



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

Regular Meeting
Design Review Board
March 3, 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. 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.PDF](#)

PUBLIC HEARINGS & NEW BUSINESS

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. [KO]

Documents: [681 HAWTHORNE DRIVE.PDF](#)

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 deck to an existing one-story house. The project would result in a 4,550.5 square foot dwelling. Assessor's Parcel No. 058-231 -16. [DW]

Documents: [17 ACELA DRIVE.PDF](#)

4. 180 GILMARTIN DRIVE

File No. VAR2016002/DR2015155; Christopher and Suki Grounds, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for excess lot coverage. The applicant proposes to add a 314 square foot master bedroom suite addition and new 271 square foot single-car garage addition to an existing single-family dwelling. The lot coverage of the house would be 3,297 square feet (16.2%), which is greater than the 15.0% maximum lot coverage permitted in the RO-1 zone. Assessor's Parcel No. 039-171 -04. [KO] **CONTINUED TO MARCH 17, 2016**

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

MINUTES

5. Regular Meeting Of February 18, 2016

ADJOURNMENT

GENERAL PUBLIC INFORMATION

ASSISTANCE FOR PEOPLE WITH DISABILITIES

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

AVAILABILITY OF INFORMATION

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

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

Upon request, the Town will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or

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

PUBLIC HEARING ITEMS AND BUSINESS ITEMS

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

GENERAL PROCEDURE ON ITEMS AND TIME LIMIT GUIDELINES FOR SPEAKERS

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

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

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

ORDER AND TIMING OF ITEMS

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

NOTE: ALL DESIGN REVIEW BOARD MEETINGS ARE AUDIO RECORDED

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

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

DEFINITION

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

IDENTIFICATION OF LATE MAIL

All late mail received by Town Staff in advance of a meeting shall be marked “Late

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

POLICY

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

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

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

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



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
March 3, 2016
Agenda Item: **1**

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: _____

BACKGROUND

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.

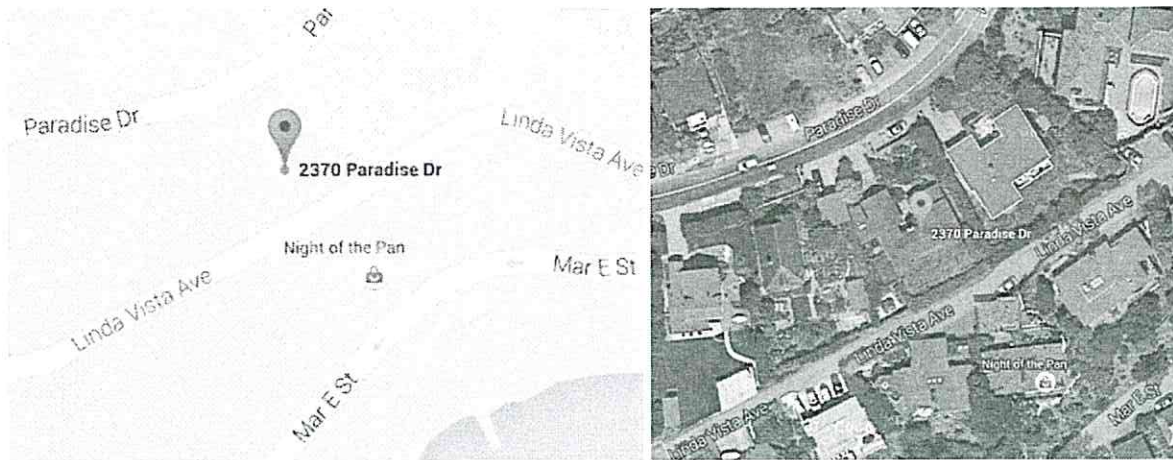
This application was first reviewed at the February 4, 2016 Design Review Board meeting. At that meeting, the owners of the adjacent home to the east at 2380 Paradise Drive raised concerns about potential view impacts from their kitchen and dining room, the size of a potential on-street parking pad and possible impacts on existing property line landscaping. The Design Review Board shared these concerns and determined that the roofline of the proposed house would extend too far into the Golden Gate Bridge views from the neighboring dwelling. The Board also directed that the parking pad be reduced in size, an east-facing living room window be reduced in height and that efforts be made to ensure that the neighbors' property line vegetation not be disturbed during construction. The application was then continued to the March 3, 2016 meeting.

The applicant has now submitted revised plans for the project. The following changes have been made to the project design:

1. The roof overhang above the southern portion of the living room has been shortened from 3 feet, 8 inches to 2 feet.
2. The height of the east-facing living room window has been shortened to 8 feet.
3. The parking pad on paradise Drive has been shortened to accommodate only two vehicles.
4. The landscaping to be planted along the eastern side property line has been changed to a species of *pittosporum* that grows to a lower height than previously proposed vegetation.

Other elements of the proposed house design, including the floor plan, floor area, lot coverage and other building elevations, remain unchanged from the previously submitted plans.

PROJECT SETTING



ANALYSIS

Design Issues

The revised project design appears to be generally responsive to the direction from the Design Review Board. The shortened living room window height and reconfigured parking pad have been redesigned as requested by the Board.

Staff viewed the revised story poles from the adjacent home at 2380 Paradise Drive. Although the roof overhang above the living room has been reduced, it would still project somewhat into the Golden Gate Bridge views from the kitchen of the neighboring residence. The Design Review Board is encouraged to view the story poles from this dwelling to evaluate any remaining potential view concerns.

The *pittosporum* species proposed to be planted along the eastern side of the lot has different cultivars (or subspecies) that grow to different heights. While some species grow as low as 3 to 4 feet tall, others can grow from 8 to 12 feet and others from 15 to 20 feet. Staff recommends that the Design Review Board specify an approximate maximum height for planting in this area that will be reflected in the conditions of approval for this application.

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. As noted in the February 4, 2016 staff report for this application, 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 since the February 4, 2016 meeting.

RECOMMENDATION

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

ATTACHMENTS

1. Conditions of approval
2. Supplemental application materials
3. Design Review Board staff report dated February 4, 2016
4. Minutes of the February 4, 2016 Design Review Board meeting
5. 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 February 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 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.

2370 Paradise Drive – Design Revisions

In response to the Design Review Board hearing held on February 4, 2016, we have incorporated the following design changes into revised application drawings dated February 22, 2016:

Reduced Roof Overhang:

We have reduced the roof overhang from 3'-8" to 2'-0" at the south eave of the proposed living room. This change is intended to further minimize the impact on views toward the Golden Gate Bridge from the kitchen at 2380 Paradise. The story pole mock-up of the relevant corner has been modified to illustrate the profile of the reduced eave.

Lowered East Living Room Window:

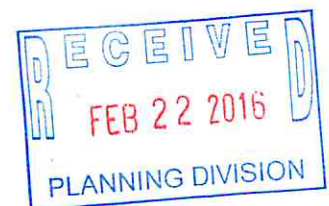
We have reduced the head height of the proposed east facing living room window to 8'-0" in response to the privacy and view concerns of the neighbors at 2380 Paradise. In addition to the height reduction, we believe that the overhang of the low roof above, which extends across the full width of the window, will serve to minimize the visibility of the window from 2380 Paradise Drive.

Reconfigured Parking at Paradise Drive:

In response to the request of the neighbors at 2380 Paradise Drive, we have modified the proposed public parking configuration along Paradise Drive to accommodate two parallel parking spaces instead of three. We have also added a bulb-out or buffer zone composed of one or more large rocks adjacent to the side yard fence and driveway at 2380 Paradise. This change is intended to improve visibility from the driveway at 2380 Paradise Drive by preventing vehicles from parking closer than six to eight feet from that side-yard fence line. We recognize that any work in the public way will be done under a separate encroachment permit and will be subject to separate Tiburon review and approval.

