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

Regular Meeting
Design Review Board

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

PUBLIC HEARINGS & NEW BUSINESS

2. 4000 PARADISE DRIVE
File Nos. DR2016017/VAR2016005; Bruce and Donna Block, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for reduced front setback. The addition would extend to within 20 feet of the front property line, which is less than the 30 foot minimum front setback required in the RO-2 zone. Assessor's Parcel No. 039-091-09. [KO]

Documents: 4000 PARADISE DRIVE.PDF

3. 2 AUDREY COURT
File Nos. DR2015139/VAR2015021/FAE2015013; Arvand Sabetian, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling and secondary dwelling unit, with a Variance for excess lot coverage and a Floor Area Exception. The applicant proposes to add 1,649

square feet of additions to an existing single-family dwelling and secondary dwelling unit for a total of 5,279 square feet, which is 1,421 square feet greater than the 3,858 square foot floor area ratio for this lot. The project would result in 3,835.5 square feet (20.6%) of lot coverage, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Assessor's Parcel No. 058-231-10 [DW]

Documents: 2 AUDREY COURT.PDF

MINUTES

4. Regular Meeting Of April 7, 2016

Documents: DRAFT MINUTES.PDF

ADJOURNMENT

GENERAL PUBLIC INFORMATION

ASSISTANCE FOR PEOPLE WITH DISABILITIES

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

AVAILABILITY OF INFORMATION

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

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

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

PUBLIC HEARING ITEMS AND BUSINESS ITEMS

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

GENERAL PROCEDURE ON ITEMS AND TIME LIMIT GUIDELINES FOR SPEAKERS

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

speakers are:

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

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

ORDER AND TIMING OF ITEMS

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

NOTE: ALL DESIGN REVIEW BOARD MEETINGS ARE AUDIO RECORDED

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

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

DEFINITION

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

IDENTIFICATION OF LATE MAIL

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

POLICY

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

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

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

the following day at Noon.

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

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

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

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
April 21, 2016
Agenda Item: 2

STAFF REPORT

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

PROJECT DATA

ADDRESS:	**4000 PARADISE DRIVE**
OWNER:	**BRUCE AND DONNA BLOCK**
APPLICANT:	**JAMES SCOTT FLEMING (ARCHITECT)**
ASSESSOR'S PARCEL:	**039-091-09**
FILE NUMBERS:	**DR2016017 AND VAR2016005**
LOT SIZE:	**19,200 SQUARE FEET**
ZONING:	**R-O2 (RESIDENTIAL-OPEN)**
GENERAL PLAN:	**M (MEDIUM DENSITY RESIDENTIAL)**
FLOOD ZONE:	**X**
DATE COMPLETE:	**APRIL 11, 2016**

PROJECT DESCRIPTION

The applicant is requesting design review approval for construction of additions to an existing single-family dwelling, with a variance for reduced front setback, on property located at 4000 Paradise Drive. The property is currently developed with a 2,649 square foot two level, single-family dwelling with a detached 480 square foot carport.

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

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

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

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

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

Project Setting

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

ANALYSIS

Design Issues

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

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

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

Zoning

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

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

Variance Findings

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

   The 19,200 square foot lot size for this property is smaller than the minimum lot size required in the RO-2 zone. The lot also has an unusual shape and has been developed with the majority of the home uphill closer to the Paradise Drive, which results in a reduced amount of buildable area for the lot. The location, size, and surroundings constitute a special circumstance not generally applicable to other properties in the zone.

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

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

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

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

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

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

There would appear to sufficient evidence to support the findings for the variance requested for reduced front setback.

PUBLIC COMMENT

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

PRELIMINARY ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15301[Existing Facilities].

RECOMMENDATION

Staff recommends that the Board:

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) [Guiding Principles], Section 16-52.030 [Variance], and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. If the Board can make the appropriate findings to approve the project as proposed, it is recommended that the attached draft conditions of approval be applied.

Attachments:

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

Prepared by: Kyra O'Malley, Associate Planner

ATTACHMENT 1

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

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.

2. Construction shall conform to the application and plans dated by the Town of Tiburon on February 16, 2016, as amended by these conditions of approval. Any modifications to the plans dated April 11, 2016 must receive Design Review approval.

3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such un-approved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.

4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge, with defense counsel subject to the Town's approval. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.

5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.

6. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.

7. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.

8. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and

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

9. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.

