prior to the meeting are a Town-recognized holiday, the deadline shall be extended to the following day at Noon.

(3) Any late mail received on an agenda item after the deadline established in paragraph (2) above shall be date-stamped, marked as "Late Mail" and distributed to the reviewing authority as soon as reasonably possible, but may not be read or considered by the reviewing authority. There should be no expectation of, nor shall the reviewing authority have any obligation to, read or consider any such late mail, and therefore such late mail may not become part of the administrative record for the item before the reviewing authority.

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

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



STAFF REPORT

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

From: **Community Development Department**

Subject: **681 Hawthorne Drive; File No. DR2015151;
Site Plan and Architectural Review for Construction of a New Single-Family Dwelling
*Continued from March 3, 2016***

BACKGROUND

At the March 3, 2016 Design Review Board meeting, the Board considered an application for the construction of a new single-family dwelling, on property located at 681 Hawthorne Drive. During the meeting, the neighbors at 678 Hilary Drive stated their opposition to the higher rooflines of the new single-family dwelling because the new home would potentially block views of the bay. Other neighbors voiced support for the original proposed design.

The Design Review Board determined that the proposed home would be consistent with the character of the updated homes in Hawthorne Terrace neighborhood because the home would be a split level home with an excavated garage, and would appear as a one-story design from the rear and a split level from the front. However the consensus of the Board was that the roofline needed to be reduced in height to limit the view blockage for the uphill neighbors on Hilary Drive and the overall size of the new home needed to be reduced. The Board provided direction to the applicant to design the home with modifications that would limit the potential of blocking views for the uphill neighbors and continued the project to the April 7, 2016 Design Review Board meeting.

The applicant has now submitted revised plans for the project which include the following modifications to the project design:

- Reduced the overall height from 23 feet, 7 inches to 20 feet, 6 inches
- Moved the location of the entire footprint 1 foot, 6 inches further from street
- Reduced the size of the front terrace and moved it 6 feet further from the street
- Lowered all ridgelines by a minimum of 12 inches
- Reduced the overall house footprint by 136 square feet (from 3,016 square feet [31.4%] to 2,880 square feet [29.9%]). A variance for excess lot coverage is no longer requested.
- Reduced the floor area ratio by 99 square feet (from 2,949 square feet to 2,850 square feet)
- Reduced the amount of glazing in the breakfast nook area above the garage

ANALYSIS

Design Issues

The modifications made by the application would appear to respond to many of the issues raised by the Design Review Board. The height of the proposed home would be reduced and the majority of the residence would be screened by existing fencing and landscaping from the uphill neighbors. The story poles indicate that the proposed dwelling would not block water views from the adjacent uphill neighbor at 678 Hilary Drive.

The lot coverage was reduced almost the absolute minimum necessary to eliminate the need for a variance and the size of the basement would remain the same as the original proposed design. Even though the revised plans show the home situated further from the street than the original design, the footprint of the new dwelling would continue to expand to all the required setbacks on this property. The Design Review Board should evaluate the revised project design and determine if the changes are sufficient to address the concerns raised at the March 3, 2016 meeting.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the remaining development standards for the R-1 zone.

Public Comment

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

RECOMMENDATION

Staff recommends that the Board:

The Board should review this project with respect to Zoning Ordinance Section 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 Design Review Board wishes to approve the application, it is recommended that the attached conditions of approval be applied.

- | | |
|--------------|--|
| Attachments: | <ol style="list-style-type: none">1. Draft Conditions of Approval2. Application and Supplemental Materials3. Design Review Staff Report dated March 3, 20164. Draft minutes from the March 3, 2016 Design Review Hearing5. Submitted Plans |
|--------------|--|

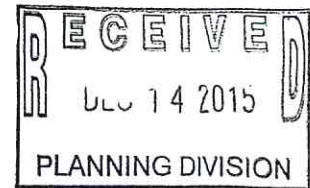
ATTACHMENT 1

**DRAFT CONDITIONS OF APPROVAL
681 HAWTHORNE DRIVE
FILE NO. DR2015151**

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform to the application and plans dated by the Town of Tiburon on December 14, 2015, as amended by these conditions of approval. Any modifications to the plans dated March 24, 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. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
8. Prior to under-floor inspection, a certified survey of the structure foundation will be required. Required documents shall include: 1) graphic documentation accurately locating the building on a site plan; 2) specific distances from property lines and other

reference points to the foundation as appropriate; and 3) elevations relative to mean sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.

9. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
10. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
11. The project shall comply with the following requirements of the California Fire code and the Tiburon Fire Protection District:
 - 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 Office. (CFC 903.2)
 - b. Approved smoke and carbon monoxide alarms shall be installed to provide protection to all sleeping areas. (CFC 907.2.10)
 - c. The vegetation on this parcel shall comply with the requirements of the Tiburon Fire District and the recommendations of Fire Safe Marin. (CFC 304.12)
 - d. The fire pit shall have proper separation from combustible vegetation and combustible construction.
 - i. Gas fire pit shall be located a minimum 10 feet from any property line, combustible vegetation and combustible construction.
12. 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.
13. All requirements of the Department of Public Works shall be met.
14. All requirements of the Marin Municipal Water District shall be met.
15. All requirements of the Richardson Bay Sanitary District shall be met.
16. A photovoltaic energy system shall be installed in compliance with the requirements of Section 16-40.080 of the Tiburon Zoning Ordinance.
17. 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.



TOWN OF TIBURON LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

- | | | |
|--|--|---|
| ☐ Conditional Use Permit | ☒ Design Review (DRB) | ☐ Tentative Subdivision Map |
| ☐ Precise Development Plan | ☐ Design Review (Staff Level) | ☐ Final Subdivision Map |
| ☐ Secondary Dwelling Unit | ☒ Variance(s) <u>V1</u> # | ☐ Parcel Map |
| ☐ Zoning Text Amendment | ☐ Floor Area Exception | ☐ Lot Line Adjustment |
| ☐ Rezoning or Prezoning | ☐ Tidelands Permit | ☐ Condominium Use Permit |
| ☐ General Plan Amendment | ☐ Sign Permit | ☐ Seasonal Rental Unit Permit |
| ☐ Temporary Use Permit | ☐ Tree Permit | ☐ Other _____ |

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 681 Hawthorne Dr. **PROPERTY SIZE:** 9608.4 SF

PARCEL NUMBER: 055-191-05 **ZONING:** R-1

PROPERTY OWNER: Bahram Seyedin-Noor and Maysa Namakian

MAILING ADDRESS: 681 Hawthorne Dr., Tiburon, CA 94920

PHONE/FAX NUMBER: 415-868-5602 **E-MAIL:** bahram@altolit.com mnamakian@gmail.com

APPLICANT (Other than Property Owner): Polsky Perlstein Architects - Laura Van Amburgh*

MAILING ADDRESS: 469 B Magnolia Ave., Larkspur, CA 94939

PHONE/FAX NUMBER: 415-927-1156 **E-MAIL:** laura@polskyarchitects.com

ARCHITECT/DESIGNER/ENGINEER Polsky Perlstein Architects

MAILING ADDRESS: 469 B Magnolia Ave., Larkspur, CA 94939

PHONE/FAX NUMBER: 415-927-1156 **E-MAIL:** laura@polskyarchitects.com

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

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

DEMO EXISTING SINGLE FAMILY RESIDENCE AND BUILD NEW ²⁸⁵⁰ 2,850 SF SINGLE STORY HOME WITH 512 SF GARAGE BELOW AND A ⁸⁵⁶ 856 SF BASEMENT STORAGE/MECH AREA. THE PROJECT INCLUDES A 199 SF TERRACE, SITE RETAINING WALLS, NEW DRIVEWAY, PATHWAYS AND LANDSCAPING.

