



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

Regular Meeting
Design Review Board
February 4, 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. 2235 CENTRO EAST STREET

File No. DR2015103; Lucy Zhang, Owner; Site Plan and Architectural Review for construction of additions to an existing two-family dwelling. The applicant proposes to construct a 496 square foot detached guest house, and modify windows, and doors of the existing duplex. Assessor's Parcel No. 059-141 -13.
[KO] **WITHDRAWN**

Documents: [2235 CENTRO EAST STREET WITHDRAWAL.PDF](#)

2. 85 EAST VIEW AVENUE

File No. VAR2015019; David and Tandy Ford, Owners; Site Plan and Architectural Review for construction of a new single-family dwelling, with Variances for reduced front and side yard setbacks, excess lot coverage and excess building height, and a Floor Area Exception. The applicant proposes the construct a new four-story, 2,593 square foot house, which would result in a floor area ratio of 103.1%, which is greater than the 35.0% maximum for a lot of this size. The front yard setback would be 5 feet, 9 inches in lieu of the minimum

15 feet and the east side yard setback would be 5 feet, in lieu of the minimum 8 feet. The lot coverage of the house would be 1,332 square feet (53.0%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. The house would be 42 feet tall, in lieu of the maximum building height of 30 feet. Assessor's Parcel No. 060-105 -67. [DW] **WITHDRAWN**

Documents: [85 EAST VIEW WITHDRAWAL.PDF](#)

PUBLIC HEARINGS & NEW BUSINESS

3. 2370 PARADISE DRIVE

File No. VAR2015023/DR2015148; Richard Grey, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling, with Variances for excess lot coverage and excess fence height. The applicant proposes to construct a new 2,838 square foot house. The lot coverage of the house would be 3,182 square feet (37.3%), which is greater than the 35.0% maximum lot coverage permitted in the R-2 zone. A new fence in the front yard would be 7 feet tall, in lieu of the maximum fence height of 6 feet. Assessor's Parcel No. 059-191 -05. [DW]

Documents: [2370 PARADISE DRIVE STAFF REPORT.PDF](#)

MINUTES

4. Regular Meeting Of December 17, 2015

Documents: [DRAFT MINUTES.PDF](#)

ADJOURNMENT

GENERAL PUBLIC INFORMATION

ASSISTANCE FOR PEOPLE WITH DISABILITIES

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

AVAILABILITY OF INFORMATION

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

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

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

PUBLIC HEARING ITEMS AND BUSINESS ITEMS

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

GENERAL PROCEDURE ON ITEMS AND TIME LIMIT GUIDELINES FOR SPEAKERS

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

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

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

ORDER AND TIMING OF ITEMS

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

NOTE: ALL DESIGN REVIEW BOARD MEETINGS ARE AUDIO RECORDED

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

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

DEFINITION

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

IDENTIFICATION OF LATE MAIL

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

POLICY

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

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

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

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

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

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



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
February 4, 2016
Agenda Item: **1**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: NOTICE OF WITHDRAWAL
2235 Centro East Street; File No. DR2015103
Site Plan and Architectural Review for Construction of Additions for an Existing Two-Family Dwelling (Continued from November 19, 2015)

Reviewed By: _____

The applicant has withdrawn the application.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
February 4, 2016
Agenda Item: **2**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: NOTICE OF WITHDRAWAL
85 East View Avenue; File No. VAR2015019; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling, with Variances for Reduced Front and Side Yard Setbacks, Excess Lot Coverage and Excess Building Height, and a Floor Area Exception (Continued from November 19, 2015)

Reviewed By: _____

The applicant has withdrawn the application.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
February 4, 2016
Agenda Item: **3**

STAFF REPORT

To: Members of the Design Review Board
From: Planning Manager Watrous
Subject: 2370 Paradise Drive; File No. VAR2015023/DR2015148; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling, with Variances for Excess Lot Coverage and Excess Fence Height
Reviewed By: _____

PROJECT DATA

ADDRESS: 2370 PARADISE DRIVE
ASSESSOR'S PARCEL: 059-191-05
FILE NUMBER: VAR2015023/DR2015148
PROPERTY OWNERS: RICHARD GREY
APPLICANT: TURNBULL GRIFFIN HAESLOOPARCHITECTS
LOT SIZE: 8,535 SQUARE FEET
ZONING: R-2 (TWO-FAMILY RESIDENTIAL)
GENERAL PLAN: HIGH DENSITY RESIDENTIAL
FLOOD ZONE: X
DATE COMPLETE: JANUARY 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 a new single-family dwelling on property located at 2370 Paradise Drive. The subject property is currently developed with a single-family dwelling, which would be demolished.

The proposed house would include one main level that would include a living room, kitchen, dining room, a master bedroom suite, one additional bedroom, a bathroom, powder room, pantry and a study. Parking would be provided by an attached two-car garage below the main level, with a driveway leading to the rear and accessed from Linda Vista Avenue. A series of fences and retaining walls would be installed or reconstructed on the site.

The floor area of the proposed house would be 2,838 square feet, which is 16 square feet less than the floor area ratio for a lot of this size. The proposed house would cover 3,182 square feet (37.3%) of the site, which is greater than the 35.0% maximum lot coverage permitted in the R-2 zone. A variance is therefore requested for excess lot coverage.

A new wooden fence is proposed to be constructed near the front property line. The fence would have a maximum height of 7 feet, which is taller than the 6 foot maximum fence height in the R-2 zone. A variance is therefore also requested for excess fence height.

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The structure would be finished with cedar and concrete siding with light grey trim. The roof would utilize grey standing seam metal and grey membrane materials.

BACKGROUND

In 2012, the previous owner of this property submitted a Site Plan and Architectural Review application (File #712109) for construction of a new single-family dwelling on this site. The project design complied with all R-2 zoning requirements, but included a second story master bedroom suite.

The application was reviewed by the Design Review Board at the August 1, 2013 meeting. At that meeting, the owners of the adjacent home to the east at 2380 Paradise Drive raised concerns about the visual mass and bulk of the proposed second story addition. The Board agreed that the second story addition would have impacted the primary living areas of this neighboring residence and could have affected the views of other nearby homes. The application was continued to allow the applicant to redesign the project. The applicant subsequently withdrew the application without submitting a revised project design.

In 2014, the same previous owner submitted a Site Plan and Architectural Review application (File #21411) for construction of additions to the existing single-family dwelling on the site, with a variance for excess lot coverage. The one-story structure would have added 1,352 square feet of floor area, resulting in a living area of 2,853 square feet, with a 542 square foot garage, and a total lot coverage of 4,026 square feet (47.2%).

The Design Review Board reviewed the application at the May 15, 2014 meeting. Prior to the meeting, the owners of 2360 & 2380 Paradise Drive raised concerns about possible view impacts, and owner of 2380 Paradise Drive spoke at the meeting. The Board determined that the project design was an improvement upon the 2012 project design and conditionally approved the application. The applicant subsequently sold the property to the current applicant.

ANALYSIS

Design Issues

The subject property is roughly rectangular in shape and slopes gently down from Paradise Drive. The side property lines are not parallel to each other. The existing property includes a nonconforming 248 square foot shed between the existing garage and the western side property line, which would be removed as part of this project.

The profile of the proposed house would be similar to that of the existing house on the site. Most of the roofline would not exceed the height of the existing house and the proposed dwelling would not extend beyond the footprint of the existing structure in locations that would affect views from neighboring properties. The roofline would not appear to intrude into views from any homes uphill from the site. The lot directly across the street from the subject property is currently vacant, but future development of this site would likely be similar to that of other homes on this side of Paradise Drive, which have been designed to capture views at higher floor levels above the homes across the street.

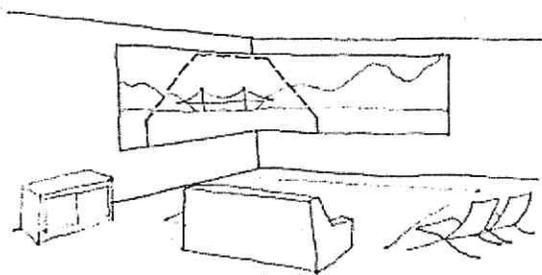
The existing house on the site is situated roughly parallel to the eastern (left) side property line. The proposed dwelling would be slightly rotated and sited parallel to the western (right) side property line. As a result, the proposed building footprint would not further intrude into the viewline to the east from the adjacent residence at 2360 Paradise Drive.