10. All requirements of the Marin Municipal Water District shall be met, prior to issuance of a building permit.

11. All requirements of the Sanitary District No. 5 shall be met, prior to issuance of a building permit.

12. The project shall comply with the following requirements of the California Fire Code and the Tiburon Fire Protection District (TFPD):
    a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. (CFC 903.2)
    b. Approved smoke and carbon monoxide alarms shall be installed to provide protection to all sleeping areas. (CFC 907.2.10)
    c. The vegetation on this parcel shall comply with the requirements of TFPD and the recommendations of Fire Safe Marin (CFC 304.1.2).

RECEIVED
FEB 16 2016
PLANNING DIVISION

TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

- o Conditional Use Permit
- o Precise Development Plan
- o Secondary Dwelling Unit
- o Zoning Text Amendment
- o Rezoning or Prezoning
- o General Plan Amendment
- o Temporary Use Permit
- X Design Review (DRB)
- o Design Review (Staff Level)
- o Variance(s) 1 #
- o Floor Area Exception
- o Tidelands Permit
- o Sign Permit
- o Tree Permit
- o Tentative Subdivision Map
- o Final Subdivision Map
- o Parcel Map
- o Lot Line Adjustment
- o Condominium Use Permit
- o Seasonal Rental Unit Permit
- o Other

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 4000 Paradise Drive **PROPERTY SIZE:** 73990 SF
PARCEL NUMBER: 039-091-09-00 **ZONING:** RO-2

PROPERTY OWNER: Bruce & Donna Block
MAILING ADDRESS: 4000 Paradise Dr.
Tiburon, CA 94920
PHONE/FAX NUMBER: 415 789 0374 E-MAIL:

APPLICANT (Other than Property Owner): James Scott Fleming - Architect
MAILING ADDRESS: 1700 LeRoy Ave #4
Berkeley, CA 94709
PHONE/FAX NUMBER: 619 7435770 E-MAIL: SFLEMINGAIA@AOL.COM

ARCHITECT/DESIGNER/ENGINEER James Scott Fleming *
MAILING ADDRESS: 1700 LeRoy Ave #4
Berkeley, CA 94709
PHONE/FAX NUMBER: 619 7435770 E-MAIL: SFLEMINGAIA@AOL.COM

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

BRIEF DESCRIPTION OF PROPOSED PROJECT (*attach separate sheet if needed*):
568 SF Addition To Exist. 2640 SF Residence

Variance Req'd For N. End Closet Expansion
For Front Setback

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

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

Signature:* [signature] Date: 2/2/16 *

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

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

Signature:* [signature] Date: 2/2/16 *

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

NOTICE TO APPLICANTS

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

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

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

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

RECEIVED
FEB 16 2016
PLANNING DIVISION

DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION

Application No.: DR2016-017/VAR2016-005 **GP Designation:** **Fee Deposit:** $1395
Date Received: 2/16/16 **Received By:** LS **Receipt #:** R1693/R1694
Date Deemed Complete: 4/12/16 **By:** KD.
Acting Body: **Action:** **Date:**
Conditions of Approval or Comments:_____ **Resolution or Ordinance #** _____

MINOR ALTERATION SUPPLEMENT

RECEIVED
APR 12 2016
PLANNING DIVISION

Please fill in the information requested below:

1. Briefly describe the proposed project (attach separate sheet as needed): 568 S.F. ADDITION TO FIRST & LOWER FLOOR OF EXISTING RESIDENCE, INCLUDING EXPANDED KITCHEN, ADDED SUNROOM AND EXPANDED CLOSET AREAS. ALL EXTERIOR FINISHES & COLORS TO MATCH EXISTING.

2. Lot area in square feet (Section 16-100.020(L))*: 19200 Zoning: RO-2

3. Square footage of Landscape Area: 16413 SF + 500 UNDER UPPER DECK.

4. Proposed use of site (example: single family residential, commercial, etc.):
   Existing SFR
   Proposed SFR

5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.
   NO CHANGES

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	22 ft.	20 ft.	20 ft.	ft.	ft.
Rear	27 ft.	25 ft.	25 ft.	ft.	ft.
Right Side	113 ft.	108 ft.	108 ft.	ft.	ft.
Left Side	ft.	ft.	ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	27 ft.	24 ft.	(ADDITION) 24 ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B))*	2138 sq.ft.	1,36 sq.ft	2774 sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	12,5 %	.02 %	14,5 %	%	%
Gross Floor Area (Section 16-100.020(F))*	3327 sq.ft.	568 sq.ft.	3895 sq.ft.	sq.ft.	sq.ft.