Landscape Clarification:

The plants proposed to provide screening along the sideyard fences are *Pittosporum Tenuifolium* Kohuhu, a cultivar of the *Pittosporum tenuifolium*. This cultivar does not grow as tall as the straight species and does not produce the berries referenced in the general description of the genus.





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.

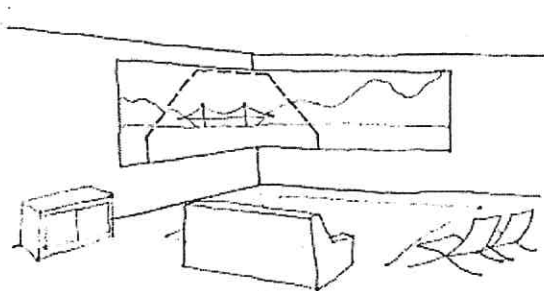
The existing house on the site is situated roughly parallel to the eastern (left) side property line. The proposed dwelling would be slightly rotated and sited parallel to the western (right) side property line. As a result, the proposed building footprint would not further intrude into the viewline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

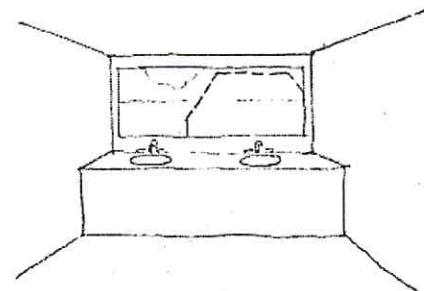
• PROPOSED STRUCTURE
BLOCKS LIVING ROOM VIEW -



• GREAT IMPACT ON
LIVABILITY

YES

• PROPOSED STRUCTURE
BLOCKS BATHROOM VIEW



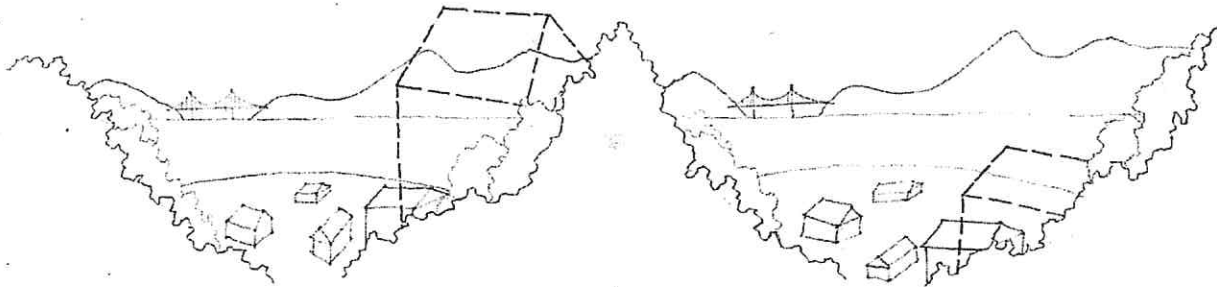
• LITTLE IMPACT ON
LIVABILITY

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

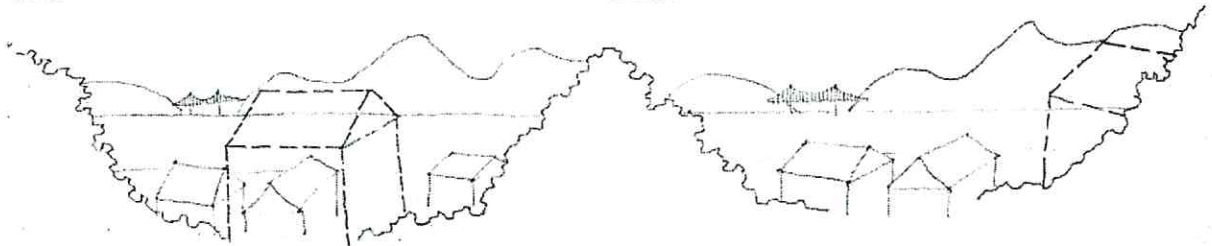


Goal 3, Principle 7 (C) of the Hillside Design Guidelines states that “blockage of center of [the] view [are] more damaging than blockage of [the] side of [the] view.” The raised roofline would intrude into the far right side of the view from the home at 2380 Paradise Drive.

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

NO

YES



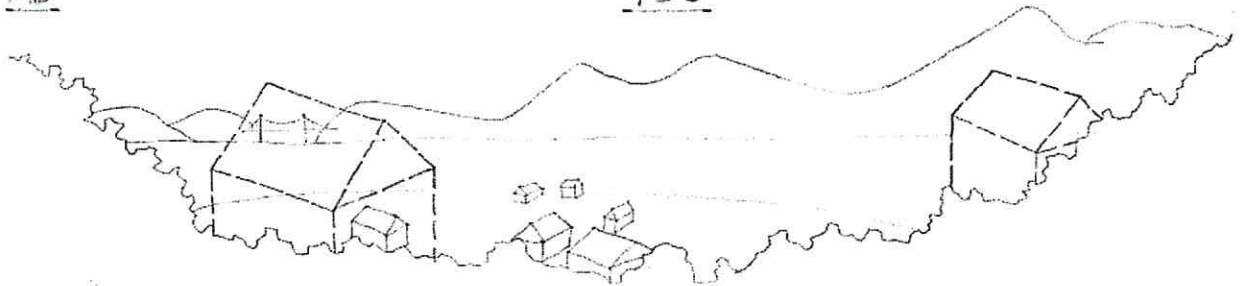
• PROPOSED STRUCTURE
BLOCKS CENTER OF VIEW

• 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

E. 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.

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.

Mary Griffin, architect, stated that most of the houses in the area are two stories and the current house is one of the only one-story structures. She said that there is a public utility easement with parking at the front of the lot and the driveway down into the property is quite steep. She described the current house location, which has a nonconforming structure in the side yard setback and said that the existing house does not take advantage of the views, is in poor condition and is older. She showed photographs of views across the site from neighboring houses. She stated that they propose to move the driveway to the garden location and hope to preserve the large screening hedge as much as possible. She stated that the existing house aligns with the house to its east and they propose to angle the house toward the west. She said that the proposed house would be 6 inches below the elevation of the existing house. She said that the driveway off Paradise Drive would be eliminated and access would be from Linda Vista Avenue below. She displayed a depiction of the orientation of the new house relative to the old house, and noted that it would increase the distance between both neighbors on either side. She said that the roof would tip up slightly to the north on the Paradise Drive side where the solar panels are located and also tips up to the south over the living room. She said that the garage would be under the house, with an elevator and stairs connecting it to the main level.

Stefan Hastrup, architect, displayed the site plan and noted that the house would hug the setback line toward the west but exceed the setbacks on the other three sides. He stated that the existing wood retaining wall on Paradise Drive is failing, and they propose to rebuild it. He noted that this application included a small variance for lot coverage, which was significantly less than the lot coverage of the previously approved application and mainly due to the deck. He added that they have also applied for a variance for a 1.5 foot height increase to the fence to provide privacy for the house. He showed the materials palette, which was intended to be consistent with the feeling of a beach cottage. He said that the proposed house would remove a large section of roof bulk in the middle compared to the existing building.