The proposed house design would include an angled roof over the living room, dining room and kitchen that would be raised above the height of the remaining roofline at the rear. This raised angled roof would be most visible from the neighboring home to the east at 2380 Paradise Drive. The following principles of the Hillside Design Guidelines should be used in evaluating the potential view impacts from this neighboring home:

Goal 3, Principle 7 (A) of the Hillside Design Guidelines states that “view protection is more important for the primary living areas of a dwelling (e.g. living room, dining room, family room, great room, kitchen, and decks associated with these rooms) than for less actively used areas of a dwelling (e.g. bedroom, bathroom, study, office, den).” The raised roofline would intrude into the views from the kitchen and dining room of the home at 2380 Paradise Drive.

NO

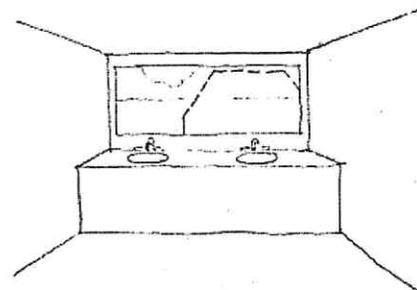
• PROPOSED STRUCTURE
BLOCKS LIVING ROOM VIEW -



• GREAT IMPACT ON
LIVABILITY

YES

• PROPOSED STRUCTURE
BLOCKS BATHROOM VIEW



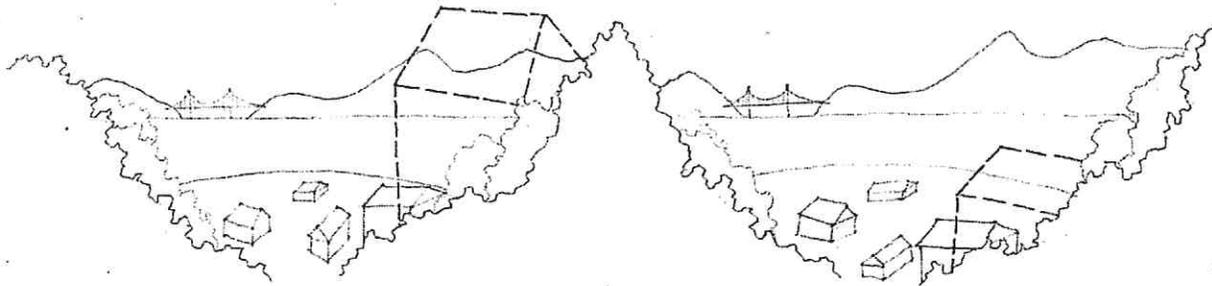
• LITTLE IMPACT ON
LIVABILITY

Goal 3, Principle 7 (C) of the Hillside Design Guidelines states that “horizon line is [the] most sensitive part of [a] view, then foreground, then middleground. If possible, avoid cutting [the] horizon line of a neighbor’s view.” The proposed raised roofline would cut

into the horizon line of the Marin Headlands and below the Golden Gate Bridge for the home at 2380 Paradise Drive.

NO

YES

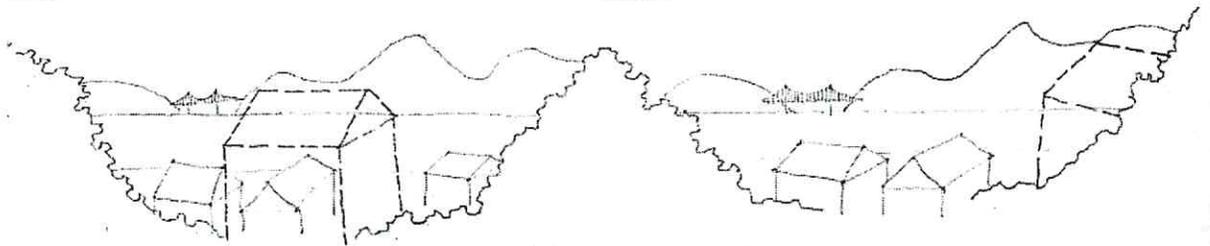


Goal 3, Principle 7 (C) of the Hillside Design Guidelines states that “blockage of center of [the] view [are] more damaging than blockage of [the] side of [the] view.” The raised roofline would intrude into the far right side of the view from the home at 2380 Paradise Drive.

6. BLOCKAGE OF CENTER OF VIEW MORE DAMAGING THAN BLOCKAGE OF SIDE OF VIEW.

NO

YES



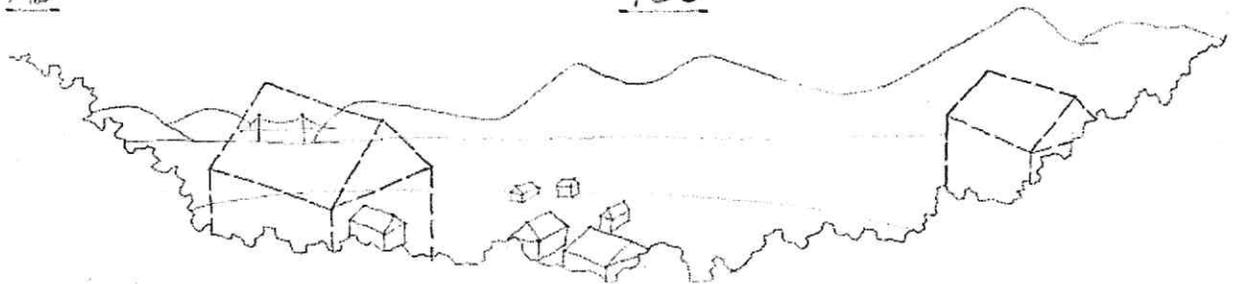
• PROPOSED STRUCTURE
BLOCKS CENTER OF VIEW

• PROPOSED STRUCTURE
BLOCKS SIDE OF VIEW

Goal 3, Principle 7 (D) of the Hillside Design Guidelines states that “blockage of important object in the view (Golden Gate Bridge, Belvedere Lagoon, Sausalito, Angel Island) is more difficult to accept than blockage of other, less well-known landmarks.” The raised roofline would intrude into the views of the Golden Gate Bridge from the kitchen of the neighboring home.

NO

YES



Goal 3, Principle 7 (E) of the Hillside Design Guidelines states that “a wide panoramic view can accept more view blockage than the smaller slot view.” The home at 2380 Paradise Drive has a wide panoramic view from the East Bay through Angel Island and San Francisco. The raised roofline would block only a small portion of the larger views from this neighboring residence. However, the roofline would intrude into almost the entire view from the kitchen of the home at 2380 Paradise Drive.



The lower portion of the roof of the proposed house would not appear to create the same view issues as the raised roofline. The story pole representing the lower roof above the proposed study would be similar to the profile of the existing house. Reducing the roofline above the living room, dining room and kitchen would likely alleviate this view concern.

The front yard of the property is situated below the level of Paradise Drive. An open parking space with a gravel surface is currently situated within the Town right-of-way adjacent to the roadway. The application proposes to formalize this parking space by replacing an existing retaining wall and fence with a new low retaining wall and a 7 foot tall fence behind the wall. The intent of the additional fence height is to provide privacy screening for the front of the home from traffic on Paradise Drive.

Zoning

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

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.*

Excess lot coverage

The subject property is roughly rectangular in shape and is larger than the minimum lot size in the R-2 zone, but is surrounded by other homes in a tightly clustered portion of the Old Tiburon neighborhood with nearby homes that have important views across the site that could be impeded by home with two stories of living space. The physical surroundings of the site are physical characteristics that create a special circumstance 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 fence height

Most of the subject property is situated at a level below Paradise Drive. This elevation change and the location of the lot adjacent to a heavily traveled roadway are special circumstances that would deprive the owners of this property of privacy for a home design 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.***

Excess lot coverage

Numerous other properties in the R-2 and similar zones have been granted variances for excess lot coverage, particularly in instances where a home design with two floors of living area would result in substantial view blockage for other homes in the vicinity.

Excess fence height

Numerous other properties in the R-2 and similar zones have been granted variances for excess fence height to provide privacy protection from adjacent heavily traveled roadways such as Paradise Drive.

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.***

Excess lot coverage

The strict application of the maximum lot coverage requirement for this property would force the proposed house to adopt a design with two stories of living area which would potentially intrude into the viewlines for other homes in the vicinity, and therefore would create a practical difficulty for the applicant.

Excess fence height

The strict application of the maximum fence height requirement for this property would expose the front of the proposed house to sight from vehicles, bicycles and pedestrians using Paradise Drive, resulting in an unnecessary hardship 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.*

Excess lot coverage

As described above, a portion of the roofline of the proposed house would project into the views of the adjacent home at 2380 Paradise Drive. However, this roofline can be modified without changing the requested lot coverage for the proposed dwelling.