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

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

RECEIVED
APR 12 2016
PLANNING DIVISION

LOWER FLOOR PLAN
1/4" = 1'-0"

SITE AREA 19,200 SF
TOTAL COVERAGE: 2787 SF = 14%

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

JAMES SCOTT FLEMING AIA
ARCHITECTURE PLANNING GRAPHICS
1700 LE HOY AVENUE, EL SUBALLEY, CA 94709
TEL 510 710 5770 SCOTTEST@COX.NET

REGISTERED ARCHITECT
JAMES SCOTT FLEMING
No. C15497
EXP. 03-2017
STATE OF CALIFORNIA

BLOCK RESIDENCE ADDITION

REVISIONS

DATE DECEMBER, 2014

TITLE

SHEET

CV-1

RECEIVED
FEB 16 2016
PLANNING DIVISION

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?

Condition	Zoning Requirement	Existing Condition	This Application Proposes	Magnitude Of Variance Requested
Front Yard Setback	30'	22	20	10'
Rear Yard Setback				
Left Side Yard Setback				
Right Side Yard Setback				
Lot Coverage				
Height				
Parcel Area Per Dwelling Unit				
Usable Open Space				
Parking				
Expansion of Nonconformity				

Other (Please describe): _____

JAMES SCOTT FLEMING,AIA- ARCHITECT

RECEIVED
FEB 16 2016
PLANNING DIVISION

February 9, 2016

Block Residence Addition
4000 Paradise Drive

FINDINGS FOR PROPOSED VARIANCE FOR FRONT YARD SETBACK

1. SPECIAL CIRCUMSTANCES

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

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

2. SPECIAL PRIVILAGE

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

See next page:

1700 LE ROY AVENUE, #4 BERKELEY, CA 94709

3152 GRAPE STREET, SAN DIEGO, CA 92102 (619) 743 5770

SITE CONFIGURATION/PRACTICAL DIFFICULTY

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

NOT DETRIMENTAL

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

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

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

STAFF REPORT

To:	**Members of the Design Review Board**
From:	**Planning Manager Watrous**
Subject:	**2 Audrey Court; File Nos. DR2015139, VAR2015021 & FAE2015013; Site Plan and Architectural Review for the Construction of Additions to an Existing Single-Family Dwelling, with a Variance for Excess Lot Coverage and a Floor Area Exception**
Reviewed By:	_____

PROJECT DATA

ADDRESS:	**2 AUDREY COURT**
OWNER:	**ARVAND SABETIAN**
APPLICANT:	**MASSEY SABETIAN (CIVIL ENGINEER)**
ASSESSOR'S PARCEL:	**058-231-10**
FILE NUMBERS:	**DR2015139/VAR2015021/FAE2015013**
LOT SIZE:	**18,580 SQUARE FEET**
ZONING:	**RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)**
GENERAL PLAN:	**M (MEDIUM HIGH DENSITY RESIDENTIAL)**
FLOOD ZONE:	**X**
DATE COMPLETE:	**MARCH 16, 2016**

PRELIMINARY ENVIRONMENTAL DETERMINATION

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

PROJECT DESCRIPTION

The applicant is requesting Design Review approval for the construction of additions to an existing single-family dwelling on property located at 2 Audrey Court. The existing three-story building includes a single-family dwelling and a secondary dwelling unit.

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

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

The floor area of the property would be increased by 1,649 square feet to a total of 5,279 square feet, which is 1,421 square feet greater than the 3,858 square foot floor area ratio for this site. The applicant has therefore requested a floor area exception. The proposal would increase the lot coverage on the site by 1,374.5 square feet to a total of 3,835.5 square feet (20.6%), which is greater than the 15.0 % maximum lot coverage permitted in the RO-2 zone. As a result, a variance is requested for excess lot coverage.

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The additions to the structure would be finished with similar materials to the existing house, including beige stucco siding, white trim and red tile roofing.

PROJECT SETTING

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

BACKGROUND

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

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

ANALYSIS

Design Issues

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

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

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

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

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

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

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

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

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

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

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

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

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

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-2 zone, with the exception of the requested variance for excess lot coverage and the floor area exception.