Ms. Griffin said they reached out and met with neighbors and the main topic was that the neighboring homes look over the property from their side windows. She showed their initial proposal and stated that it was revised after viewing the site from the neighboring house to pull the house back and move it away from that view. She said that they considered a flat roof to lower the profile toward the sensitive view and erected story poles so the neighbors could see the impact of the project on view. She said that based on that feedback they then revised the proposal before submitting it. She showed views of the proposed property from several angles and said that the proposed house would be smaller than the neighboring house on the uphill side.

Richard Grey, owner, said that they have tried hard to be sensitive to the concerns of others by making changes over a series of meetings with neighbors and they believe that this proposal was a reasonable accommodation and would be a good addition to the neighborhood.

Boardmember Cousins asked about the lack of a railing for the deck above the garage. Ms. Griffin stated the deck was designed with a garden bench which meets the code by being more than 3 feet out from the deck. Boardmember Cousins questioned whether that is allowed since one could easily fall over from the bench.

Vice-Chair Kricensky noted that the hedges may be an issue because they can grow tall. Ms. Griffin noted they would have to be maintained so they do not grow up to block views.

Vice-Chair Kricensky asked about the new fencing along the property line with the neighbors, and questioned whether some of the screening shrubs would also be removed along with it. Ms. Griffin said that the fences are in bad shape but they would work to preserve as much of the shrubbery as they can. Mr. Hastrup said that they did not consider this to be a central feature of the design and they would replant anything needed, but they want to preserve the vertical ivy hedge as much as possible.

The public hearing was opened.

Pete Tymstra said he is the neighbor to the east of the proposed property and he welcomed the owners to the neighborhood. He said that the applicant has been very gracious and communicative with their plans. He stated that his letter focused on privacy for him and for them.

Tyler Bartlett said that he had some minor concerns, including the fence and hedges between the properties. He was also concerned about the large window above the staircase and the overhang over that window.

Theresa Harrelson welcomed the owners and said that their drawings were beautiful. She said that she lives below Linda Vista Avenue near the new garage location and stated that this is a private road that is very narrow. She was concerned about increasing traffic on the street and asked what would happen to the existing landscaping facing the street. She wanted to know how the project would look on the garage side, stating that she currently has total privacy in her garden and that she could not tell if they will be able to see into her property from the deck.

Ms. Griffin said that they were very happy to work with all neighbors on any conditions that might affect their properties. She said that the deck would be 6 inches lower than the existing deck and would impact privacy less. She said that they would work with neighbors regarding the fences and landscaping.

Boardmember Emberson suggested that the revised parking area on Paradise Drive would make it harder for the neighbor to get in and out of their driveway because of the eventual height of the proposed pittosporum. Mr. Griffin said that they would be happy to adjust the plantings and the driveway to maintain privacy yet not have such an impact on the neighbors.

Boardmember Cousins noted that the retaining wall in the street right-of-way would require a separate permit process. Planning Manager Watrous stated that the Public Works Department has generally encouraged improvements to add parking spaces. He said that he heard two suggestions in Boardmember Emberson's comments: 1) to reduce landscaping to reduce view blockage, and 2) to pull back the retaining wall. Ms. Griffin said that they would be happy to work with the Town on the parking spaces.

The public hearing was closed.

Boardmember Cousins said that this was a handsome design. He felt that rotating the house made a lot of sense and would open up views for the neighbors. He said that the one-story design was beneficial and that creating access and parking off Linda Vista Avenue rather than Paradise Drive was appropriate. He said that the roof overhang would be very close to the view of the Golden Gate Bridge from the neighbor's kitchen. He stated that the overhang would not provide much shading and suggested that the corner be revised so the overhang would not affect the Golden Gate Bridge view. He said that the fences would look the same and he had no objection to the increased fence height.

Vice-Chair Kricensky agreed with Boardmember Cousins. He pointed out that the Golden Gate Bridge is the most iconic view in the bay area and he shared Boardmember Cousins' concern that the overhang would extend into that view. He suggested that the height of the wraparound portion of the living room window needed to be reduced because the top of it would be visible at night time and impede the neighbor's view. He felt that the garage design would work well. He did not think that the deck would impact the downhill neighbor. He appreciated the work the applicant did to accommodate the neighbors. He said that he was hesitant to approve the fence

and shrub removal if there was not a resolution about its location on the eastern property line and due to potential disruption of the neighbors' landscaping.

Planning Manager Watrous noted that the fence goes in and out of the property line at that location. Boardmember Cousins added that the fence is mostly inside the property line and that the issue was the disruption to existing plantings and suggested a condition that the plantings be maintained. Chair Tollini stated that if the existing plantings are destroyed then they need to be replaced to the satisfaction of the neighbors. Boardmember Emberson suggested pittosporum would be inappropriate because it grows too tall. Chair Tollini said that that was not his experience with pittosporum in this area and suggested this should be deferred to staff to work with the applicant on a species that would not grow more than 15 feet. Planning Manager Watrous said that pittosporum is used commonly as a thick screen on the peninsula but usually does not grow more than 10-15 feet tall in Tiburon.

Boardmember Emberson said that this was a handsome design. She said that she had issues with the size of the skylights and the roof eaves. She said that the skylight appeared to be 8 feet long, which she felt was very big for a skylight and could be reduced in size. Boardmember Cousins pointed out that the roof would be flat in that area and the skylights would be behind the sloping roof and would not be visible because the neighbors would look straight across from eye level. Boardmember Emberson agreed that bringing the roof overhang back would make the neighbors happy, and she agreed with Boardmember Cousins and Vice Chair Kricensky that this was worth revising because of the impact on the view of the Golden Gate Bridge.

Chair Tollini agreed with the other Boardmembers and stated that the house was thoughtfully designed. He liked the idea of placing the garage off Linda Vista Avenue because it would improve circulation and the doors would be well set back. He appreciated that the solar panels would be thoughtfully concealed. He believed that the skylight requests were modest given the amount of roof and there less visible location on a flat portion of the roof. He said that he was less concerned about the fence, but more concerned about loss of screening when the fence is removed, and he would like to see a condition of approval requiring any screening damaged during construction be replaced as soon as possible. He agreed with staff's findings regarding the variances. He agreed with Boardmember Kricensky's suggestion to reduce the height of the living room window to avoid light issues. He said that he was torn about the eave near the neighbor's view of the Golden Gate Bridge, acknowledging that this would be a real impact, but since the eave was aesthetic and not functional he felt that it should be pulled back. He encouraged the applicant to look at that area and diminish the impact of the eave on the neighbor's view of the Golden Gate Bridge.

Planning Manager Watrous noted another issue that was mentioned was reducing the size of the Paradise Drive parking area to 2 spaces instead of 3. The consensus of the Board was that should be done.

Ms. Griffin presented a drawing pulling back the overhang by 2 feet. Chair Tollini suggested that this was a good place to start, but felt that story poles were needed. Planning Manager Watrous said that therefore the item would need to be continued.

ACTION: It was M/S (Emberson/Kricensky) to continue the application for 2370 Paradise Drive to the March 3, 2016 meeting. Vote: 4-0.

F. APPROVAL OF MINUTES #21 OF THE DECEMBER 17, 2015 DESIGN REVIEW BOARD MEETING

ACTION: It was M/S (Emberson/Cousins) to approve the minutes of the December 17, 2015 meeting, as written. Vote: 3-1 (Kricensky abstained).

G. ADJOURNMENT

The meeting was adjourned at 8:05 p.m.



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.