Excess fence height

The lower elevation at the base of the proposed fence would give this fence the appearance of a six foot tall structure. The fence would not intrude into views for any other properties 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, one letter has been received regarding the subject application from the owners of the property at 2380 Paradise Drive.

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. Minutes of the August 1, 2013 Design Review Board meeting
4. Minutes of the May 15, 2014 Design Review Board meeting
5. Letter from Peter and Jeanne Tymstra, dated January 14, 2016
6. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

2370 PARADISE DRIVE

FILE #VAR2015023/DR2015148

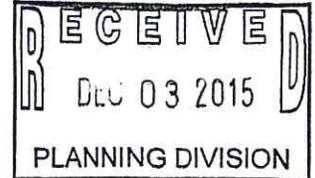
1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform with the application dated by the Town of Tiburon on December 3, 2015, or as amended by these conditions of approval. Any modifications to the plans of January 7, 2016 must be reviewed and approved by the Design Review Board.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not “deemed approved” if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
6. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney’s fees that might result from the third party challenge.
7. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24” x 24” in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the

- commencement of work and shall remain posted until the contractor has vacated the site
8. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
 9. A photovoltaic energy system shall be installed in compliance with the requirements of Section 16-40.080 of the Tiburon Zoning Ordinance.
 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.
 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 public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
 - b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.
 - c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.
 10. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
 11. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:
 - a. The structure shall have installed throughout a NFPA 13R 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 carbon monoxide and smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
 - c. The vegetation on this parcel shall comply with the requirements of TFPD. CFC 304.1.2
 - d. The pedestrian access gate shall be operable using the Fire District's "Knox" key system. CFC 503.6.2

12. The project shall comply with all requirements of Sanitary District No. 5.



**TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION**



TYPE OF APPLICATION

- Conditional Use Permit
- Precise Development Plan
- Secondary Dwelling Unit
- Zoning Text Amendment
- Rezoning or Prezoning
- General Plan Amendment
- Temporary Use Permit
- Design Review (DRB)
- Design Review (Staff Level)
- Variance(s) _____ #
- 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: 2370 Paradise Drive **PROPERTY SIZE:** 8,535 s.f.
PARCEL NUMBER: 059-191-05 **ZONING:** R-2

PROPERTY OWNER: Richard S. Grey, Trustee of The Richard S. Grey Revocable Trust
MAILING ADDRESS: 445 Woodland Road
Kentfield, CA 94904
PHONE/FAX NUMBER: 415-461-9183 **E-MAIL:** richard.grey@ejgallo.com

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

PHONE/FAX NUMBER: _____ **E-MAIL:** _____

ARCHITECT/DESIGNER/ENGINEER Mary Griffin, Turnbull Griffin Haesloop Architects
MAILING ADDRESS: 1660 Bush Street, Suite 200
San Francisco, CA 94102
PHONE/FAX NUMBER: 415-441-2300 **E-MAIL:** mary@tgharchitects.com
415-441-2385 fax

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

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

- Demolition of existing 1-story residence, accessory structure, and garage.
- Construction of a new 1-story single family residence with basement-level garage.
- Height of new construction to remain below height of existing roof ridge.
- 3% lot coverage variance requested.

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: * Richard S. Gray Date: 11-25-15

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: * Richard S. Gray Date: 11-25-15

**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*

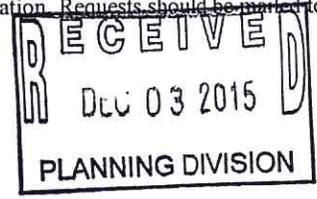
NOTICE TO APPLICANTS

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.: <u>DR2015-148/VAR2015-023</u>	GP Designation:	Fee Deposit: <u>\$3275 / \$450⁰⁰</u>
Date Received: <u>12/3/2015</u>	Received By: <u>LS</u>	Receipt #: <u>R385/R386/R482</u>
Date Deemed Complete: <u>1/28/16</u>	Action:	By: <u>DeJ</u>
Acting Body:		Date:
Conditions of Approval or Comments: _____		Resolution or Ordinance # _____

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

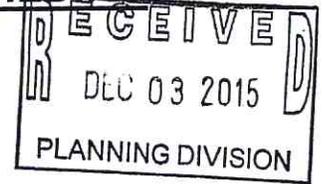
Please fill in the information requested below (attach separate sheet as needed):

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

Existing: Single family residence

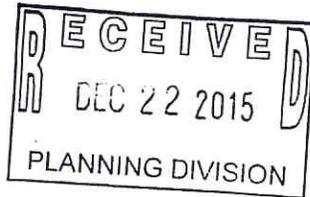
Proposed: Single family residence

Square Footage of Landscape Area: 3,200 sq.ft.



TO BE COMPLETED BY APPLICANT			STAFF USE ONLY	
ITEM	EXISTING (if existing building is to be demolished)	PROPOSED (reflects proposed construction)	CALCULATED	PER ZONE
Yards (Setbacks from property line)(Section 16-100.020(y))* Front	22'-10" ft.	per zone: 15'-0" 15'-0" ft.	ft.	ft.
Rear	24'-6" ft.	per zone: 20% (21'-8") 21'-8" ft.	ft.	ft.
Right Side	8'-0" ft.	per zone: 8'-0" 8'-0" ft.	ft.	ft.
Left Side	10'-3" ft.	per zone: 8'-0" 8'-0" ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	ridge elevation: +111.83 16'-10" ft.	ridge elevation: +111.1 23'-11" ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B))*	2,593 sq.ft.	per zone: 2987 sq.ft. variance: 195 sq.ft. 3,182 sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	lot area: 8,535 30.4 %	per zone: 35% variance: 2% 38 %	%	%
Gross Floor Area (Section 16-100.020(F))*	house: 2105 garage: 488 2,043 sq.ft.	house: 2,838 garage: 615 per zone 2000+8535/10+600 3,453 sq.ft.	sq.ft.	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).



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

APPLICATION FOR VARIANCE

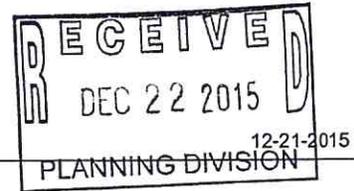
A Variance is a form of regulatory relief available when a strict or literal application of zoning development standards would result in practical difficulties or unnecessary physical hardships for an applicant. These difficulties and/or hardships must be caused by physical conditions on, or in the immediate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

WHAT VARIANCE(S) ARE YOU REQUESTING?

<u>Condition</u>	<u>Zoning Requirement</u>	<u>Existing Condition</u>	<u>This Application Proposes</u>	<u>Magnitude Of Variance Requested</u>
Front Yard Setback	_____	_____	_____	_____
Rear Yard Setback	_____	_____	_____	_____
Left Side Yard Setback	_____	_____	_____	_____
Right Side Yard Setback	_____	_____	_____	_____
Lot Coverage	35.0%	30.4%	37.3%	2.3%
Height	X	_____	7'0"	1'-0"
Parcel Area Per Dwelling Unit	_____	_____	_____	_____
Usable Open Space	_____	_____	_____	_____
Parking	_____	_____	_____	_____
Expansion of Nonconformity	_____	_____	_____	_____

Other (Please describe): Fence Height Variance - 2370 Paradise:
 A 12" height increase above the 6' limit is requested at the front yard fence along Paradise Drive. Given the sloping condition of the property, a 6' fence will not provide adequate privacy or deer protection. The proposed fence height will vary, given the +/-28" cross slope, but at no point will the height exceed 7'-0" on the public side.

2370 Paradise Drive - Project Description



Project Scope

We propose to demolish the existing single story ranch-style house, garage, and detached accessory building, and construct a new single-story residence with a basement level garage, new landscaping and perimeter fencing. The new house will include a combined living, dining and kitchen space, study, master bedroom, dressing room, guest bedroom, 2-1/2 bathrooms, pantry/laundry room, and residential elevator. A new rear-yard deck will replace a similar existing deck.

Architectural Approach

The proposed house has been designed to fit comfortably with the character of the neighborhood, capture the views available on this site, and minimize the presence of a garage and cars. The use of natural materials including unpainted vertical cedar siding, the low roof profile, and natural landscaping is intended to complement the waterfront location and allow the house to recede into the coastal hillside context. The focus of the design is a generous open living space oriented toward the bay view. A deck, similar to the existing deck, will provide outdoor space and help to screen the new garage below.

Site Strategy

While the existing house is aligned with the east property line, we have chosen to orient the proposed residence along the west property line in order to improve its relationship to the neighboring houses on each side. To the east, the proposed geometry allows for a more generous sideyard, and orients the primary windows away from the neighbor's windows. To the west, this geometry shifts the bulk of the house away from the southwest corner, improving views from the western neighbor across the parcel toward the east bay.