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

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

Signature:*



Date: 12.14.15

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

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

Signature:*



Date: 12.14.15

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

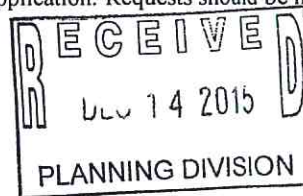
NOTICE TO APPLICANTS

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

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

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

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



DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION

Application No.: DR2015-151 / ~~VAR2015-024~~ GP Designation:

Fee Deposit: \$3275 -

Date Received: 12/14/2015

Received By: LS

Receipt #: 2434

Date Deemed Complete: 1/26/16

By: DW

Acting Body:

Action:

Date:

Conditions of Approval or Comments:

Resolution or Ordinance #

PSA Ext. June 26, 2016

DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM FOR NEW RESIDENCE OR OTHER MAIN BUILDING

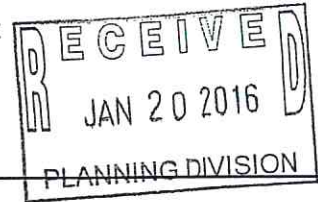
Please fill in the information requested below (attach separate sheet as needed):

Use of Site (example: single family residential, retail, office, service, etc.):

Existing: SINGLE FAMILY RESIDENCE

Proposed: SINGLE FAMILY RESIDENCE

Square Footage of Landscape Area: 4685 SF



TO BE COMPLETED BY APPLICANT			STAFF USE ONLY	
ITEM	EXISTING (if existing building is to be demolished)	PROPOSED (reflects proposed construction)	CALCULATED <i>revised plans</i>	PER ZONE
Yards (Setbacks from property line)(Section 16-100.020(y))* Front	26'-1" ft.	15'-0" ft.	<i>3-24-16</i> 16-7 ft.	15 ft.
Rear	29'-11" ft.	21'-2" ft.	20-1 ft.	<i>20'-15</i> ft.
Right Side	11'-9" ft.	8'-0" ft.	8 ft.	8 ft.
Left Side	22'-5" ft.	8'-0" ft.	8 ft.	8 ft.
Maximum Height (Section 16-30.050)*	16'-0" ft.	23'-7" ft.	20.6 ft.	30 ft.
Lot Coverage (Section 16-30.120(B))*	1717 sq.ft.	3016 sq.ft.	<i>2880</i> 3016 sq.ft.	2882 sq.ft.
Lot Coverage as Percent of Lot Area	18 %	31.39 %	<i>29.9</i> 31.4 %	30 %
Gross Floor Area (Section 16-100.020(F))*	1341 sq.ft.	2949 sq.ft.	<i>2850</i> 2826 512 sq.ft.	<i>2960.8</i> 600 sq.ft.
Net Floor Area (if office building) (Section 16-32.040)	Sq.ft.	Sq.ft.	Sq.ft.	Sq.ft.
Number of Parking Spaces Provided	2 spaces	2 spaces	spaces	spaces

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



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
March 3, 2016
Agenda Item: **2**

STAFF REPORT

To: Members of the Design Review Board

From: Community Development Department

Subject: 681 Hawthorne Drive; File No. DR2015151 and VAR2015024;
Site Plan and Architectural Review for Construction of a New Single-Family Dwelling, with a Variance for Excess Lot Coverage

PROJECT DATA

ADDRESS: 681 HAWTHORNE DRIVE
OWNER: BAHRAM SEYEDIN-NOOR AND MAYSA NAMAKIAN
APPLICANT: POLSKY PERLSTEIN ARCHITECTS
ASSESSOR'S PARCEL: 055-191-05
FILE NUMBER: DR2015151 AND VAR2015024
LOT SIZE: 9,608 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: MH (MEDIUM HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: JANUARY 26, 2016

PROJECT DESCRIPTION

The applicant is requesting design review approval to construct a new single-family dwelling, with a variance for excess lot coverage on property located at 681 Hawthorne Drive. The property is currently developed with a one-story single-family dwelling. The existing dwelling includes 1,341 square feet of floor area. The applicant intends to demolish the existing structure and build a new partial two-story dwelling.

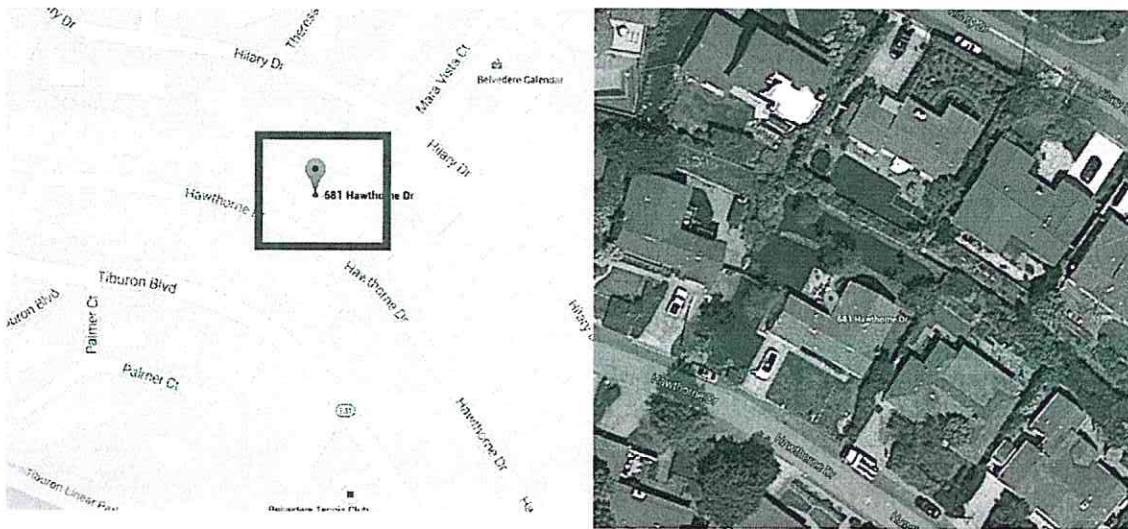
The proposed 2,914 square foot home would include an entry foyer, living room, office, dining room, kitchen, breakfast nook, family room, two bathrooms, two bedrooms, laundry room, and a master bedroom suite on the main level. An 836 square foot basement level addition would include a media room, exercise room, bathroom, mechanical room and a two-car garage. Other improvements include a covered front entry, front view terrace with glass guardrails, trash enclosure, a trellis over the garage and a rear terrace with fire pit and BBQ island. Both terraces would extend off the living room and dining room to provide an outdoor living space. Four new skylights would be installed on the roof; one above the hallway and the other three above the entry foyer, along with solar panels.