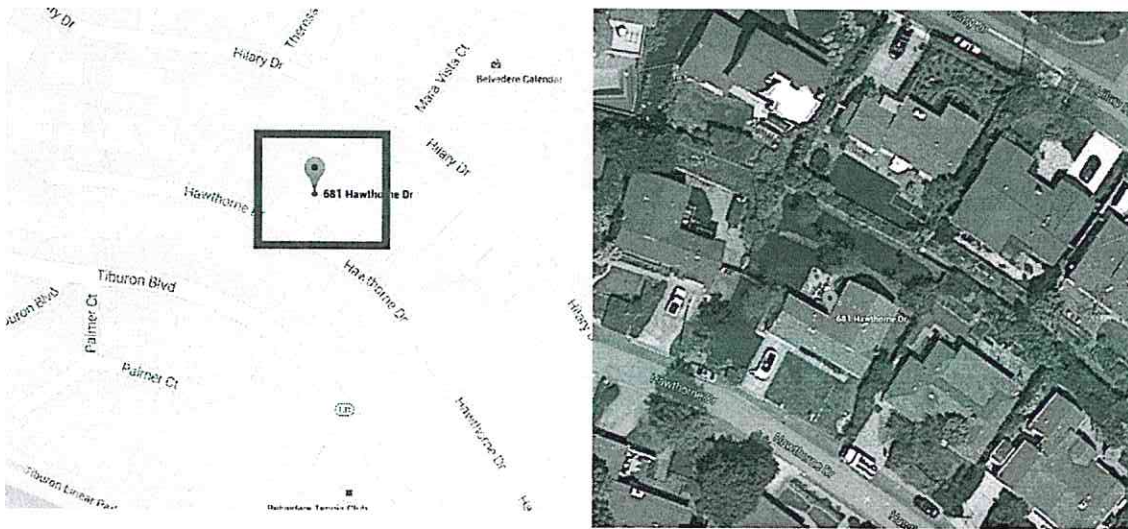
The proposed 2,914 square foot home would include an entry foyer, living room, office, dining room, kitchen, breakfast nook, family room, two bathrooms, two bedrooms, laundry room, and a master bedroom suite on the main level. An 836 square foot basement level addition would include a media room, exercise 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

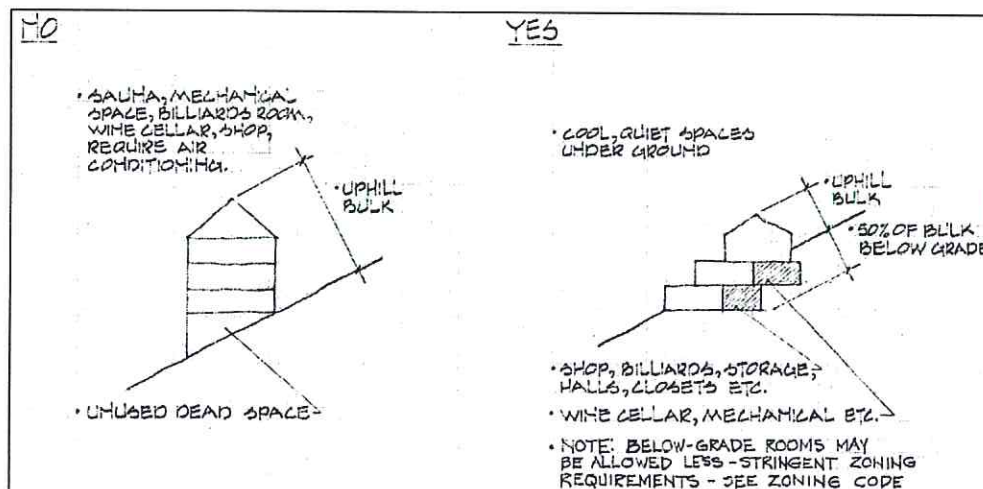
potential of appearing massive from the street or from adjacent properties and potentially limiting the view blockage from uphill neighbors.

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.

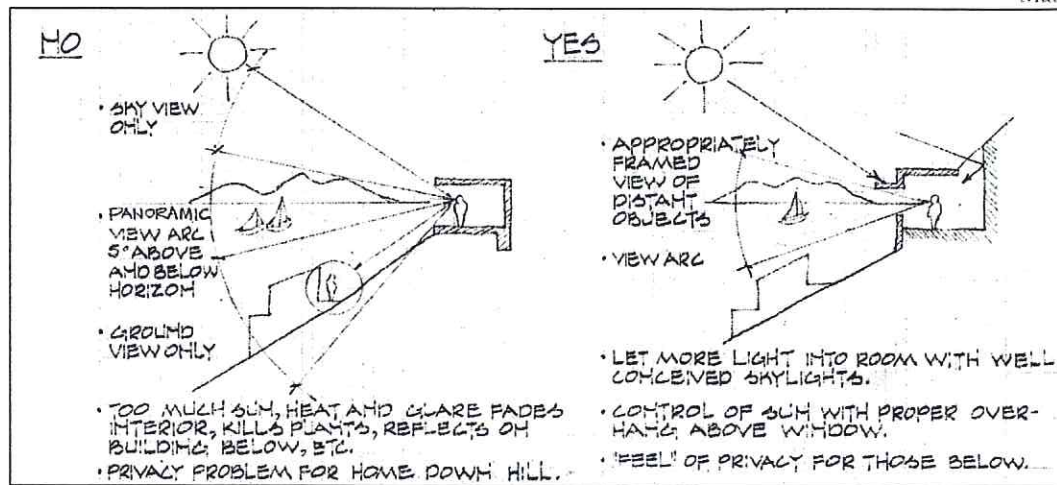
The following principles of the Hillside Design Guidelines should be used in evaluating the design of the new residence as proposed:

Hillside Guidelines

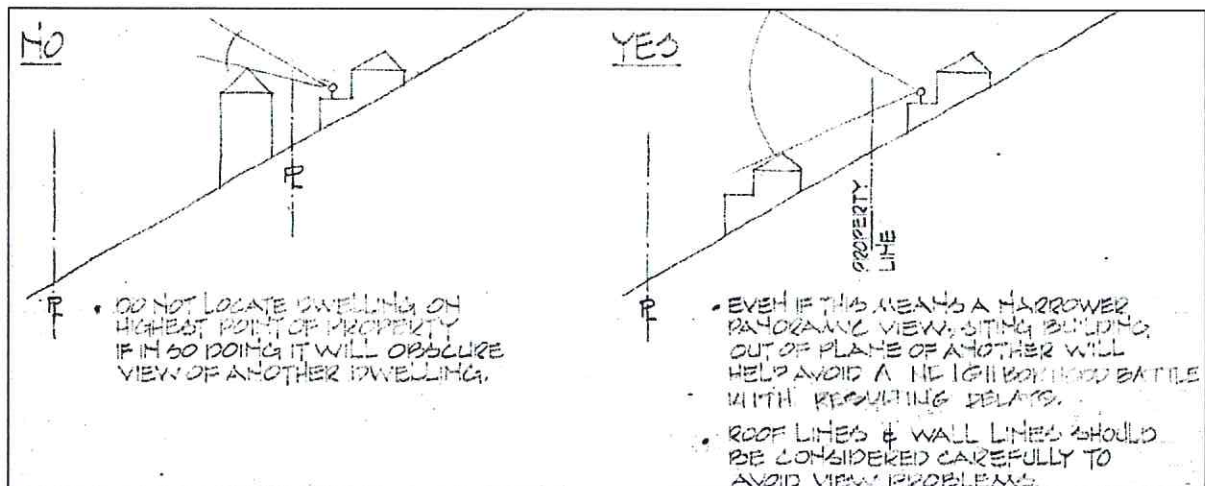
Goal 1, Principle 9: *"Excavate underground or below grade rooms to dramatically reduce effective bulk, provide energy efficient and environmentally designable spaces."* The two-car garage would be excavated underground and connected to a basement level. The basement level would include a media room,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