Our design minimizes the visibility of the house from Paradise Drive. We propose the elimination of the existing driveway curb-cut and the construction of continuous fencing, entry gate, and landscaping along the front property line, which will provide continuous screening. Our proposal includes the replacement of the failing wood retaining wall in the public way with concrete and low height landscaping (under spate encroachment permit). Together, these enhancements will reinforce the continuity of the street edge and add an additional public parking space on Paradise Drive.

Lot Coverage

Two recent design review hearings to review proposals for this parcel by previous owners resulted in findings that 2-story construction on this site would obstruct protected views from neighboring parcels and should therefore not be permitted. Instead, an increase in lot coverage to accommodate the allowable FAR would be appropriate. In conformance with these findings, our design proposes construction no higher than the existing roof ridge, all habitable space on one level, and a finish floor and deck elevation 6" lower than the existing house.

In order to minimize lot coverage, we propose to build the new garage under the proposed house, with driveway access from Linda Vista Street instead of Paradise Drive. By locating the garage under the footprint of the house, our requested increase in allowable lot coverage is 195

sq.ft. or 3%, significantly less than the 16.8% increase included in the previously approved proposal for this parcel. Our design conforms to the FAR limit of 3,453 sq.ft.

Roof Profile

While the existing u-shaped house has gable roofs with several different ridges, the proposed design is a simple composition of three shed roofs linked by a central flat roof. The primary south facing roof tips toward the view, while the two bedroom volumes tip up toward Paradise Drive to accommodate photovoltaic panels. All of the proposed roof forms are lower than the highest roof ridge of the existing house. Without any attic spaces, the overall building volume is less bulky than the existing roofscape with a significantly lower overall profile.

Garage and Parking

Utilizing the downhill slope of the parcel, we propose to locate the required 2-car garage under the south western portion of the new house, with driveway access from Linda Vista, a one-way private roadway at the lower boundary of the site. This basement level garage will be linked to the living spaces above via a stair and residential elevator. This approach has several advantages:

- This configuration eliminates the need for cars to back up-hill into Paradise Drive, a hazardous disadvantage of the existing configuration and the prior proposals for this property.
- A level driveway off of Linda Vista will provide safer access away from most bicycle and automobile traffic. The driveway apron will also eliminate a pinch point at a narrow portion of Linda Vista and make backing from neighboring garages easier.
- Along Paradise Drive, we propose to re-construct and lengthen the parking platform along the road shoulder, which will add an additional public parking space.
- The basement level garage minimizes the proposed lot coverage variance.

Landscape Design

The proposed design utilizes native & drought tolerant plants species to create a naturalistic landscape in harmony with the waterfront setting. Exterior lighting has been kept to a minimum and all fixtures will be shielded.

Neighbor Outreach

The owners and TGH Architects contacted the neighbors listed below, inviting them to attend an on-site meeting to discuss the design and solicit their comments.

2380 Paradise – Peter & Jeanne Tymstra

Three meetings were held on site and at the Tymstra's residence.

2319 Mar East Street – Laurie Poett

On site meeting and telephone correspondence

2317 Mar East Street – Theresa Harrelson

Written and email correspondence

2323 Mar East Street – Gordon Noble

hot tub and the street and that no one would be able to see the spa from the street due to the vegetation and screening on the sloped hill.

Boardmember Kricensky asked if the spa would be in-ground. Ms. Recktenwald answered that it would be a small three-person above-ground spa.

Boardmember Kricensky said that he struggled with the variance but also thought that a three foot high spa would be small and not intrusive. Boardmember Tollini said that it was difficult to come up with a compelling reason to deny the variance. Chair Chong said that since it was on the same street as the previous project, and a similar situation, he was also having trouble denying the variance.

Planning Manager Watrous suggested that the only discussion around practical difficulty was whether it would be a practical difficulty to put the spa in other locations where it would block views from the house.

Vice-Chair Cousins asked why the spa could not be sited on the deck. Ms. Holscher said that the deck is comprised of an enormous amount of very deep concrete which would make it difficult to install and it therefore the spa would have to be placed above ground where it would block views for a home where its value is tied to the view.

Ms. Recktenwald said that she spoke to all of the neighbors and both side neighbors said they would be less disturbed by the spa if it was placed in the proposed location.

Boardmember Tollini suggested that the deck is the only family-friendly location for recreation on the site, and placing the spa there would create a hardship by eliminating part of that space.

<p>ACTION: It was M/S (Tollini/Cousins) that the request for 85 Seafirth Road is exempt from the California Environmental Quality Act and to approve the request, subject to the attached conditions of approval. Vote: 4-0.</p>

4. **2370 PARADISE DRIVE:** File No. 712109; Paul and Kathryn Blystone, Owners; Site Plan and Architectural Review for construction of a new single-family dwelling. The new two-story house would include three bedrooms, three bathrooms, a living room, dining room, kitchen, family room and a two-car garage. The project would increase the floor area by 1,408 square feet to a total of 2,798 square feet of living space. The lot coverage would increase to 2,984 square feet (34.96%) of the site. Assessor's Parcel No. 059-191-05.

The applicant is requesting Design Review approval for the construction of additions to an existing one-story single-family dwelling on property located at 2370 Paradise Drive. As more than 50% of the existing dwelling would be demolished as part of this project, the application is classified as the construction of a new single-family dwelling. A new second story would be added to the house, which would include a master bedroom suite and a porch deck to the rear, with a hot tub on the deck. The existing first floor of the house would expand toward the front left (east) side to add a new hallway and an additional bathroom. The existing attached garage on

the right (west) side of the house would be widened. A new bay window would be added to the east side of the family room. The existing chimney would be replaced with a new chimney with a smaller profile.

The project would increase the lot coverage on the site by 747 square feet to a total of 2,984 square feet (34.96%) of the site, which would be 3 square feet less than the 35.0% maximum lot coverage permitted in the R-2 zone. The floor area of the house would increase by 1,408 square feet to a living area of be 2,798 square feet, with a 599 square foot garage, which would be 37 square feet less than the 2,835 square foot floor area ratio for a lot of this size.

Eric Spletzer, designer, noted some discrepancies in the staff report: 1) His title is listed as “architect” and he is not a licensed architect but is in fact a designer; 2) The project is not a new single-family home but rather a remodel; and 3) The shed would not be demolished. Planning Manager Watrous confirmed these corrections and noted that a previous version of the project involved demolishing more than 50% but the current application is less than 50% and does not need to be listed as a new single-family home.

Mr. Spletzer said they would reduce the roof slope to lower the height by one foot as agreed with the neighbor and he said that the house would therefore not impact views. He said that his clients want to be good neighbors and have incorporated over one year’s worth of neighbors’ feedback into the project design. He stated that they have received many letters of support from the neighbors and have placed the protection of neighbors’ views as paramount in importance. He said that the project would be consistent with the Hillside Design Guidelines and they were not requesting any variances. He stated that any second story addition would need to be closer to Paradise Drive so as not to impact neighbors’ views. He said that they tried different locations but all other designs would have impacted views. He said that the project would impact views for homes across the street but existing trees already block part of that view. He said that the additions would be consistent with the original look and feel of the house and they chose darker colors so the project would blend with the landscape.

Mr. Spletzer acknowledged that the immediately adjacent home would be impacted by any changes to the subject house. He said that they took great care to be sure that that property would be impacted as little as possible. He said that the neighbors’ important views would be left completely unchanged and they designed the additions house to protect the neighbors’ bridge and water views. He said that the project would impact the northwesterly sunset views over the garage and hillside, but he believed that any additions to the house at all would affect those views. He stated that the plan was also developed to maintain privacy on that side of the house and to reduce any light pollution. He said that the master bedroom was pulled away from that side and the bathroom was moved to the front to serve as a visual buffer so that the primary living area would be around the corner and the spa would be as far around the corner as possible. He said that the south-facing window in the shower would be frosted so there would be no privacy issues, and they plan to put a casement window that would open in the direction of the water but still affords privacy.

He addressed the concerns in the staff report regarding uphill views, stating that the pine tree screens the uphill views and they plan to replace it with mature trees as part of the landscape

plan, which would also screen the front façade of the house from the street. He said that they discussed the pine tree with the neighbor's arborist and concluded that it must be removed. He said that the neighbors' views would only be affected at Raccoon Strait and the project would not affect the shoreline and water line views of Angel Island.

Mr. Spletzer stated that the second story addition would follow precedent in the neighborhood since the house is the only single-story house on the street. He stated that they designed the smallest possible addition and it would be consistent with other houses in the neighborhood. He said that the addition would be screened on three sides by trees, garage, and the existing mass of the house.