A new concrete driveway would be installed on the east side of the property to accommodate the proposed location of the two-car garage. Proposed landscaping would be installed throughout the property and two existing trees would be removed. On the west and east sides of the property, a new 6 foot tall fence and gate would be installed to connect with the existing 6 foot tall fence (which currently is situated along the perimeter of the property).

The proposal would result in a floor area of 2,949 square feet, which is below the maximum permitted floor area for the property (2,960 square feet). The proposal would result in lot coverage of 3,016 square feet (31.4%), which is approximately 134 square feet (1.4 %) above the maximum permitted lot coverage in the R-1 zone (30.0%). A variance for excess lot coverage is required.

The proposed colors and materials include tile roofing, a mixture of ivory stucco and stone for siding, and a brown trim for windows and doors. A colors and materials board has been submitted and will be present at the meeting for the Board to review.

Project Setting



The subject property is located in the Hawthorne Terrace neighborhood, on the upper side of Hawthorne Drive. The subject property is reasonably level with a slight slope upwards from the street. The property faces south with views of the Richardson Bay, Belvedere Island and portions of the Golden Gate Bridge and San Francisco. The streets within the neighborhood are terraced upward from Tiburon Boulevard to Delmar Drive.

ANALYSIS

Design Issues

Throughout the years, numerous smaller single-family homes have been remodeled and/or expanded to upgrade older homes, including a number of second story additions. The second story additions have generally been located along the upper portion of Hawthorne Drive. The proposed partial two-story home follows the modest styles of other two-story homes in the neighborhood, with the appearance of one-story design from the street. The garage and basement level would be excavated and lowered into the existing grade, which would limit the

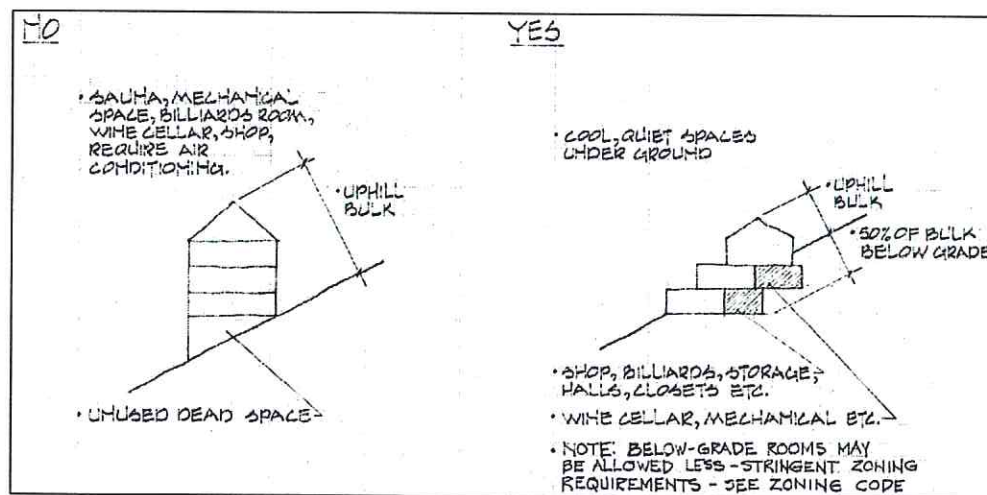
potential of appearing massive from the street or from adjacent properties and potentially limiting the view blockage from uphill neighbors.

The submitted plans show the proposed roof ridgeline at an elevation of 122.12 feet, which would be 1.22 feet taller than the ridgeline of the existing home. The new ridgeline would appear to block partial water views for the uphill neighbor at 678 Hilary Drive. The design and character of the proposed home would be similar to the other updated homes in the neighborhood, including those at 695, 693, and 687 Hawthorne Drive. However, the footprint of the home would be built out to all required setbacks, which would be unusual for a property that would not maintain a one-story design in a predominantly one-story neighborhood.

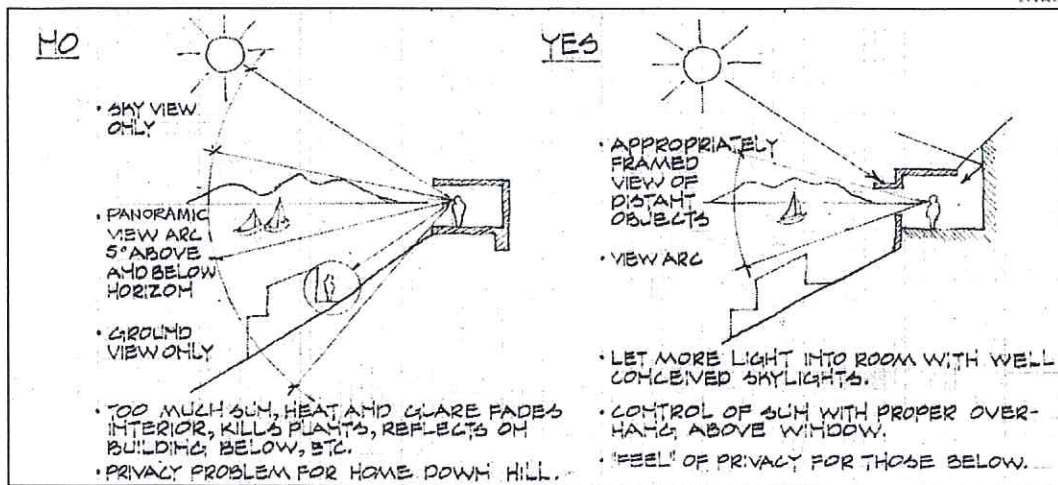
The following principles of the Hillside Design Guidelines should be used in evaluating the design of the new residence as proposed:

Hillside Guidelines

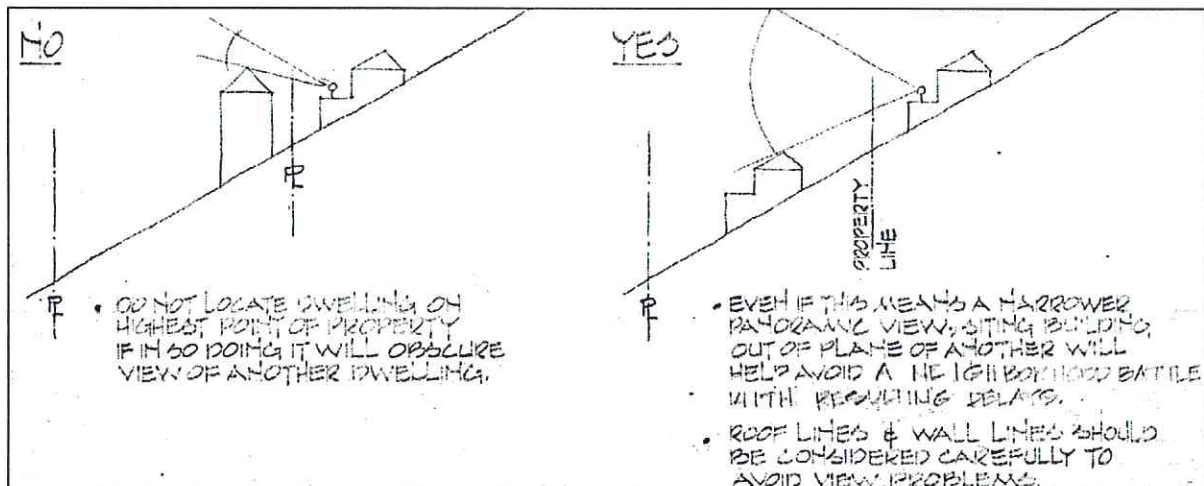
Goal 1, Principle 9: *"Excavate underground or below grade rooms to dramatically reduce effective bulk, provide energy efficient and environmentally designable spaces."* The two-car garage would be excavated underground and connected to a basement level. The basement level would include a media room, hallway, and mechanical room. This design would be similar to other updated homes in the neighborhood.