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

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

   The 18,580 square foot size of the lot is somewhat smaller than the 20,000 square foot minimum lot size required in the RO-2 zone, but is similar in size to many of the lots in the surrounding Marinero subdivision. The lot is relatively level and roughly rectangular. Staff does not believe that these physical characteristics would create special circumstances that would deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones if the maximum lot coverage requirement is strictly applied.

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

Numerous other properties in the RO-2 and similar zones have been granted variances for excess lot coverage. However, in most instances such variances are granted to prevent adding upward to an existing house and are usually not accompanied by a floor area so far above the floor area ratio for the site. Therefore, the requested variance would appear to be a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.

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

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

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

   As noted above, the proposed project would create view and other visual impacts for other homes in the vicinity.

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

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

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

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

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

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

Public Comment

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

CONCLUSION

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

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

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

RECOMMENDATION

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

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

ATTACHMENTS

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

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

2 AUDREY COURT

FILE #DR2015139/VAR2015021/FAE2015013

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.

2. Construction shall conform with the application dated by the Town of Tiburon on November 2, 2015, or as amended by these conditions of approval. Any modifications to the plans of March 8, 2016 must be reviewed and approved by the Design Review Board.

3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.

4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.

5. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.

6. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.

7. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact

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

8. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.

9. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:

    a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.

    b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.

    c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.

10. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.

11. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:

    a. The automatic fire sprinkler system shall be modified to properly protect the new and remodeled areas. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. Due to the size of the structure, the system shall be designed to meet NFPA 13R standards. CFC 903.2

    b. Approved carbon monoxide and smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10

    c. The vegetation on this parcel shall comply with the requirements of TFPD. CFC 304.1.2

12. The project shall comply with all requirements of the Richardson Bay Sanitary District.

RECEIVED
NOV 02 2015
PLANNING DIVISION

TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

- o Conditional Use Permit
- o Precise Development Plan
- o Secondary Dwelling Unit
- o Zoning Text Amendment
- o Rezoning or Prezoning
- o General Plan Amendment
- o Temporary Use Permit
- X Design Review (DRB)
- o Design Review (Staff Level)
- X Variance(s) 1 #
- X Floor Area Exception
- o Tidelands Permit
- o Sign Permit
- o Tree Permit
- o Tentative Subdivision Map
- o Final Subdivision Map
- o Parcel Map
- o Lot Line Adjustment
- o Condominium Use Permit
- o Seasonal Rental Unit Permit
- o Other_____

APPLICANT REQUIRED INFORMATION

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

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

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

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

PHONE/FAX NUMBER: 650-492-1241 E-MAIL: ksnakashima@gmail.c

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

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

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

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

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

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

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

Signature:* _____ Date: 11/2/2015

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

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

Signature:* _____ Date: 11/2/2015

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

NOTICE TO APPLICANTS

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

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

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

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

RECEIVED
NOV 02 2015
PLANNING DIVISION

DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION

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

RECEIVED
NOV 02 2015
PLANNING DIVISION

DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

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

1. Briefly describe the proposed project:
   Addition of 2 bedrooms
   Reconfiguring of secondary dwelling unit
   Extension of living room
   Non-bearing wall removals/reconfigurations

2. Lot area in square feet (Section 16-100.020(L)): 18548 SF

3. Square footage of Landscape Area: NA (non-building area 15905 SF)

4. Proposed use of site (example: single family residential, commercial, etc.):
   Existing SFR + SDU
   Proposed SFR + SDU

5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.
   New Garage for 2 parking spots - Old Garage space being converted to living space
   2 Side Parking (for SDU)

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

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

records show: 17550

RECEIVED
NOV 02 2015
PLANNING DIVISION

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

APPLICATION FOR VARIANC

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

WHAT VARIANCE(S) ARE YOU REQUESTING?

Condition	Zoning Requirement	Existing Condition	This Application Proposes	Magnitude Of Varianc Requested
Front Yard Setback				
Rear Yard Setback				
Left Side Yard Setback				
Right Side Yard Setback				
Lot Coverage	15% Max	13.2%	17.7%	2.7 ~~4.5~~%
Height				
Parcel Area Per Dwelling Unit				
Usable Open Space				
Parking				
Expansion of Nonconformity				
Other (Please describe):				
Floor Area Exception	3855 SF	3493 SF	5021 SF	1166