Mr. Spletzer stated that there were some incorrect facts in one of the letters, noting that the eaves would not be three feet but rather 18 inches on all sides. He said that the bay window would be at the same location and at a lower height than an existing window on that wall. He said that new lights would be all low wattage down lights and would not affect privacy. He said that the proposed trees along the driveway would be less dense and only slightly less mature than the existing trees. He said that the garage and driveway are not high traffic areas and therefore would not affect the neighbor's bedroom.

Boardmember Tollini asked for clarification of the plate heights. Mr. Spletzer said that the new portion would be elevated 15 inches to prevent significant excavation in the back of the property and the top plate would go up with that.

Chair Chong asked for a description of the downhill option that was explored. Mr. Spletzer said that there is not much room downhill and any excavation in that corner would be in the neighbor's view and provided a handout to the Board explaining how an expansion in that area would affect the view.

The public hearing was opened.

Peter Tymstra said that he lives next door to the project. He felt that the project would be very tall and very close to his house and would significantly change the environment inside his house with respect to light, shading and privacy. He stated that the proposed window would be higher, not lower than the existing window and twice as big. He said that there would be a view directly into his dining room. He stated that the story poles were misleading because one was buried in the trees and the size of the project was massive. He noted that although the roof overhang would be about 1½ feet, the roofline would be straight and have a larger overhang in some areas. He believed that the existing shrubbery would die with the changes in landscaping. He pointed out that the Tiburon Municipal Code encourages sunlight and recognizes cherished views, and noted these are both important.

Jeanne Tymstra said that the applicant never talked to her about how close or high the structure would be to her house. She said that the project would ask them to give up sunlight to allow the applicants to have a view that no one else in the neighborhood has. She was concerned that this would set a precedent and now other second story additions would start to go up in the

neighborhood. She suggested the addition could be centered back on the property to give her some relief and that they should do a one story addition instead.

Mr. Spletzer said that the bay window would absolutely be lower than the existing window. He said that the roofline would follow the lot lines so the building would comply with the setbacks. Vice-Chair Cousins pointed out that the roof plans were not as described by Mr. Spletzer. Mr. Spletzer apologized and said that the section over the bathroom would in fact include a 3-foot eave and he said that they would revisit the roof. He said that the neighbors' garage is next to and parallel with the mass of the addition, and therefore the view corridor would not be affected. He said that the shade problems in the late afternoons would be largely in secondary spaces. He said that they did show the Tymstra's several iterations of the plans. He said that the hedge area receives direct south and morning light and the project would not affect the health of the hedge.

The public hearing was closed.

Boardmember Tollini said that he visited the property and neighboring properties and felt that the project would be too impactful and would fundamentally impact the main living spaces of the next door neighbor. He said that currently the houses are in harmony and properly co-exist. He said that the project would not impact the neighbors' views, but would decimate the horizon and light. He said that he was not concerned about the shrubs or landscaping, but was concerned about the impact on the primary living areas. He noted that the homes across the street at 2379 & 2381 Paradise Drive are rental properties, which is probably why the Town has not heard from the owners, but the second story would have a substantial impact on those homes. He said that the second story could be lowered with more excavation. He said that he was not categorically ruling out a second story, but it would help if it did not go so far toward the water and was brought closer to Paradise Drive. He felt that the glazing in the stairway was unnecessary and the deck was very large and both could be smaller. He said that the impacts of a project should not depend on an overgrown tree that should have been trimmed in the past. In general, he felt that the project was massive and needed to be reduced.

Boardmember Kricensky agreed with Boardmember Tollini's comments and pointed out the large impact on the Tymstras' home and said that one of the reasons was the two-story wall on that side. He said that a possible second story should step back and be more in the center so an angle would be created and sunlight can come into the neighbor's house. He was concerned about a snowball effect if this was approved where the vacant lot across the street and the other houses behind would be developed with two stories so they can have a view. He said that the two-story homes in this neighborhood have floors at a different elevation than this house and the view level for those homes is at a reasonable height. He did not know what the solution was but he was very concerned about future developments in the neighborhood.

Vice-Chair Cousins said that once the tree was removed then what would be left would be a massive two-story house on a hillside lot. He noted that the addition would be 2½ times the height of the existing house. He said that most homes in the vicinity have one story views and he thought the Board should encourage that in the area. He felt that it was wrong to have a two-story addition so high and close to the neighbors.

Chair Chong agreed with the other Boardmembers. He said that he was not fundamentally opposed to two stories if a version could be done which would not impact neighbors. He said that this design includes a significant amount of wall next to the neighbor without creating much living space. He said that he could not agree to a spa so close to the next door neighbor.

Chong asked Mr. Blystone if he would like a continuance to work on the project. Mr. Blystone said that he had a clear understanding of the Board's concerns but he was not sure what they could do at this point.

ACTION: It was M/S (Kricensky/Cousins) to continue 2370 Paradise Drive to the September 5, 2013 meeting. Vote: 4-0.

F. APPROVAL OF MINUTES #11 OF THE JULY 18, 2013 DESIGN REVIEW BOARD MEETING

ACTION: It was M/S (Tollini/Cousins) to approve the minutes of the July 18, 2013 meeting, as written. Vote: 4-0.

H. ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

would add less than 1% of additional lot coverage and therefore would not require a variance for excess lot coverage. The proposal would result in a gross floor area of 3,001 square feet, which is below the maximum permitted gross floor area ratio for the property (3,288 square feet). The proposed addition would be within the same footprint as the existing house and would be located 12 feet from the side property line. As the minimum side yard setback in RO-2 zone is 15 feet, the applicant has requested a variance for reduced side yard setback.

Sudhir Daru, owner, said that they are requesting a modest increase of about 760 square feet for an addition on the westerly side of the home over the garage. He said that they have had positive input from the entire neighborhood. He stated that the neighbor on Mark Terrace has a southerly view and the addition would not impact them because their view is of hills and trees. He said that the other neighbors on his court are all very positive and support the project.

James Kautz, architect, said that he was very careful in this design to be sure that any changes and additions would be in keeping with the neighborhood. He said that they have talked with their neighbors and the design of the addition was created to maintain the character of the house and the neighborhood. He said that when the house was built there was a 12 foot setback requirement, and now there is a 15 foot setback requirement and so that corner of the addition is what requires the minor variance to provide for a more orderly design.

There were no public comments.

Boardmember Emberson stated that she can easily make the findings to grant the variance because the setback was changed. She said that she went up to 31 Mark Terrace and could not see any view blockage and supported the project.

Boardmember Tollini said that he also visited 31 Mark Terrace and saw no negative effect on the property. He agreed with staff's findings regarding the variance request.

Boardmember Kricensky and Vice Chair Cousins agreed with the other Boardmembers that they could not see any impacts on 31 Mark Terrace and that they could make the findings for the variance.

<p>ACTION: It was M/S (Emberson/Tollini) that the request for 120 Howard Drive is exempt from the California Environmental Quality Act and to approve the request, subject to the attached conditions of approval. Vote: 4-0.</p>

- 5. 2370 PARADISE DRIVE:** File No. 21411; Paul and Kathryn Blystone, Owners; Site Plan and Architectural Review for construction of a new single-family dwelling, with a Variance for excess lot coverage. The new one-story house would include a living room, dining room, family room, kitchen, a master bedroom suite, two more bedrooms, 2½ bathrooms, a pantry/laundry room and a two-car garage. The project would increase the floor area by 1,352 square feet to a total of 2,853 square feet of living space. The lot coverage would increase by 1,433 square feet to a total of 4,026 square feet (47.2%) of the site, which would be greater than the 35.0% maximum lot coverage permitted in the R-2 zone. Assessor's Parcel No. 059-191-05.

The applicant is requesting Design Review approval for the construction of additions to an existing one-story single-family dwelling on property located at 2370 Paradise Drive. As more than 50% of the existing dwelling would be demolished as part of this project, the application is classified as the construction of a new single-family dwelling. An existing detached accessory building will also be demolished as part of this project.

The main level of the house would include a living room, dining room, family room, kitchen, a master bedroom suite, two more bedrooms, two bathrooms and a pantry/laundry room. An existing deck to the rear would be expanded and trellises would be added to the front and rear of the building. A two-car garage would be provided.

The floor area of the house would increase by 1,352 square feet to a living area of 2,853 square feet, with a 542 square foot garage, which would match the floor area ratio for a lot of this size. The project would increase the lot coverage on the site by 1,433 square feet to a total of 4,026 square feet (47.2%) of the site, which would be greater than the 35.0% maximum lot coverage permitted in the R-2 zone. A variance is therefore requested for excess lot coverage.