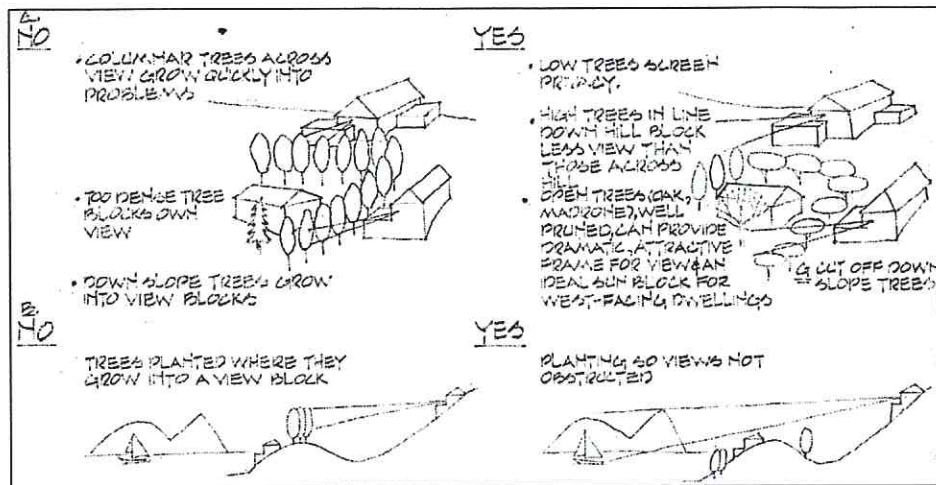
Goal 2, Principle 6: *"Control window placement for sun, privacy, and view"* The majority of the home would have large windows, especially for the front and rear elevations towards the outdoor terraces adjacent to the home. The windows on the sides would create a potential light and privacy impact for the neighbors on the west and east sides of the home due to the large amount of windows, but most of these windows would appear to be screened by proposed landscaping.



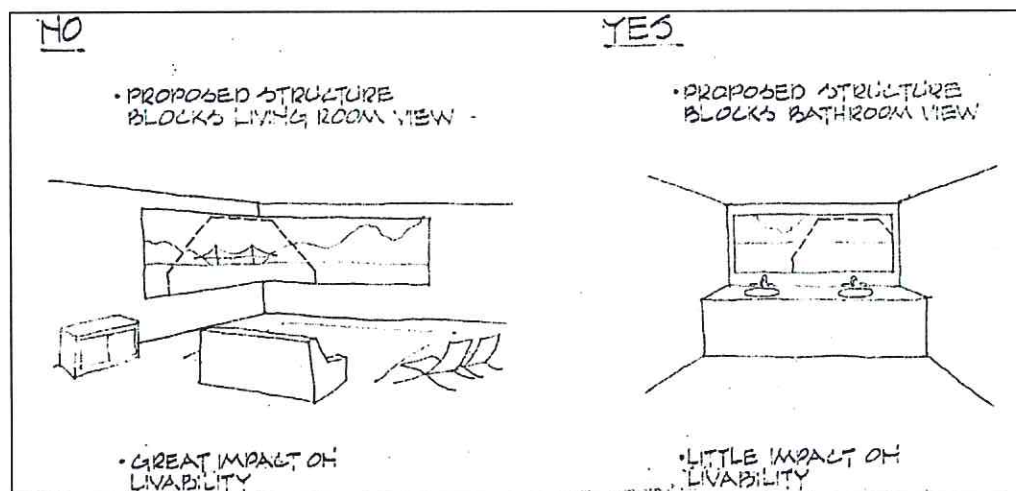
Goal 3, Principle 1: *"Locate all new dwellings so they interfere minimally with view of the adjacent neighbor."* The majority of the new residence would appear to minimally interfere with the views of the adjacent neighbors except for the uphill neighbor and the neighbor on the west side of the property. The new master bedroom suite would appear to block water views for the west side neighbor at 679 Hawthorne Drive and the roof over the kitchen area would appear to block water views for the uphill neighbor at 678 Hilary Drive.



Goal 3, Principle 2 (A & B): *"Plan landscaping so it does not grow into view block for neighboring dwellings."* As shown on the submitted planting plan (see **Attachment 2**), four large trees with a range in maximum height of 12 feet to 15 feet would be planted in the front and rear of the home, but in the similar area where the adjacent neighbor's views are directed. The majority of the west side and rear property lines would be screened by 8-10 foot shrubs, which would help with privacy, but could potentially block views from the adjacent neighbors.



Goal 3, Principle 7A: "View protection is more important for the primary living areas of a dwelling (i.e. living room, dining room, family room, great room, kitchen, and decks associated with these room) than for less actively used areas of a dwelling (i.e. bedroom, bathroom, study, office, den)" Partial water views from the uphill neighbor's kitchen, living room, and breakfast nook would be blocked by the new roof over the kitchen and family room.



The Design Review Board is encouraged to view the story poles from the neighboring residences to determine if the proposed single-family dwelling would create any visual or privacy impacts on the adjacent homes.

Zoning

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

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

Variance Findings

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

The 9,608 square foot size of the subject property is smaller than the 10,000 square foot minimum lot size in the R-1 zone, but not by much. The site is relatively level and does not provide opportunities to build a full second story in order to meet the maximum permitted lot coverage, without creating additional view impacts for the adjacent neighbors, but, the full second story would not be compatible with the character of this neighborhood.

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

Numerous other properties within the Hawthorne Terrace neighborhood, especially properties on the upper side of Hawthorne Drive, have been granted variances for excess lot coverage, in order to prevent view blockage for uphill neighbors. However, most of the granted variances were given to applications that maintain a one-story design in this predominantly one -story neighborhood.

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

The strict application of the minimum lot coverage for this property would require a redesign of the home, which could add a full second level, which would not be compatible with the character of the neighborhood, would potentially block views and create privacy impacts for the adjacent neighbors on all sides of the property. In addition, the above grade portion of the home could be transferred to the basement level for additional space and comply with the required lot coverage.