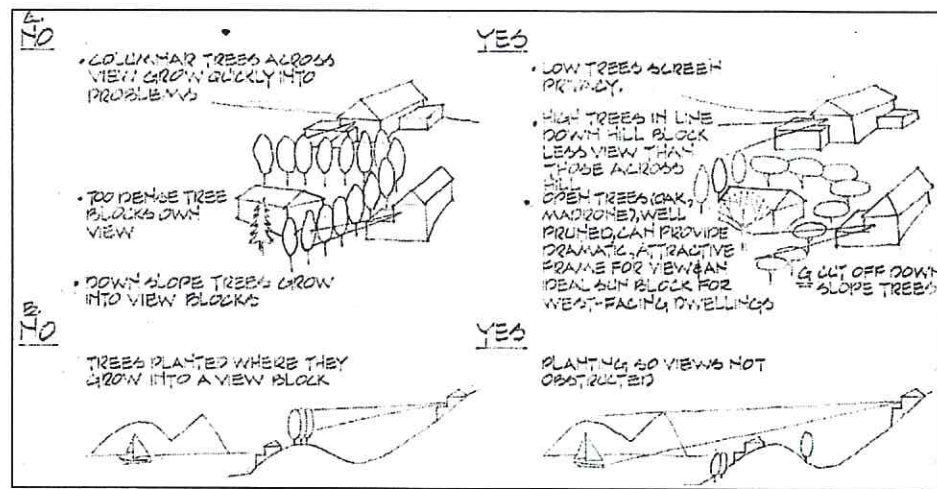
Goal 2, Principle 6: *"Control window placement for sun, privacy, and view"* The majority of the home would have large windows, especially for the front and rear elevations towards the outdoor terraces adjacent to the home. The windows on the sides would create a potential light and privacy impact for 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.



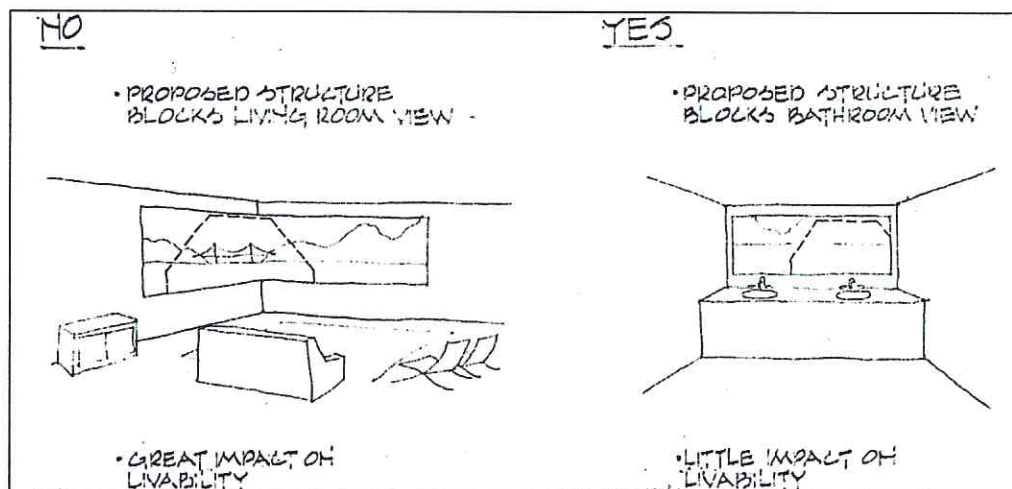
Goal 3, Principle 1: *"Locate all new dwellings so they interfere minimally with view of the adjacent neighbor."* The majority of the new residence would appear to minimally interfere with the views of the adjacent neighbors except for the uphill neighbor and the neighbor on the west side of the property. 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 |
|--------------|--|

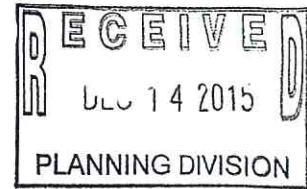
ATTACHMENT 1

**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 22, 2016 must receive Design Review approval.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such un-approved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge, with defense counsel subject to the Town's approval. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
5. 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.



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>1</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 2,960 SF SINGLE STORY HOME
WITH 512 SF GARAGE BELOW AND A 1191 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***

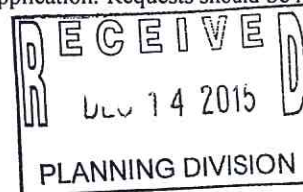
NOTICE TO APPLICANTS

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 #: 02434

Date Deemed Complete: 1/26/16

By: DW

Acting Body:

Action:

Date:

Conditions of Approval or Comments: _____

Resolution or Ordinance # _____

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

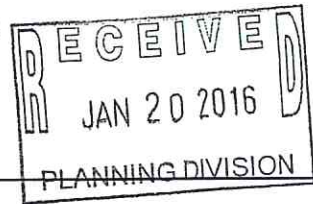
Please fill in the information requested below (attach separate sheet as needed):

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

Existing: SINGLE FAMILY RESIDENCE

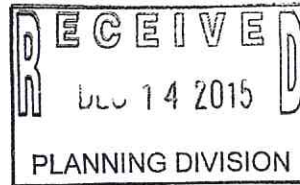
Proposed: SINGLE FAMILY RESIDENCE

Square Footage of Landscape Area: 4685 SF



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	26'-1" ft.	15'-0" ft.	ft.	15 ft.
Rear	29'-11" ft.	21'-2" ft.	ft.	20'-0"-25 ft.
Right Side	11'-9" ft.	8'-0" ft.	ft.	8 ft.
Left Side	22'-5" ft.	8'-0" ft.	ft.	8 ft.
Maximum Height (Section 16-30.050)*	16'-0" ft.	23'-7" ft.	ft.	30 ft.
Lot Coverage (Section 16-30.120(B))*	1717 sq.ft.	3016 sq.ft.	3016 sq.ft.	2882 sq.ft.
Lot Coverage as Percent of Lot Area	18 %	31.39 %	31.4 %	30 %
Gross Floor Area (Section 16-100.020(F))*	1341 sq.ft.	2949 sq.ft.	sq.ft.	2960.8 600 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).



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

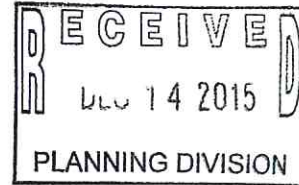
APPLICATION FOR VARIANCE

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	30% - 2882.52 SF	18% - 1717 SF	32.76% - 3148 SF	30/6 31.4% 1.4%
Height	_____	_____	_____	_____
Parcel Area Per Dwelling Unit	_____	_____	_____	_____
Usable Open Space	_____	_____	_____	_____
Parking	_____	_____	_____	_____
Expansion of Nonconformity	_____	_____	_____	_____
Other (Please describe):	_____			

Lot Coverage Findings
681 Hawthorne Dr., Tiburon, CA
December 14, 2015



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.*

This lot is situated below the rear neighbor who now enjoys significant views to the south. A two-story solution would likely have blocked this neighbor's view. For that reason this proposed design has a lowered garage and basement with a one-story house above. The floor area is compliant to the ordinance but the house design had to spread out over the lot resulting in a lot coverage that is slightly above the allowable.

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 or similar zone.*

Lot coverage variances are not uncommon when the topography forces applicants to create one-story houses to guard neighbors' views.

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.*

A strict application of the zoning code would create a conflict with the Town's view ordinance.

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

Granting of this variance will actually protect the public welfare and will certainly not be injurious to other properties in the vicinity.