Miles Berger, architect, said this is a new design and is a redo of previous versions that were not approved. He said that they were now proposing a one-story scheme that would preserve views across the property and keep the roof close to the existing height. He said that the problems with the previous design were view obstruction from across the street, primarily because of the two-story design, and excessive mass, which affected the neighbors. He said that the revised design was now one story and broke up the mass. He said that they did not notice that the view from 2360 Paradise Drive would be impacted until after the story poles went up, but they came up with a solution to preserve that view, and he distributed photographs of that view before and after the changes to the plans. He said that they also spoke with the other next door neighbors who had concerns about the bathroom windows, but Mr. Berger believed that the hedge would take care of that problem. He complemented the applicants for making these changes before going to tonight's meeting to take care of the neighbors' concerns.

The public hearing was opened.

Pete Tymstra thanked the applicants and the architect for a design that would have very little impact on his property. He agreed that the issue with the window seemed small but he was concerned about the privacy of people on both sides of the window. He said that the hedge is thick and lush and virtually obscures the wall, but he thought that the fire district may require portions of the hedge to be removed and he was concerned about it surviving. He suggested that the window in the shower could have smoky glass or anything that could preserve privacy.

Mr. Berger said that they are sensitive to the window and the hedge issue, but he noted that there are windows in that location currently and he believed that this would not be a big change. He said that the windows would be frosted glass and suggested that the hedge could grow up a bit for privacy.

The public hearing was closed.

Boardmember Tollini said that he liked the redesign and remembered the prior application well. He said that the primary problem with that application was the second story and its height. He said he visited the Tymstra home at that time and the hedge is substantial. He thought that the windows on that side would be fairly large, but would be concealed by the hedge. He was concerned about the view of the East bay that would be lost but with the revised plans that effect would be insubstantial. He said that the application was well designed and he supported it.

Boardmember Emberson agreed with Boardmember Tollini and expressed kudos to the applicants and Mr. Berger for the changes that were made. She believed that the neighbors would be well-protected by the frosted glass windows.

Boardmember Kricensky agreed with the other Boardmembers and said that this design really fit the site and the neighborhood and would preserve the views. He appreciated that they reached out to neighbors and made the necessary adjustments.

Vice Chair Cousins stated that this revision would fit in much better to the site and neighborhood than the previous plan. He felt that the changes in this revision satisfied all of their concerns and he had no issues with approving the variance.

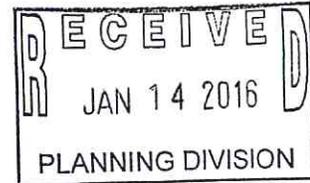
ACTION: It was M/S (Kricensky/Emberson) that the request for 2370 Paradise Drive is exempt from the California Environmental Quality Act and to approve the request as submitted, as modified by the May 7, 2014 plans, subject to the attached conditions of approval. Vote: 4-0.

6. **545 SILVERADO DRIVE:** File No. 714046; Brian and Sue Peery, Owners; Site Plan and Architectural Review for construction of a new single-family dwelling. The project would involve additions to the upper and ground levels of the house, with raised rooflines and a new garage at the front of the property. The floor area of the house would be increased by 111 square feet, resulting in a total floor area of 1,769 square feet, with an additional 361 square feet of carport space, and would increase the lot coverage on the site by 39 square feet to 1,596 square feet (14.5%). Assessor's Parcel No. 055-082-23.

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 545 Silverado Drive. On July 18, 2013, the Design Review Board approved a Site Plan and Architectural Review application (File #713029) for construction of additions to the existing house on this property. Building permits were obtained for the project, but during construction, more than 50 percent of the existing structure was demolished. The Tiburon Zoning Ordinance classifies project that demolish more than 50% of the existing dwelling as the construction of a new single-family dwelling and requires separate Site Plan and Architectural Review approval for a new dwelling.

The project would expand an upper level master bedroom suite to add closet space, a larger bathroom and a deck off the front. A bridge would connect the rear of the upper level to the upper portion of the rear yard. An existing carport on the lower level would be removed and replaced with a new garage closer to the street, connected by a new driveway. A new family room would be added to the front of the ground floor and a new bedroom would be added to

Peter J. Tymstra
Jeanne Tymstra
2380 Paradise Drive, Tiburon California 94920



January 14, 2016

Mr. Daniel M. Watrous
Planning Manager
Members of the Design Review Board
Town of Tiburon
1505 Tiburon Blvd.
Tiburon, CA 94920

RE: Proposed new home at 2370 Paradise Drive, Tiburon

Dear Mr. Watrous and Members of the Design Review Board:

Our home is next door, on the east side, of the proposed new home at 2370 Paradise Drive. We are submitting this letter at this time, before the official story poles have been erected, because we will be out of town during the period January 15, 2016 through January 31, 2016 and we understand that this project may be put on the agenda of the Design Review Board meeting scheduled for February 4, 2016. The comments that follow are based on our review of plans available in the City Office, some preliminary drawings provided to us by Mr. and Mrs. Grey, the owners of the project, discussions with the Greys and preliminary story poles erected by the Greys to help us understand what they are planning to do.

ROOF AND SKYLIGHTS– Since much of the surface of the roof will be visible from inside our dining room and kitchen, the appearance of the roof is very important to us. The textures, colors and reflective qualities of the roofing material are very important. Light from the proposed skylights will interrupt our night views and we hope they can be eliminated.

EAST ELEVATION WINDOWS – There appear to be several large windows proposed for the east side of the house that will emit a lot of light and may create a lack of privacy between us and the Greys. Our dining room will look directly into the large, tall windows at the east end of their living room and office. We are hoping the windows on the side facing us can be kept to a level below the existing home's ceiling height (approximately the height of our hedge). In addition, the master bedroom window is next to and very close to our garage door and driveway and we are concerned the close proximity may create noise concerns in the future.

SOUTHEAST SIDE HEIGHT AND OVERHANG – The fourteen foot high southeast wall and four foot overhang are directly in our views of the Marin Headlands and Belvedere Island. We have included two pictures showing the story poles from our windows.

REAR YARD DECK AND NEW FENCING– The southeast corner of the deck as proposed, appears to be quite a bit higher than the existing deck in that corner. We would like to request that a story pole be placed at the southeast corner so we may see the height of the new deck. We are concerned the proposed deck may be higher than the fence between our

properties creating privacy issues. In addition, the plans indicate a fire pit on the rear yard deck. The previous owner had a fire pit and because the winds come mainly from the west, the smoke from the fire pit blew into our yard and house. We are hoping the fire pit is gas and not wood. We also understand the Greys would like to construct a new fence between our homes. We are hoping we will have a chance to talk to them about the new fence as to style, construction, placement, etc.

OUTSIDE LIGHTING – The plans indicate outside lighting along the east side of the house, in the overhang on the south side over the deck and in the parking area on Paradise Drive. Dark nights are very important to us. We request that outside lights be kept to a minimum and that all ornamental or unnecessary lighting be eliminated.

PARADISE DRIVE PARKING – Vehicles parked in our neighbor's parking pad too close to the end of our driveway obstruct our view of approaching cars and bicycles when we back out onto Paradise Drive. It is important that parked vehicles be able to pull completely off the road and not be able to pull up too close to our driveway. Some type of barrier to prevent parking close to our driveway would be good. There used to be a thick privet hedge at the end of the pad that prevented this. We have included a picture taken from our driveway of a truck parked in our neighbor's parking pad to illustrate the problem.

We will be home the week of February 1st and would like to invite members of the DRB to our home to view the story poles from our windows.