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

Granting a variance for excess lot coverage would potentially be detrimental or injurious to neighboring properties, even though the proposed new residence would maintain a partial second story design with an excavated garage and would match the other updated homes; the new residence would potentially create privacy and view impacts on the adjacent neighbors.

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

PUBLIC COMMENT

As of the date of this report, one correspondence in opposition regarding height and landscaping has been received regarding the subject application.

PRELIMINARY ENVIRONMENTAL DETERMINATION

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

RECOMMENDATION

Staff recommends that the Board:

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) [Guiding Principles], 16-52.030 [Variance], and applicable sections of the Hillside Guidelines, and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Design Review Board agrees with Staff's conclusions, it is recommended that the applicant be directed to reduce the size of the new residence to comply with the required lot coverage and to reduce the height of the new residence. If the Board can make the required variance findings to approve the project as proposed, it is recommended that the attached draft conditions of approval be applied.

- | | |
|--------------|--|
| Attachments: | <ol style="list-style-type: none">1. Conditions of Approval2. Application and Supplemental Materials3. Letter dated February 23, 2016 by Daphne Hooker and Daniel Ferst4. Submitted Plans |
|--------------|--|

ATTACHMENT 1

**DRAFT CONDITIONS OF APPROVAL
681 HAWTHORNE DRIVE
FILE NO. DR2015151 AND VAR2015024**

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform to the application and plans dated by the Town of Tiburon on December 14, 2015, as amended by these conditions of approval. Any modifications to the plans dated February 23, 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. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
8. Prior to under-floor inspection, a certified survey of the structure foundation will be required. Required documents shall include: 1) graphic documentation accurately locating the building on a site plan; 2) specific distances from property lines and other

reference points to the foundation as appropriate; and 3) elevations relative to mean sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.

9. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
10. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
11. The project shall comply with the following requirements of the California Fire code and the Tiburon Fire Protection District:
 - 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 Office. (CFC 903.2)
 - b. Approved smoke and carbon monoxide alarms shall be installed to provide protection to all sleeping areas. (CFC 907.2.10)
 - c. The vegetation on this parcel shall comply with the requirements of the Tiburon Fire District and the recommendations of Fire Safe Marin. (CFC 304.12)
 - d. The fire pit shall have proper separation from combustible vegetation and combustible construction.
 - i. Gas fire pit shall be located a minimum 10 feet from any property line, combustible vegetation and combustible construction.
12. 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.
13. All requirements of the Department of Public Works shall be met.
14. All requirements of the Marin Municipal Water District shall be met.
15. All requirements of the Richardson Bay Sanitary District shall be met.

Emberson asked about the boulder as a barrier in a parking area and whether Public Works can require a boulder to deter parking in a particular area. Planning Manager Watrous said that they would not require it but can review it and determine whether it is appropriate or not as a barrier.

ACTION: It was M/S (Emberson/Cousins) that the request for 2370 Paradise Drive is exempt from the California Environmental Quality Act and to approve the request, subject to the attached conditions of approval, and the additional conditions of approval that the west-facing kitchen sliding glass door shall be reduced in height to 8 feet, the Pittosporum species to be planted along the east side property line not exceed the height of the existing hedge, and any landscaping on the west side property line that is disturbed during construction to be replaced to provide sufficient screening. Vote: 5-0.

E. NEW BUSINESS

Boardmember Emberson recused herself from the following item.

2. **681 HAWTHORNE DRIVE:** File No. VAR2015024/DR2015151; Bahram Seyedin-Noor and Maysa Namakian, Owners; Site Plan and Architectural Review for construction of a new single-family dwelling, with a Variance for excess lot coverage. The applicant proposes to construct a new 2,949 square foot house. The lot coverage of the house would be 3,016 square feet (31.4%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. Assessor's Parcel No. 059-091-55.

The applicant is requesting design review approval to construct a new single-family dwelling, with a variance for excess lot coverage on property located at 681 Hawthorne Drive. The property is currently developed with a one-story single-family dwelling. The existing dwelling includes 1,341 square feet of floor area. The applicant intends to demolish the existing structure and build a new partial two-story dwelling.

The proposed 2,914 square foot home would include an entry foyer, living room, office, dining room, kitchen, breakfast nook, family room, two bathrooms, two bedrooms, laundry room, and a master bedroom suite on the main level. An 836 square foot basement level addition would include a media room, exercise room, bathroom, mechanical room and a two-car garage. Other improvements include a covered front entry, front view terrace with glass guardrails, trash enclosure, a trellis over the garage and a rear terrace with fire pit and BBQ island. Both terraces would extend off the living room and dining room to provide an outdoor living space. Four new skylights would be installed on the roof; one above the hallway and the other three above the entry foyer, along with solar panels.

The proposal would result in a floor area of 2,949 square feet, which is below the maximum permitted floor area for the property (2,960 square feet). The proposal would result in lot coverage of 3,016 square feet (31.4%), which is approximately 134 square feet (1.4 %) above the maximum permitted lot coverage in the R-1 zone (30.0%). A variance for excess lot coverage is required.

Jared Polsky, architect, stated that they worked hard to design a home that takes advantage of views, provides a nice façade on the street, and protects neighbors' views. He felt that the house would appear as a one-story home with a small basement. He said that they were advised by Town staff to minimize the basement did so in this design. He felt that the basement would not make the house feel like a two-story structure and would fit in well with the design of other houses on the street. He said that they asked for a small lot coverage variance to allow them to design a one-story house and they had to count a portion of the front deck as lot coverage because it is slightly above grade. He said that they were very careful in designing the house to break it into small masses with low slope roofs. He said that all of the roof ridges would be at or below the height of the existing ridge, except one over the kitchen and family room that would be 7 inches higher than the existing house and another ridge 14 inches higher. He stated that they reached out to neighbors and the neighbor at 678 Hilary Drive expressed some concern about view blockages and requested a line between the story poles. He said that they were unable to put up the line because of the number of story poles, but it seemed clear that the house would not block any views. He said that they talked with the neighbor to the west about view blockage and he was in full support of the project.

Maysa Namakian, owner, said that she was born and raised in Tiburon and was very excited to move back. She said that they tried to follow staff's advice and she thanked the neighbors and those who supported the design. She said that they made some changes to the landscaping to minimize the potential heights so they would not block any views.

The public hearing was opened.

Marianna Longstreth said that she lives next door to the project and they have seen the neighborhood start to change in the past few years and so far she is delighted to see the changes. She supported placing the garage underneath the house, stating that it is important to have garages, and this location would provide more space for the home. She appreciated that the owners spent the time talking with neighbors and taking their views into account in designing the home.

Robert van Blericom stated that he had no objections to the proposed house. He noted that the story poles were not visible from any of his west-facing windows.

Tony Hooker said this was a great design and would add a lot to the neighborhood. He stated that it was not easy to understand the roof design and ridgelines without lines between the story poles. He was concerned about a significant change in the minor ridgelines and shifting the roof peak. He presented a picture showing where he thought the roof would be located and asked that a story pole be put in to better illustrate the roof configuration. He said that the roof mass would be quite substantially increased and he questioned whether the roof needed to go up that high since the ceiling height inside the house is 9 feet 3 inches before the vault, which he suggested could be reduced. He asked that the rear exterior lights be shielded downlights.