Planning Division

1505 Tiburon Boulevard
Tiburon, CA 94920

February 23, 2016

We live at 678 Hilary Drive in Tiburon and our home is situated directly above the home on 681 Hawthorne that is currently under planning review. We have been corresponding with the owners of 681 Hawthorne (Mr. & Mrs. Namakian), via email and we have shared our concerns about their planned project. While we understand and encourage home improvement in the area, we want to make sure that any new construction is sensitive to the neighborhood especially when bay views might be affected.

In our communication with the Namakians we focused our concerns on: #1 the proposed new height of their home and #2 any new landscape. These two items can have a direct impact on our bay view from 678 Hilary if they are not considered properly in the design. We explained this in an email to Maysa Namakian, we let her know that the view from our house is a large part of its value and is the reason why we purchased our house to begin with. We want to avoid any obstructions to our bay view.

The first item, proposed height of the new home, needs further clarification as the roof lines are unclear from the current installation of the story poles. The story poles don't contain strings or flags between the poles so it's impossible to know or visualize how much space will be occupied by the new home. We recently installed story poles for our home and made this very clear for our neighbors, see Attachment "A". Also refer to Attachment "B" to see the current installation of story poles at 681 Hawthorne. We recommend that the Namkians install the strings and flags so we can see the true impact of their new home with respect to potential view obstructions from our home on Hilary. We have attempted to fill in these string-lines on Attachment "C" (see red marks). After doing this, it certainly appears that the new roof lines will impact a significant portion of our bay view. This needs to be further assessed and a reasonable solution might be to either change the design at this area of the home, or lower the proposed height of the home.

We did receive email correspondence from Maysa Namakian stating the following:

"We have stressed to our architects that it is important to us to minimize changing the roof height as much as possible. We do not want to unreasonably block our neighbors' valuable views. Of course, we will have to wait for the story poles, but by removing some of the larger trees in our yard, we anticipate possibly increasing your water views. The roof height of our proposed entry way will increase by about 2.5 feet but that should not block any water views as it is further west."

We can't tell from the current story pole installation whether the statement regarding an increase in height of 2.5 feet only occurs at the front entry, it appears as though there is also a planned height increase on the east side of the home which will impact our bay view.

Mrs. Namakian provided the following further communication:

"Our architects had initially proposed a height that we felt would not be suitable to you (too high), so we explicitly mentioned to our architect that we wanted to minimize disturbing anyone's water views. They have assured us that the direction in which your house faces the water will not be disturbed. However, I agree that the story lines will help demonstrate the reality."

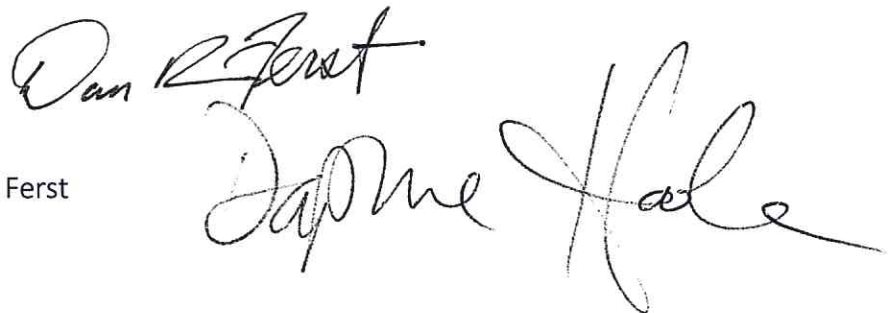
We do not currently have assurances that the direction in which our house faces the water will not be disturbed.

Regarding our second concern, proposed new landscape, it appears that the Namakians have attempted to address the potential view obstructions by agreeing to change the proposed plantings from Italian Cypress trees to Compact Carolina Laurel shrubs. Italian Cypress trees can grow up to 50 feet tall at a rate of 36" per year, so they clearly would have blocked our bay view. Mrs. Namakian sent us a weblink of the Compact Carolina Laurel trees and explained that they will only grow up to 8 – 10 feet maximum in height. We are okay with the planting of these compact shrubs provided that they don't exceed the height of our rear yard existing railing. We would like assurances that the Namakians will not plant any new landscape or trees that will block our bay views.

We hope to see a complete installation of the story poles so we can understand exactly how/where the new home will be situated on the existing lot at 681 Hawthorne. Ultimately, we would like a declaration and/or conditional approval that any new structure and landscaping on the lot will not impact any portion of our current view from 678 Hilary Drive.

Sincerley,

Daphne Hooker & Daniel Ferst
678 Hilary Drive
Tiburon, CA
94920

The image shows two handwritten signatures in black ink. The first signature, on the left, is 'Dan Ferst' written in a cursive, slightly slanted script. The second signature, on the right, is 'Daphne Hooker' written in a more flowing, cursive script. The signatures are positioned to the right of the typed names.

Attachment "A"



Attachment "B"



Attachment "C"

Potential Bay View
Obstruction





TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

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

STAFF REPORT

To: Members of the Design Review Board
From: Planning Manager Watrous
Subject: 17 Acela Drive; File No. DR2016002; Site Plan and Architecture Review for Construction of Additions to an Existing Single-Family Dwelling
Reviewed By: _____

PROJECT DATA

ADDRESS: 17 ACELA DRIVE
OWNER: MIRAJ AND NISHA SHAH
APPLICANT: LINDA MASSEY (ARCHITECT)
ASSESSOR'S PARCEL: 058-231-16
FILE NUMBER: DR2016002
LOT SIZE: 26,316 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN: M (MEDIUM HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: FEBRUARY 10, 2016

PRELIMINARY ENVIRONMENTAL DETERMINATION

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

PROJECT DESCRIPTION

The applicant is requesting Design Review approval for the construction of additions to an existing one-story single-family dwelling on property located at 17 Acela Drive. The project would create a new second story to the house. The second story would include a family room, three bedrooms, three bathrooms and a laundry room. A partially covered rooftop deck would extend above the existing attached garage on the first story.

The floor area of the would be increased by 2,012.5 square feet to 4,550.5 square feet, which is 81 square feet less than the floor area ratio for a lot of this size. The second story project would not extend beyond the footprint of the existing home, which currently covers 4,147 square feet

(15.8%) of the site, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone.

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The structure would be finished with medium grey colored cement panels and dark grey stucco siding. Black membrane roofing would be installed.

PROJECT SETTING



The subject property is situated at the end of the cul-de-sac of Acela Drive. The existing house is located at an elevation below the street level. Mature vegetation along a portion of the front property line currently screens much of the one-story house from view of other homes across the street.

ANALYSIS

Zoning

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

Design Issues

The proposed second story covers most of the footprint of the existing one-story home. The second story would be set back from the front of the house for the area of the proposed rooftop deck and set back 4 feet from the south and east sides of the building. The roof would angle slightly downhill toward the lower part of the site.

The second story would substantially increase the height of the building. The existing house is relatively short, with a height of only 10 feet, 6 inches. The second story would increase the

building height by 16 feet, 8 inches to a height of 27 feet, 2 inches. This proposed building height appears to be somewhat tall for a two-story home built on a relatively flat building site.

The height of the proposed addition, combined with the relatively modest setbacks from the footprint of the existing home, would create a house that appears to be inconsistent with Goal 1 of the Hillside Design Guidelines “to reduce effective visual bulk of a structure and to avoid monumental and excessively large dwellings.” The second story of the house is minimally articulated from the lower floor, with the exception of the rooftop deck. The Design Review Board should determine if the area of the second story should be reduced or stepped back to lessen the visual mass of the house.