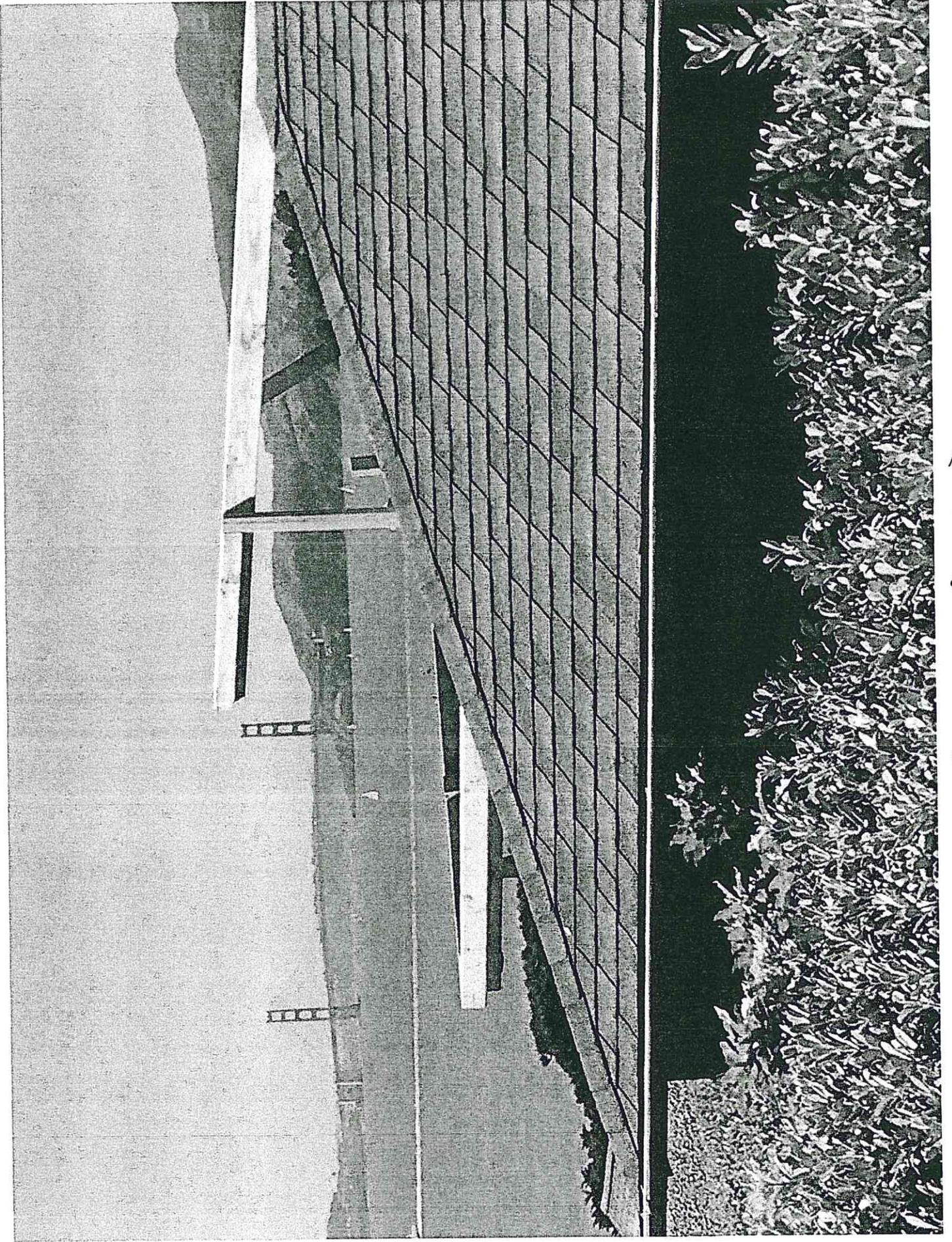
Thank you,



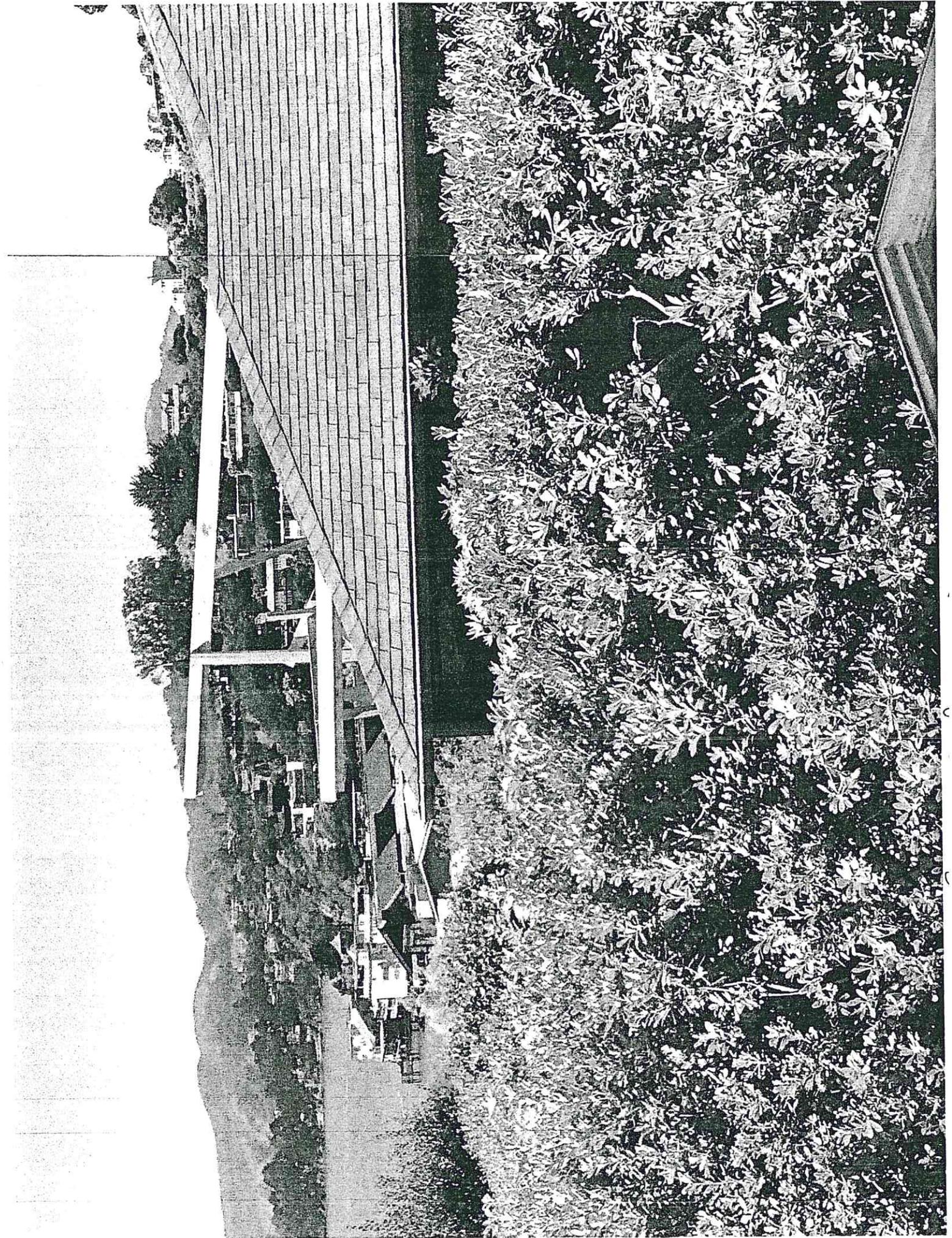
Peter and Jeanne Tymstra

415-706-5315 (Pete)

415-497-1513 (Jeanne)



View from 2380 Paradise Dr



**MINUTES #21
TIBURON DESIGN REVIEW BOARD
MEETING OF DECEMBER 17, 2015**

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

A. ROLL CALL

Present: Chair Tollini, Boardmembers Chong, Cousins and Emberson

Absent: Vice Chair Kricensky

Ex-Officio: Planning Manager Watrous and Minutes Clerk Rusting

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING

Planning Manager Watrous stated the January 7, 2016 meeting has been canceled. The next Design Review Board meeting after tonight will be on January 21, 2016.

D. CONSENT CALENDAR

1. **2308 MAR EAST STREET:** File No. DR2015117; , Mar East Realty, LLC, Owner/Appellant; Adoption of resolution granting appeal of Staff-level Design Review denial of Site Plan and Architectural Review for installation of two skylights for an existing single-family dwelling. Assessor's Parcel No. 059-195-01.

ACTION: It was M/S (Cousins/Emberson) to adopt the draft resolution conditionally approving the application for 2308 Mar East Street. Vote: 3-0-1 (Tollini abstained).