Mr. Polsky said that he understood the concern about the location of the roof ridges. He explained that the new ridge would be at the height of the existing ridge, and he clarified the

location of the roof ridge on the drawing. He said that the ridge that would be higher than the existing ridge is 14 inches higher, not 3 feet higher and would not block any water views.

Vice-Chair Kricensky asked if the finished floor is at the same elevation as the existing upper floor, and the applicant confirmed that it would be the same.

The public hearing was closed.

Boardmember Cousins stated that the ridge height was confusing. He noted the figures in the submitted plans and stated that the applicant related all comments about the proposed ridge height to the maximum ridge height of the existing house, but most of the house would be 2-3 feet taller than the existing house. He believed that placing the garage underneath was a great idea. He was concerned that the minimum ceiling height would be 9 feet and go up to 14 feet. He believed that the ridge heights could be lowered to less impact on the uphill neighbors' views. He said that he would like to see some changes to minimize the impacts on neighboring homes.

Boardmember Chong said that the lot coverage guidelines are intended to prevent overbuilding on a lot and he felt that the guidelines were being stretched in this case. He said that the tradeoff of putting the garage on the bottom instead of going up to two stories was done more often and he said that he could support the lot coverage variance. However, he felt that there was room for improvement on the roof height to reduce the impact on the Sausalito, shoreline and Richardson Bay views of the uphill neighbors.

Vice-Chair Kricensky noted the Board has given variances before to keep a house to a one-story design on smaller lots, but this is a larger lot with a larger house that would affect neighbors. He agreed with the comments about the roof and said that it was difficult to see its location. He said that the house was pushing out to all the setbacks, the kitchen would loom out and the ceilings might be even higher than shown on the plans. He felt that bringing down the roof height could solve the view issues.

Chair Tollini said that most of the roof would be 2.75 feet above most of the existing roof and he felt that the height had been increased too much. He encouraged tucking the garage below, but said that the upper floor would sprawl to every setback. He felt that this pushed the envelope of bulk in the neighborhood. He added that the amount of glazing and the projected kitchen did not help the design. He felt that it was hard to support the lot coverage variance when the design was so impactful.

ACTION: It was M/S (Chong/Kricensky) to continue to continue the application for 681 Hawthorne Drive to the April 7, 2016 meeting. Vote: 4-0 (Emberson recused).
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Boardmember Emberson returned to the meeting.

3. **17 ACELA DRIVE:** File No. DR2016002; Miraj and Nisha Shah, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling. The applicant proposes to add a 2,012.5 square foot second story addition and a rooftop



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
April 7, 2016
Agenda Item: **2**

STAFF REPORT

To: Members of the Design Review Board

From: Community Development Department

Subject: **NOTICE OF CONTINUANCE**
4000 Paradise Drive; File Nos. VAR2016005/DR2016017;
Site Plan and Architecture Review for Construction of Additions to
Existing Single-Family Dwelling, with a Variance for Reduced Front
Setback

Staff recommends that this item be continued for the following reason(s):

- ☐ No story poles have been erected/no certification received
- ☒ Requested information has not been received
- ☐ Item not properly advertised
- ☐ The applicant has requested a continuance to:
- ☐ **Other:**

The application will be continued to the April 21, 2016 Design Review Board meeting.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
April 7, 2016
Agenda Item: **3**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 47 Southridge West; File No. VAR2016006/VAR2016007/DR2016025;
Site Plan and Architecture Review for Construction of Additions to an
Existing Single-Family Dwelling, with Variances for Reduced Side
Setback and Excess Lot Coverage

Reviewed By: _____

PROJECT DATA

ADDRESS: 47 SOUTHRIDGE WEST
ASSESSOR'S PARCEL: 034-311-15
FILE NUMBER: VAR2016006/VAR2016007/DR2016025
PROPERTY OWNERS: GEOFF AND MARJORIE BAYLOR
APPLICANT: POLSKY PERLSTEIN ARCHITECTS
LOT SIZE: 15,496 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE: X
DATE COMPLETE: MARCH 23, 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 15301.

PROJECT DESCRIPTION

The applicant is requesting Design Review approval for the construction of additions to an existing single-family dwelling on property located at 47 Southridge West. The subject property is currently developed with a two-story single-family dwelling.

The living room, dining room and master bedroom would be expanded on the upper floor and the existing upper level deck would be expanded to align with the dining room and living room walls. The family room and entry would be expanded on the lower floor and a new exercise room would be created. The roof over the eastern portion of the house would be removed and reconfigured, increasing the maximum roof height by more than a foot. A trellis would be

attached to the side of the entry. A new stairway would lead from the lower level deck to the rear yard. An existing spa to the rear of the house would be relocated and a fire pit and several sections of new fencing would be installed.

The proposed floor area for the project would be 3,540 square feet, which is 10 square feet less than the floor area ratio for a lot of this size. The house would cover 2,644 square feet (17.1%) of the site, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. A variance is therefore requested for excess lot coverage.

The landing for the stairway leading to the lower level deck would extend to within 9 feet, 8 inches of the right (east) side property line and a corner of the expanded upper level deck would extend to approximately 10 feet, 6 inches of the property line. As a 12 foot side setback is required for a deck in the RO-2 zone, a variance is therefore also requested for reduced side setback.

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The house would be finished with dark brown wood shingles with white trim. The roof would utilize dark grey shingles.

PROJECT SETTING



The subject property is situated at the end of the cul-de-sac of Southridge West. The existing house is located close to street level and above the lower portions of Southridge West and Cayford Drive. Mature vegetation along the side and rear property lines screens much of the house from view of other homes nearby.

ANALYSIS

Design Issues

The proposed project would remove most of the eastern half of the house and reconfigure the roofline of the building. The western half of the structure would remain essentially unmodified. The increased roof height would raise the currently low ceiling height in the living room area and should not create any view issues for other homes in the vicinity, which are generally oriented toward views of San Francisco and the bay to the south and do not appear to have substantial views across the subject property.

The substantial mature vegetation on the site and on adjacent properties helps screen the proposed additions from neighboring residences and should prevent any potential privacy impacts from these additions. The rear yard is very private and the location of the spa and proposed fire pit would not be particularly visible from other homes.

The existing house has only one modest sized exterior deck on the upper level of the house facing the primary views to the south. The proposed project would slightly enlarge this deck, but would also eliminate an existing deck off the master bedroom. The resulting deck space would still be substantially smaller than that enjoyed by most other homes which have such view potential.

Zoning

Staff has reviewed the proposal and finds that it is in general conformance with the development standards for the RO-2 zone, with the exception of the requested variances for reduced side setback and excess lot coverage.

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.*

Reduced side setback

The subject property is smaller than the minimum lot size in the RO-2 zone. The eastern (right) side property line angles back near the rear of the house, creating a limited side setback for the house and causing the existing upper level deck to encroach into the required setback. These physical characteristics create special circumstances that would deprive the owners of this property of development privileges for a home design similar to those enjoyed by other properties in the vicinity if the subject variance is not granted.