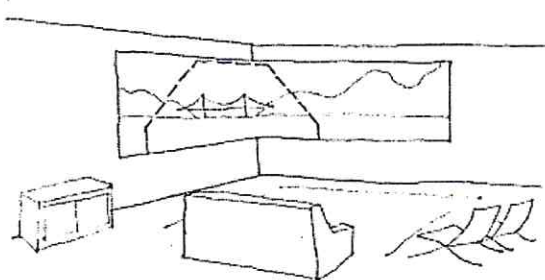
The proposed second story would have substantial view and privacy impacts on the neighboring homes at 14 & 16 Acela Drive. Although vegetation on the site would screen portions of the second story, other portions of the second story and rooftop deck would be very visible from these nearby residences.

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

Goal 3, Principle 7 (A) of the Hillside Design Guidelines states that “view protection is more important for the primary living areas of a dwelling (e.g. living room, dining room, family room, great room, kitchen, and decks associated with these rooms) than for less actively used areas of a dwelling (e.g. bedroom, bathroom, study, office, den).” The second story would block views from the living room and adjacent deck of the home at 14 Acela Drive. The second story would be visible primarily from the bedrooms of 16 Acela Drive, but the mass of the building would be noticeable from the living room deck as well.

NO

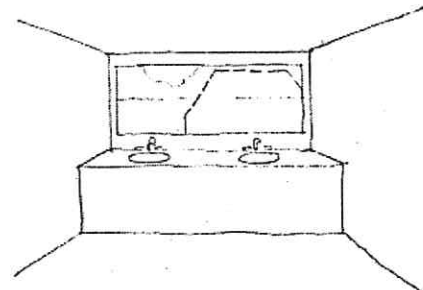
- PROPOSED STRUCTURE BLOCKS LIVING ROOM VIEW



- GREAT IMPACT ON LIVABILITY

YES

- PROPOSED STRUCTURE BLOCKS BATHROOM VIEW



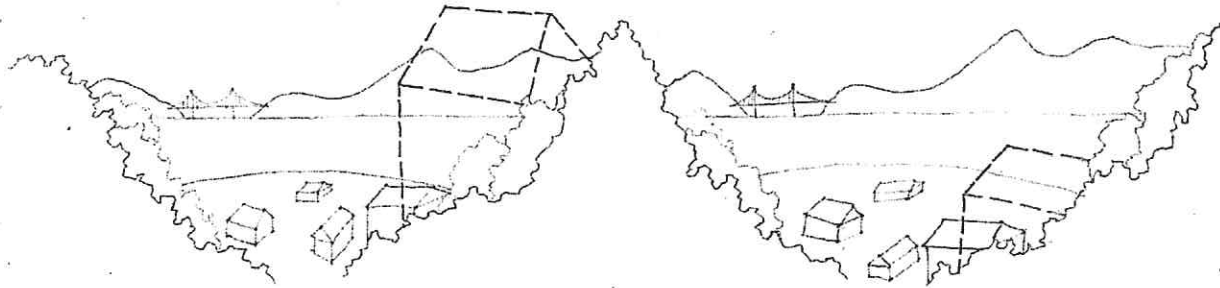
- LITTLE IMPACT ON LIVABILITY

Goal 3, Principle 7 (B) of the Hillside Design Guidelines states that “horizon line is [the] most sensitive part of [a] view, then foreground, then middleground. If possible, avoid

cutting [the] horizon line of a neighbor's view." The proposed raised roofline would cut into the horizon line of San Francisco from several bedrooms of the home at 16 Acela Drive, and would extend into the foreground views of the home at 14 Acela Drive.

NO

YES

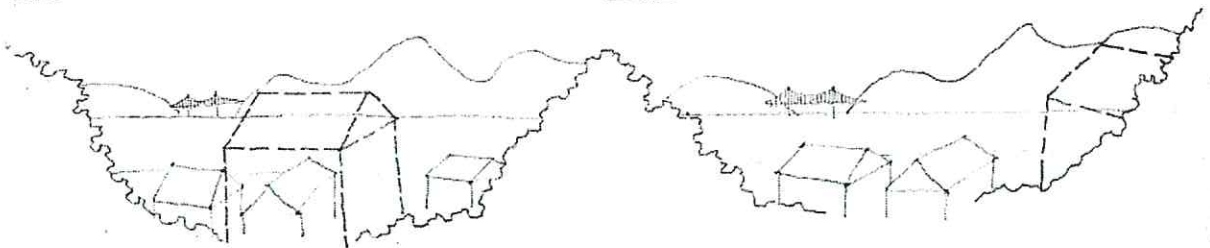


Goal 3, Principle 7 (C) of the Hillside Design Guidelines states that "blockage of center of [the] view [are] more damaging than blockage of [the] side of [the] view." The second story would intrude into the center of the view from the home at 14 Acela Drive and the side of the views from the home at 16 Acela Drive.

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

NO

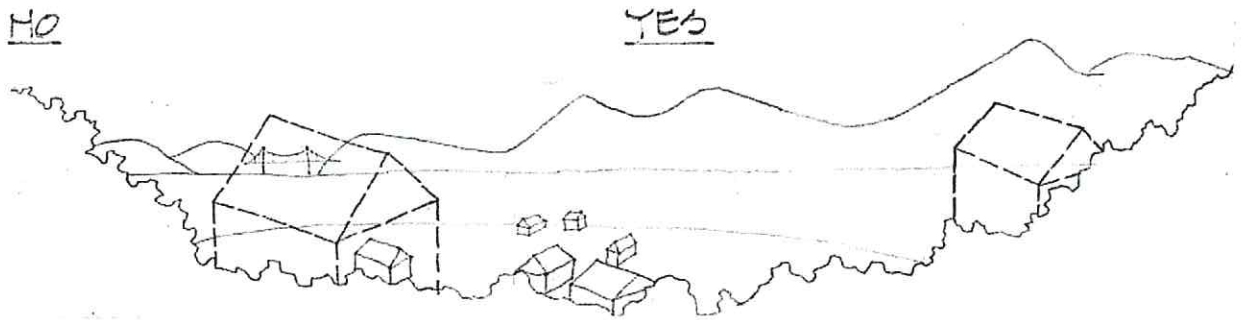
YES



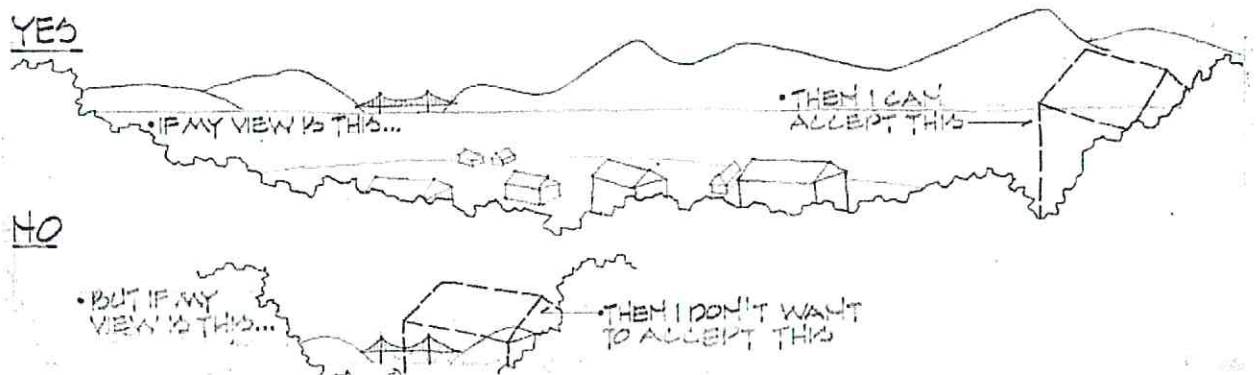
• PROPOSED STRUCTURE
BLOCKS CENTER OF VIEW

• 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 second story would block almost all views of the Belvedere Lagoon from the living room and adjacent deck of the home at 14 Acela Drive. The second story would intrude into Golden Gate Bridge views from one bedroom and eliminate downtown San Francisco views from another bedroom of the home at 16 Acela Drive.