E. OLD BUSINESS

2. **2235 CENTRO EAST STREET:** File No. DR2015103; Lucy Zhang, Owner; Site Plan and Architectural Review for construction of additions to an existing two-family dwelling. The applicant proposes to construct a 496 square foot detached guest house, and modify windows, and doors of the existing duplex. Assessor's Parcel No. 059-141-13. **CONTINUED TO JANUARY 21, 2016**

3. **85 EAST VIEW AVENUE:** File No. VAR2015019; David and Tandy Ford, Owners; Site Plan and Architectural Review for construction of a new single-family dwelling, with Variances for reduced front and side yard setbacks, excess lot coverage and excess building height, and a Floor Area Exception. The applicant proposes to construct a new four-story, 2,593 square foot house, which would result in a floor area ratio of 103.1%, which is greater than the 35.0% maximum for a lot of this size. The front yard setback would be 5 feet, 9 inches in lieu of the minimum 15 feet and the east side yard setback

would be 5 feet, in lieu of the minimum 8 feet. The lot coverage of the house would be 1,332 square feet (53.0%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. The house would be 42 feet tall, in lieu of the maximum building height of 30 feet. Assessor's Parcel No. 060-105-67. **CONTINUED TO JANUARY 21, 2016**

4. **31 APOLLO ROAD:** File No. VAR2015020; Achuck Family Partnership, LP, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling, with Variances for reduced side yard setback and excess lot coverage. The applicant proposes to construct a new one-story, 2,405 square foot house with a 363 square foot garage. The lot coverage of the house would be 2,768 square feet (32.7%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. The house would extend to within 4 feet, 5 inches of the east side property line, which is less than the 8 foot side yard setback required in the R-1 zone. Assessor's Parcel No. 034-262-16.

The applicant is requesting Design Review approval for the construction of a new one-story single-family dwelling on property located at 31 Apollo Road. This application was first reviewed at the November 19, 2015 Design Review Board meeting. At that meeting the neighboring resident to the west at 29 Apollo Road requested that the footprint of the proposed house be rotated to increase the separation between the two homes and to lessen any potential light shading impacts from the new structure. The applicant indicated a willingness to rotate the house, but indicated that doing so might cause the building to encroach into the required side yard setback, necessitating a variance.

The Design Review Board encouraged the applicant to consider other design options, including rotating the house and possibly modifying the house design. Town staff noted that a variance had not been noticed for reduced side yard setback at that time. The application was continued to the December 17, 2015 meeting, with direction given to the applicant to redesign the house to address these concerns.

The applicant has now submitted revised plans for the house. The plans are identical to the previously submitted project design, except that the footprint of the house has been rotated in a counterclockwise manner. The floor area of the proposed house would be 2,405 square feet, which is 442 square feet less than the floor area ratio for a lot of this size. The proposed house would cover 2,768 square feet (32.7%) 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.

As a result of rotating the house footprint, a portion of the house would not extend into the required side yard setback on the Mercury Road side of the lot. The house would be 4 feet, 5 inches from the property line in lieu of the minimum 8 foot side yard setback required in the R-1 zone. A variance is therefore requested for reduced side yard setback.

Lionel Achuck, owner, said that he agreed to rotate the house as a result of his discussion with his neighbor. He said that by doing so they were able to keep a one-story design for the house. He said that changes were made to accommodate parking and the back right corner of the building would be closer to the rear property line and impact the side yard setback. He said that

he could not move the house toward his neighbor because of large landscaping between his own property and his neighbor that he had previously agree not to remove. He said that the uses of the interior of the home needed to be kept in mind in the placement of the house. He stated that they kept the design similar to the previously submitted application, but now had oriented the house at an angle. He said that this change was necessary because the cost of construction limits their ability to add more angles to the design. He stated that there is no neighbor on the east side, and the house would only extend 3 feet 6 inches into the setback and would still be 14 feet from the street. He believed that the variance would have no effect on neighbors and he had three letters of approval from neighbors. He stated that it would be difficult to build a single-story home of modest size in this neighborhood and angle the house without the variance. He noted other houses in the area which had been granted setbacks for similar reasons.

Chair Tollini asked about the “notch” in the design on the area of the house that would protrude most. Mr. Achuck said that they had nipped the corner to stay within the setback because of the angle of that side yard setback.

There were no public comments.

Boardmember Emberson said that she was having trouble making the findings for the setback variance because it seemed that the house could be redesigned so that it would comply with the setback.

Boardmember Cousins agreed and said that at the last meeting the DRB welcomed rotating the house, but felt that it should be redesigned to stay out of the setbacks.

Boardmember Chong noted that the neighbors suggested rotating the house to better situate it on the lot and that triggered the variance request. He said that the DRB has often approved variances in Belveron to avoid two-story homes. He said that another story could be added to this house and there would be no variances needed, but it would negatively impact the neighborhood.

Boardmember Emberson acknowledged Boardmember Chong’s point, but noted that other applications come before the Board in this neighborhood with smaller lots which have not asked for a variance. She said that this was a different matter when for a new house. Boardmember Cousins agreed that for a new house the corner should be cut back to comply with the setback.

Boardmember Chong felt that the Board should not treat an addition differently than a new building and if the Board grants variances for additions, they should do so for new construction.

Chair Tollini said that he neighborhood consisted of very modest 1,000 square foot homes that were built around the same time and predated the town’s zoning. He agreed with Boardmembers Emberson and Cousins and noted that setback and variance requests are reviewed on a case by case basis. He felt that when the slate is being wiped clean with a new building there were no hardships and it is hard to make that finding for the variance. He noted that he could make the findings for the lot coverage variance.

Planning Manager Watrous stated that normally in a situation like this the applicant would be offered the chance to redesign the project and come back to the Board. However, given the support of neighbors, he recommended that the DRB could require the house to be redesigned to comply with the setback as a condition of approval, and allow the applicant to figure out the best way to comply with that. Chair Tollini said he would support delegating the process to staff if the house can be redesigned so it would no longer be in the setback.

ACTION: It was M/S (Emberson/Tollini) that the request for 31 Apollo Road is exempt from the California Environmental Quality Act and to approve the request, subject to the attached conditions of approval, with an additional condition of approval reflecting that the variance for reduced side yard setback is not approved and requiring the applicant to redesign the house to comply with the required side yard setback, to be approved by staff. Vote: 4-0.

F. NEW BUSINESS

5. **37 MERCURY AVENUE:** File No. DR2015124; Alex Kypriadis and Miriam Connaughton, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling. The applicant proposes to expand the eastern side of the house to reconfigure the existing bedrooms and create a master bedroom suite, add to the front of the house to create a den and formal entry, and expand the living and dining room. The proposal would result in a gross floor area of 2,087 square feet and lot coverage of 2,513 square feet (29.9%). Assessor's Parcel No. 034-261-11.

The applicant is requesting Design Review approval for the construction of additions to an existing one-story single-family dwelling on property located at 37 Mercury Avenue. The project would expand the eastern (right) side of the house to reconfigure the existing bedrooms and create a master bedroom suite. An addition to the front of the house would create a den and formal entry. The living and dining room would also be expanded.

The floor area of the would be increased by 707 square feet to 2,087 square feet, which is 753 square feet less than the floor area ratio for a lot of this size. The project would cover 2,513 square feet (29.9%) of the site, which is 7 square feet less than the 30.0% maximum lot coverage permitted in the R-1 zone.

Alex Kypriadis, owner, said that they have stayed within setbacks and did not see the need to increase the floor area any further.

There were no public comments.

Boardmember Emberson asked about the trellis on the front of the house. She believed that this was an important part of the design and she wanted to insure that it was installed. Planning Manager Watrous suggested a condition of approval requiring that the trellis remain a part of the plans.

Boardmembers Emberson, Cousins and Chong all voiced support of the application. Chair Tollini agreed and characterized the addition as modest and fitting with all guidelines.

Boardmember Emberson asked if the other boardmembers agreed that the front arbor was important. Chair Tollini said that he did not think that a condition of approval was necessary because the arbor was part of the plan. Planning Manager Watrous said that an applicant can remove something from the plan and he suggested the condition of approval to ensure that it remains a part of the plan.

ACTION: It was M/S (Emberson/Tollini) that the request for 37 Mercury Avenue is exempt from the California Environmental Quality Act and to approve the request, subject to the attached conditions of approval, with the additional condition of approval that the front trellis shall be installed as part of the project. Vote: 4-0.

G. APPROVAL OF MINUTES #19 OF THE NOVEMBER 19, 2015 DESIGN REVIEW BOARD MEETING

Boardmember Emberson requested the following corrections:

Page 3, 7th paragraph: Change “one” to “on”

Page 12, 1st paragraph – Change “visual no effect” to “have no visual effect”

ACTION: It was M/S (Cousins/Emberson) to approve the minutes of the November 19, 2015 meeting, as amended. Vote: 4-0.

H. APPROVAL OF MINUTES #20 OF THE DECEMBER 3, 2015 DESIGN REVIEW BOARD MEETING

Boardmember Cousins requested the following correction:

Page 6, 2nd paragraph: Change “the applicant lost privacy with from the neighbor’s new windows” to “the applicant lost privacy because of the neighbor’s new windows”

ACTION: It was M/S (Emberson/Cousins) to approve the minutes of the December 3, 2015 meeting, as amended. Vote: 4-0.

I. ADJOURNMENT

The meeting was adjourned at 7:30 p.m.