Excess lot coverage

The subject property is 4,504 square feet smaller than the minimum lot size in the RO-2 zone. This reduced lot size is a special circumstance that would deprive the owners of this property of

even additions to a two-story home similar to that enjoyed by other properties in the vicinity if the subject variance is not granted.

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.***

Reduced side setback

Numerous other properties in the RO-2 and similar zones have been granted variances for reduced setbacks on lots where property line changes and existing house footprints result in diminished setbacks for existing and proposed home designs.

Excess lot coverage

Numerous other properties in the RO-2 and similar zones have been granted variances for excess lot coverage, although most have been for one-story home designs in instances where a tow-story house would result in substantial view blockage for other homes in the vicinity.

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.***

Reduced side setback

The proposed project could comply with the side setback requirement for this property by cutting back a corner of the upper level deck and relocating the exterior stairway leading to the lower level deck. However, these changes would place a hardship on the applicant by reducing the size of the already modestly proportioned exterior deck and create a less practical stairway alignment for the lower level deck.

Excess lot coverage

The strict application of the maximum lot coverage requirement for this property would force the applicant to eliminate the modest exterior deck space. The elimination of such exterior deck area would be an unnecessary physical hardship on the applicants, particularly when compared to other homes in Tiburon which enjoy the benefit of such deck space.

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

Reduced side setback

As described above, the existing mature vegetation on the site would screen the proposed deck extension and exterior stairway from views from the adjacent residence.

Excess lot coverage

As described above, the proposed additions would not result in substantial view or privacy issues for other homes in the vicinity.

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

Public Comment

As of the date of this report, no letters have been received regarding the subject application. The applicant submitted signatures of support from the owners of the properties at 45, 46 & 49 Southridge West.

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 15301. If the Board agrees with staff's conclusions, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

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

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

47 SOUTHRIDGE WEST

FILE #VAR2016006/VAR2016007/DR2016025

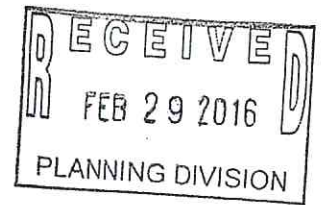
1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform with the application dated by the Town of Tiburon on February 29, 2016, or as amended by these conditions of approval. Any modifications to the plans of March 22, 2016 must be reviewed and approved by the Design Review Board.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
6. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
7. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
8. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:

- a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
 - b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.
 - c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.
 - d. Post-development storm water flows shall be limited to pre-development levels at the 2, 25 and 100 year storm. Storm drainage improvements shall be designed in accordance with Marin County criteria. Hydrology calculations, pipe sizing and storm drain plans shall be submitted for review and approval of the Town Engineer.
 - e. No lot-to-lot drainage is allowed except where easements for drainage are provided.
 - f. All site drainage shall be privately maintained and shall be contained within private storm drain easements. A 10 foot wide easement must be provided for any pipes outside the right-of-way.
 - g. The improvement plans shall show that all concentrated site drainage shall utilize an approved onsite storm drainage system.
 - h. The site must provide at least one post construction mitigation in accordance with Section 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.
9. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
 10. The project shall comply with the requirements of the California Fire Code and the Southern Marin Fire Protection District, including, but not limited to, the following:
 - a. A vertical overhead clearance of 13' 6" shall be maintained free of obstructions above any roadbed (trees, brush, etc.).
 - b. The property owner shall comply with California Fire Code Section 304.1.2 and Local Ordinance Section 109.3.2 Abatement of Clearance of Brush or Vegetative Growth from Structures.

- c. A minimum clearance of 30 feet from the structure, 10 feet from roads and property lines and any tree which extends within 10 feet of any chimney or stovepipe shall be kept clear of flammable brush, tree limbs and grasses.
 - d. A fire sprinkler system shall be provided for:
 - 1. Existing Buildings. In any building with an existing automatic sprinkler system, protection shall be extended to any all of alteration, repair, remodel or addition, regardless of job size so that 100% coverage is maintained.
 - 2. In any building found to have OMEGA sprinkler heads identified as part of the U.S. Consumer Products Safety Commission recall, all sprinkler heads subject to this recall shall be replaced with listed and approved heads.
 - 3. Fire sprinkler coverage shall be provided through the entire structure according to Chapter 9 of the California Fire Code.
 - 4. Plans for fire sprinkler system design and hydraulic calculations shall be completed by a licensed C-16 sprinkler contractor and submitted to the Southern Marin Fire District, Fire Prevention for approval prior to installation. Fire sprinkler system design and installation shall conform to the provisions of the Southern Marin Fire District Standard 401 and N.F.P.A. Standard(s) 13, 13D or 13R.
 - e. The address shall be posted in accordance with requirements of the California Fire Code and SMFD standard 205 (Premises Identification).
 - f. Smoke / CO Detectors shall be installed in accordance with the California Building Code.
 - g. This project shall comply with California Fire Code Chapter 33 – *Fire Safety During Construction and Demolition*. These requirements include but are not limited to: Temporary Heating Equipment, Precautions Against Fire, Flammable and Combustible Liquids, Flammable Gases, Owners Responsibility for Fire Protection, Fire Reporting, Access for Fire Fighting, Means of Egress, Water Supply for Fire Protection, Standpipes, Automatic Fire Sprinkler Systems, Portable Fire Extinguishers, Motorized Construction Equipment, and Safeguarding Roofing Operations.
 - h. Fire access to the project as well as the other surrounding properties shall be maintained at all times. Unapproved restrictions in roadway access shall result in citations and vehicles being towed at the owner's expense.
11. The project shall comply with all requirements of the Richardson Bay Sanitary District.



**TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION**



TYPE OF APPLICATION

- | | | |
|--|---|---|
| ☐ Conditional Use Permit | ☒ Design Review (DRB) | ☐ Tentative Subdivision Map |
| ☐ Precise Development Plan | ☐ Design Review (Staff Level) | ☐ Final Subdivision Map |
| ☐ Secondary Dwelling Unit | ☒ Variance(s) <u>2</u> # | ☐ Parcel Map |
| ☐ Zoning Text Amendment | ☐ Floor Area Exception | ☐ Lot Line Adjustment |
| ☐ Rezoning or Prezoning | ☐ Tidelands Permit | ☐ Condominium Use Permit |
| ☐ General Plan Amendment | ☐ Sign Permit | ☐ Seasonal Rental Unit Permit |
| ☐ Temporary Use Permit | ☐ Tree Permit | ☐ Other _____ |

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 47 SOUTHRIDGE WEST **PROPERTY SIZE:** 15,496 SF
PARCEL NUMBER: 034-311-15 **ZONING:** R0-2

PROPERTY OWNER: GEOFF & MARJORIE BAYLOR
MAILING ADDRESS: 47 SOUTHRIDGE WEST
TIBURON, CA 94920
PHONE/FAX NUMBER: 415.310.0216 **E-MAIL:** mbaylor@comcast.net