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." Both homes at 14 & 16 Acela Drive have relatively panoramic views that run from San Francisco to Mt. Tamalpais.



The proposed rooftop deck would face almost directly toward the home at 16 Acela Drive and would be visible from several upstairs bedrooms and the corner of the master bedroom deck. The proximity of this deck and its large size would likely result in substantial visual and audible privacy impacts on this neighboring residence.

The Design Review Board is encouraged to view the story poles for the proposed second story addition from the homes at 14 & 16 Acela Drive.

Public Comment

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

RECOMMENDATION

The Design Review Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board agrees with staff's conclusions, the application should be continued to a future meeting and direction should be given to the applicant to revise the project design to lessen its impacts on neighboring residences and better comply with the Hillside Design Guidelines. If the Board

wishes to approve the application, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

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

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

17 ACELA DRIVE

FILE #DR2016002

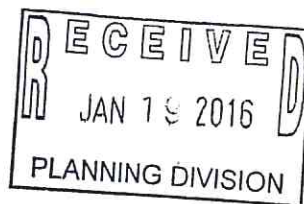
1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform with the application dated by the Town of Tiburon on January 19, 2016, or as amended by these conditions of approval. Any modifications to the plans of January 23, 2016 must be reviewed and approved by the Design Review Board.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
6. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
7. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact

(name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site

8. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
9. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
 - a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
 - b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.
 - c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.
10. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
11. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:
 - a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2
 - b. Approved carbon monoxide and smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
 - c. The vegetation on this parcel shall comply with the requirements of TFPD. CFC 304.1.2
12. The project shall comply with all requirements of the Richardson Bay Sanitary District.



TOWN OF TIBURON LAND DEVELOPMENT APPLICATION



TYPE OF APPLICATION

- | | | |
|--|--|---|
| ☐ Conditional Use Permit | ☒ Design Review (DRB) | ☐ Tentative Subdivision Map |
| ☐ Precise Development Plan | ☐ Design Review (Staff Level) | ☐ Final Subdivision Map |
| ☐ Secondary Dwelling Unit | ☐ Variance(s) _____ # | ☐ 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: 17 Acela Drive
PARCEL NUMBER: 058-231-16
PROPERTY SIZE: 26316 sq ft
ZONING: RO2

PROPERTY OWNER: Niraj and Nisha Shah
MAILING ADDRESS: 8232 Avalon
Mercer Island, WA 98040

PHONE/FAX NUMBER: 425-269-4805 **E-MAIL:** niraj@indigowind.com

APPLICANT (Other than Property Owner): Lindsay Massey Architect
MAILING ADDRESS: 2451 Slater Street
Santa Rosa, CA 95404

PHONE/FAX NUMBER: 707-579-8356 **E-MAIL:** L.massey.architect@gmail.com

ARCHITECT/DESIGNER/ENGINEER: See above
MAILING ADDRESS: _____

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

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

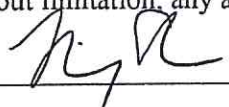
BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):

Second story addition to existing single family residence with roof deck on west side

Minor changes to existing doors and windows in existing home

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.

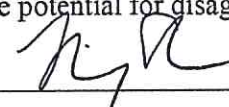
I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility 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: 2016-01-19

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: 2016-01-19

**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*

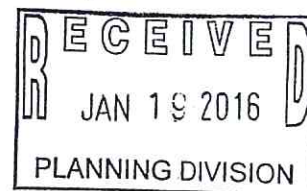
NOTICE TO APPLICANTS

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.: DR2016-002

GP Designation:

Fee Deposit: \$1325

Date Received: 1/19/2016

Received By: LS

Receipt #: R546

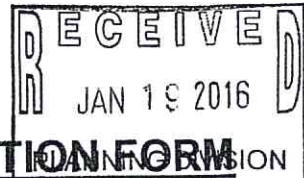
Date Deemed Complete: 2/10/16

By: DL

Acting Body:

Action:

Date:



DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

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

1. Briefly describe the proposed project: New 2nd story addition to existing residence
with roof deck on west side, minor changes to existing first floor: replace fireplace,
new / replacement windows and doors, including new multi-slide glass door to replace
two existing sliding glass doors.
2. Lot area in square feet (Section 16-100.020(L)): 26316
3. Square footage of Landscape Area: NA
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.
NA

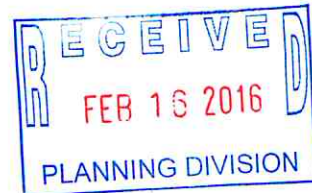
TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CAL- CULATED	PER ZONE
Yards (Setbacks from property line) (Section 16-100.020(Y))* Front	37 ft.	37 ft.	37 ft.	ft.	ft.
Rear	47.75 ft.	50.5 ft.	47.75 ft.	ft.	ft.
Right Side	41.25 ft.	52.75 ft.	41.25 ft.	ft.	ft.
Left Side	24 ft.	27.75 ft.	24 ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	10.5 ft.	27.25 ft.	27.25 ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B))*	4147 sq.ft.	0 NEW sq.ft.	4147 sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	16 %	0 %	16 %	%	%
Gross Floor Area (Section 16-100.020(F))*	2538 sq.ft.	2012.5 sq.ft.	4550.5 sq.ft.	sq.ft.	4631.6 sq.ft.

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

Lindsay Massey Architect
2451 Slater Street
Santa Rosa, CA 95404
T: 707.579.8356
F: 707.526.6550

January 15, 2016
Re: Design Review
Application
hand deliver
package

Town of Tiburon
Design Review Staff
1505 Tiburon Boulevard
Tiburon, CA 94920



Re: Addition to 17 Acela Drive

To Whom It May Concern:

The project we are bringing before you is to add a second story to the existing residence at 17 Acela Drive. The project also includes some minor changes, mainly in the form of replacing exterior windows and doors, to the existing house. While the project will add a good amount of square footage to the home, we have taken pains with the design to do so in a way that respects the neighboring properties, as well as provide a much improved aesthetic to the exterior.

The proposed second story is approximately 800 square feet less in size than the existing house footprint. We pushed the addition to the east where the existing geography and vegetation make the house virtually invisible from the street and neighbors. Note that the peak of the new roof is designed to be lower than the existing street-side trees and vegetation. The more exposed western end of the house is left as an open roof deck. With the existing sloped tile perimeter roof detail removed, this area will have even less bulk than existing.

In the case of any properties that can see the house from below, the neutral colors and natural materials will help to blend the home into the surrounding landscape and hillside, reducing its impact within the view of the hillside itself.

We will be placing story poles and discussing the project with the immediate neighbors prior to the board meeting.

Thanks you

Lindsay Massey



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

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

STAFF REPORT

To: Members of the Design Review Board

From: Community Development Department

Subject: **NOTICE OF CONTINUANCE**
180 Gilmartin Drive; File Nos. DR2015155 and VAR2016002;
Site Plan and Architecture Review for Construction of Additions to
Existing Single-Family Dwelling, with a Variance for Excess Lot
Coverage

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 March 17, 2016 Design Review Board meeting.