RECEIVED
NOV 02 2015
PLANNING DIVISION

Variance

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

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

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

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

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

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

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

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

Floor Area Exception

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

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

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

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

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

RECEIVED
NOV 02 2015
PLANNING DIVISION

#2

#4

RECEIVED
MAR 08 2016
PLANNING DIVISION

#1

#3

#6

(E)
Juniperus
to be removed
03/02/2016

#8

03/02/2016

#5

03/02/2016

#7

03/02/2016

#10

03/02/2016

#12

Thuja sp.
To be removed
03/02/2016

#9

03/02/2016

#11

03/02/2016

#14

#16

#13

#15

#18

#20

#17

#19

#23

#21

#24

#22

11 APRIL 16

TO DANIEL WATROUS
PLANNING MANAGER
TOWN OF TIBURON

RECEIVED
APR 12 2016
PLANNING DIVISION

FROM KATHLEEN & MICHAEL KING
6 AUDREY COURT, TIBURON

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

DAN

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

THANK YOU FOR YOUR COURTESY

Kathleen King

MK

RECEIVED
APR 13 2016
PLANNING DIVISION

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

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

April 12, 2016

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

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

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

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

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

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

Thank you for your attention to this matter.

Mark Casillas
Enclosures

RECEIVED
APR 13 2016
PLANNING DIVISION

Dan Watrous

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

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

Regards
Nancy Todes-Taylor MD

Sent from my iPhone

Begin forwarded message:

> **From:** Nancy Todes Taylor <aussiestay@aol.com>
> **Date:** April 13, 2016 at 5:20:41 PM PDT
> **To:** destroys@townoftiburon.org
> **Subject: 2 Audrey Ct proposed Addition and roofline**
>
> To Mr. Watrous,
>
> I have lived at 23 MeadowHill Dr Tiburon for over 25 years .
> I am now writing to you to notify you of our objection to the proposed construction of 2 Audrey Ct. Although we are beyond 300 ft from the property the proposed construction as marked by the story poles directly impedes our water bay view
> And has a significant deleterious effect on our overall outward view. The said property already a decade ago received a variance which took away part of our bay view without any consultation on our part.
> This subsequent proposal is totally out of character of the
> Neighborhood and presents a significant unwarranted obstruction of SF Bay view and should not be approved.
>
> Thank you.
>
> Dr.Nancy Todes-Taylor
> 23 MeadowHill Dr
> Tiburon
>
> April 13,2016
>
> Sent from my iPhone

MINUTES #5
TIBURON DESIGN REVIEW BOARD
MEETING OF APRIL 7, 2016

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

A. ROLL CALL

Present: Chair Tollini (arrived late), Vice Chair Kricensky, Boardmembers Cousins and Emberson

Absent: Boardmember Chong

Ex-Officio: Planning Manager Watrous, Associate Planner O'Malley and Minutes Clerk Rusting

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING

Planning Manager Watrous stated that the item for 4000 Paradise Drive was continued to the April 21, 2016 meeting.

D. NEW BUSINESS

2. **4000 PARADISE DRIVE:** File Nos. VAR2016005/DR2016017; Bruce and Donna Block, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for reduced front setback. The addition would extend to within 20 feet of the front property line, which is less than the 30 foot minimum front setback required in the RO-2 zone. Assessor's Parcel No. 039-091-09. **CONTINUED TO APRIL 21, 2016**

3. **47 SOUTHRIDGE WEST:** File Nos. VAR2016006/VAR2016007/DR2016025; Geoff and Marjorie Baylor, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with Variances for reduced side setback and excess lot coverage. The applicant proposes to add 466 square feet of additions to an existing single-family dwelling. The addition would extend to within 9 feet, 8 inches of the side property line, which is less than the 12 foot minimum side setback required in the RO-2 zone. The project would result in 2,644 square feet (17.1%) of lot coverage, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Assessor's Parcel No. 059-400-10

The applicant is requesting Design Review approval for the construction of additions to an existing single-family dwelling on property located at 47 Southridge West. The living room, dining room and master bedroom would be expanded on the upper floor and the existing upper level deck would be expanded to align with the dining room and living room walls. The family

room and entry would be expanded on the lower floor and a new exercise room would be created. The roof over the eastern portion of the house would be removed and reconfigured, increasing the maximum roof height by more than a foot. A trellis would be attached to the side of the entry. A new stairway would lead from the lower level deck to the rear yard. An existing spa to the rear of the house would be relocated and a fire pit and several sections of new fencing would be installed.