APPLICANT (Other than Property Owner): JARED POLSKY *
MAILING ADDRESS: 469B MAGNOLIA AVE.
LARKSPUR, CA 94939
PHONE/FAX NUMBER: 415.927.1156 x304 **E-MAIL:** elizabeth@polskyarchitects.com
jared@polskyarchitects.com

ARCHITECT/DESIGNER/ENGINEER POLSKY PERLSTEIN ARCHITECTS
MAILING ADDRESS: 469B MAGNOLIA AVE.
LARKSPUR, CA 94939
PHONE/FAX NUMBER: 415.927.1156 x304 **E-MAIL:** elizabeth@polskyarchitects.com
jared@polskyarchitects.com

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

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):
SELECTED DEMOLITION OF WALLS OF THE EXISTING HOME; ADDITIONS
AND REMODEL WITH NEW EXTERIOR MATERIALS; NEW DECK
STRUCTURE

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

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

Signature:* Mayra W Baylon Date: 2/25/16

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:* Mayra W Baylon Date: 2/25/14

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

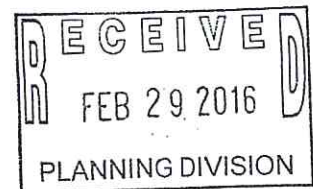
NOTICE TO APPLICANTS

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

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

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

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



DO NOT WRITE BELOW THIS LINE

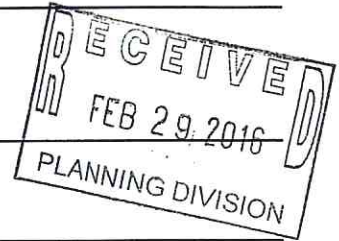
DEPARTMENTAL PROCESSING INFORMATION

Application No.: DR2016-025/VAR2016-006-007	GP Designation:	Fee Deposit: \$1385
Date Received: 2/29/2016	Received By: LS	Receipt #: R757
Date Deemed Complete: 3/23/16	Action:	By: [Signature]
Acting Body:		Date:

DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

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

1. Briefly describe the proposed project: SELECTED DEMOLITION OF WALLS OF THE EXISTING HOUSE; NEW ADDITIONS AND REMODEL WITH NEW EXTERIOR FINISHES, NEW DECK STRUCTURE
2. Lot area in square feet (Section 16-100.020(L)): 15,496 SF
3. Square footage of Landscape Area: 11,000 SF
4. Proposed use of site (example: single family residential, commercial, etc.):
Existing SINGLE FAMILY RESIDENTIAL
Proposed SINGLE FAMILY RESIDENTIAL
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	CAL- CULATED	PER ZONE
Yards (Setbacks from property line) (Section 16-100.020(Y))* Front	26'-9" ft.	0'-0" ft.	26'-9" ft.	ft.	ft.
Rear	43'-9" ft.	0'-0" ft.	43'-9" ft.	ft.	ft.
Right Side <u>HOUSE</u> <u>DECK</u>	<u>19'-7"</u> <u>11'-9"</u>	<u>3'-9"</u> <u>2'-1"</u>	<u>15'-10"</u> <u>9'-8"</u>	ft.	ft.
Left Side	43'-6" ft.	0'-0" ft.	43'-6" ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	29'-2" ft.	0'-4" ft.	28'-11" ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B))*	2,431 sq.ft.	213 sq.ft.	2,644 sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	15.7 %	17.1 %	1.4 %	%	%
Gross Floor Area (Section 16-100.020(F))*	3,517 sq.ft.	466 sq.ft.	3,983 sq.ft.	sq.ft.	sq.ft.

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



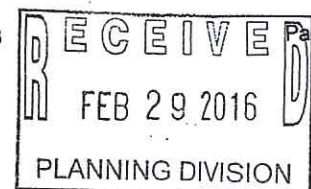
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division (415)-435-7390
www.ci.tiburon.ca.us

APPLICATION FOR VARIANCE

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

WHAT VARIANCE(S) ARE YOU REQUESTING?

<u>Condition</u>	<u>Zoning Requirement</u>	<u>Existing Condition</u>	<u>This Application Proposes</u>	<u>Magnitude Of Variance Requested</u>
Front Yard Setback	_____	_____	_____	_____
Rear Yard Setback	_____	_____	_____	_____
Left Side Yard Setback	_____	_____	_____	_____
Right Side Yard Setback	<u>15'-0"</u>	<u>11'-9"</u>	<u>9'-8"</u>	<u>2'-1"</u>
@ BACK DECK	<u>15%</u>	<u>15.7%</u>	<u>17.1%</u>	<u>1.4%</u>
Lot Coverage	_____	_____	_____	_____
Height	_____	_____	_____	_____
Parcel Area	_____	_____	_____	_____
Per Dwelling Unit	_____	_____	_____	_____
Usable Open Space	_____	_____	_____	_____
Parking	_____	_____	_____	_____
Expansion of Nonconformity	_____	_____	_____	_____
Other (Please describe):	_____	_____	_____	_____



Baylor Residence

47 Southridge West

Variance Findings:

- 1. Describe what special circumstances apply to the property (such as size, shape, topography, location, or surroundings) that cause a strict application of the zoning regulations to deprive you of privileges enjoyed by other properties in the vicinity and same or similar zone.***

Deck Setback:

The combination of the pie shaped lot configuration and the steeply sloped downhill portion, create constraints on the home design. Granting of the requested variance would allow development of the proposed egress stair to grade at the steep portion of the property, and includes a minor increase in size of the deck to provide for regular shape construction.

Lot Coverage:

Due to the nature of the lot sloping steeply to the rear, the living areas adjacent to the home, which on a flatter property might otherwise be at grade, are in this instance elevated decks. Granting of the variance would allow the owners to enjoy an indoor-outdoor lifestyle commensurate with their neighbors.

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

Deck Setback:

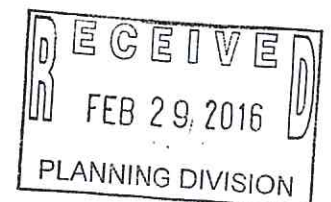
As noted above, granting of the setback variance would not be a grant of special privilege, to the extent that it would allow the property owners to enjoy a lifestyle similar to the neighbors.

Lot Coverage:

The requested variance, to minimally increase coverage, would facilitate an outdoor lifestyle similar to that already enjoyed by other existing properties in the neighborhood.

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

Deck Setback:



Strict application of the zoning regulations would prevent an expedient and rational way of coming down to grade off of the deck.

Lot Coverage:

The proposed lot coverage for the expanded home without decks would be 14.8% coverage. As previously stated, because of the steeply sloped nature of the lot, granting the variance would allow reasonable use of the outdoor areas of the property adjacent to the main living areas.

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

Deck Setback:

The deck is located toward one of the back corners of the property and would not be detrimental to the adjacent property. The deck faces the side yard of their garage, where the house angles away from the subject property.

Lot Coverage:

As stated previously, granting the requested variance would allow the owners to enjoy use of outdoor spaces commensurate with their neighbors, and would not be detrimental to the public welfare in any way.