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

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

Jared Polsky, architect, said that this project presented design challenges with the entry, stairway to the living room and the façade. He stated that they plan to raise the front walkway, re-landscape the front entry stairs, add another gable, and add south facing windows and trellises to the façade. He explained the side setback variance for expanding the existing deck that protrudes into the setback and the lot coverage variance needed because the lot is sloping and it is undersize. He said that the additions would not affect any neighbors, and all neighbors have signed off or written letters of support for the project.

Marjorie Baylor stated that they have lived at the house for 23 years and were informed by a realtor that her house had no curb appeal, and that is what started this process. She said that the entry staircase has been a problem and she believed that the changes would enhance the home.

There were no public comments.

Boardmember Emberson said that the project was within reason and that staff wrote a great report. She agreed with the variance findings proposed by staff and supported the project.

Boardmember Cousins agreed with Boardmember Emberson and stated that the deck was appropriate for the scale of the project, and that the stairway change would not affect other surrounding properties. He felt that they did a good job of working with the existing building.

Vice-Chair Kricensky agreed with the other Boardmembers and said that the fenestration would actually reduce the overall mass of the house. He agreed with the findings in the staff report.

ACTION: It was M/S (Emberson/Cousins) that the request for 47 Southridge West is exempt from the California Environmental Quality Act and to approve the request, subject to the attached conditions of approval. Vote: 3-0.

E. APPROVAL OF MINUTES #3 OF THE MARCH 3, 2016 DESIGN REVIEW BOARD MEETING

Boardmember Emberson requested the following change on Page 5, 1st paragraph: "…basement did so in this design" should be changed to "…basement and they did so in this design."

ACTION: It was M/S (Emberson/Cousins) to approve the minutes of the March 3, 2016 meeting, as amended. Vote: 3-0.

F. APPROVAL OF MINUTES #4 OF THE MARCH 17, 2016 DESIGN REVIEW BOARD MEETING

Boardmember Emberson noted following corrections:

Page 2, 1st paragraph: "The lot coverage of proposed house…" line 4 should be corrected to "The lot coverage of the proposed task."

Page 7, 1st paragraph: "…photo-simulation of what the existing…" should be corrected to "…photo-simulation of the existing…"

ACTION: It was M/S (Emberson/Cousins) to approve the minutes of the March 17, meeting, as amended. Vote: 3-0.

Boardmember Emberson recused herself from the following item and Chair Tollini arrived to the meeting.

G. OLD BUSINESS

1. **681 HAWTHORNE DRIVE:** File No. DR2015151; Bahram Seyedin-Noor and Maysa Namakian, Owners; Site Plan and Architectural Review for construction of a new single-family dwelling. The applicant proposes to construct a new 2,850 square foot house with 2,880 square feet (29.9%) of lot coverage. Assessor's Parcel No. 059-091-55.

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

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

views for the uphill neighbors and continued the project to the April 7, 2016 Design Review Board meeting.

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

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

Jared Polsky, architect, stated that at the last hearing they asked for a lot coverage variance and a higher and larger house than they are now. He said that they trimmed the house footprint and no longer required a lot coverage variance, and also reduced the floor area of the house by 100 square feet, lowered the house and redesigned the front gable. He described how the roofline was lowered in various areas. He said that the front terrace was 17.5 feet further back from the street than it was in the original design. He summarized that they were not asking for any variances, were below the height limit, and would not block any views.

The public hearing was opened.

Marianna Longstreth stated that she lives next door and she fully supported the application.

John Hermansky said that this was a nice design. He appreciated the reduction in the floor area and the height of the house and felt that keeping it to one level would make it more visually comfortable. He also appreciated the landscaping.

The public hearing was closed.

Vice-Chair Kricensky said that the changes addressed the Board's previous concerns regarding the amount of glass and the height. He noted that stretching the house from setback to setback is acceptable on this particular property because it is a larger, shallow lot. He supported the project.

Boardmember Cousins agreed with Vice-Chair Kricensky and said that the reduction of the roof was significant and setting the house back from the street went a long way toward addressing his concerns.

Chair Tollini said when he visited the site and saw the story poles it appeared to be a more substantial change from the last meeting than he expected. He believed that the house would fit in with the neighborhood and he supported the project.

ACTION: It was M/S (Kricensky/Cousins) that the request for 681 Hawthorne Drive is exempt from the California Environmental Quality Act and to approve the request, subject to the attached conditions of approval. Vote: 3-0 (Emberson recused).

H. ADJOURNMENT

The meeting was adjourned at 7:35 p.m.