



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

Regular Meeting
Design Review Board
December 15, 2016
7:00 p.m.

AGENDA
TIBURON DESIGN REVIEW BOARD

CALL TO ORDER AND ROLL CALL

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

ORAL COMMUNICATIONS

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

STAFF BRIEFING (If Any)

PUBLIC HEARINGS & NEW BUSINESS

65 MERCURY AVENUE: File Nos. DR2016096 & VAR2016031

Emir Keye and Karen Ripenburg, Owners; Site Plan and Architecture Review for construction of additions to an existing single-family dwelling, with a Variance for reduced front setback. The project would add 990 square feet to the existing house, resulting in a total floor area and lot coverage of 2,002 square feet (26.0%). The front setback would be 9 feet, 9 inches in lieu of the minimum 15 feet. Assessor's Parcel No. 034-281-33. [DW]

Documents:

[65 MERCURY AVENUE REPORT AND EXHIBITS.PDF](#)

ACTION ITEMS

138 STEWART DRIVE: File Nos. DR2016130 & FAE2016014

The Quadratura Living Trust, Owner; Site Plan and Architecture Review for

construction of a new single-family dwelling, with a Floor Area Exception. The floor area of the proposed house would be 3,773 square feet, which would be 462 square feet greater than the maximum floor area allowed for a lot of this size. Assessor's Parcel No. 055-091-16. [DW]

Documents:

[138 STEWART DRIVE REPORT AND EXHIBITS.PDF](#)

262 CECILIA WAY: File No. DR2016143

Gerard Suyderhoud and Elizabeth Cha, Owners; Site Plan and Architecture Review for conversion of a garage into living space for an existing single-family dwelling. The project would convert an existing 241 square foot garage into living space, resulting in a total floor area of 2,140 square feet. Assessor's Parcel No. 034-212-05. [KO]

Documents:

[262 CECILIA WAY REPORT AND EXHIBITS.PDF](#)

MINUTES

Consider adoption of minutes of meeting of December 1, 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
December 15, 2016

Agenda Item: **1**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 65 Mercury Avenue; File Nos. DR2016096/VAR2016031; Site Plan and Architecture Review for Construction of Additions to an Existing Single-Family Dwelling, with a Variance for Reduced Front Setback

Reviewed By: _____

PROJECT DATA

ADDRESS: 65 MERCURY AVENUE
OWNER: EMIR KEYE AND KAREN RIPENBURG
APPLICANT: DIABLO VALLEY DRAFTING
ASSESSOR'S PARCEL: 034-281-03
FILE NUMBERS: DR2016096/VAR2016031
LOT SIZE: 7,700 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: MH (MEDIUM HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: NOVEMBER 15, 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 65 Mercury Avenue. An addition to the front of the house would create a new master bedroom suite. The existing porch would be enclosed to create a new great room. The existing garage would be converted to living space to expand the existing kitchen and dining room and create a new guest room and bathroom. A 6 foot tall wood fence would extend along the front and left side property lines.

The floor area of the house would increase by 990 square feet to a total of 2,002 square feet, which is 768 square feet less than the floor area ratio for a lot of this size. The proposed house would cover 2,002 square feet (26.0%) of the site, which is less than the 30.0% maximum lot coverage permitted in the R-1 zone.

The proposed addition would extend to within 9 feet, 9 inches of the front property line. As a 15 foot front setback is required in the R-1 zone, a variance is therefore requested for reduced front setback.

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 dark grey colored siding with white trim and grey asphalt single roofing.

PROJECT SETTING



The subject property is generally along the perimeter of the Belveron East neighborhood. The lot is generally flat, but slopes up gradually from the street and is situated at an elevation slightly below the properties to the rear along Venus Court.

ANALYSIS

Design Issues

The ridgeline of the proposed front addition would be higher than the ridgeline of the existing house. This increased height, combined with the reduced front setback the slope up from the street, would make the façade of the addition appear larger when viewed from the street. The Design Review Board should determine if the roofline of or other aspects of the addition design should be modified to lessen its visual prominence.

The application proposes the construction of a solid 6 foot tall wooden fence across most of the front property line. Although there are several similar fences in the vicinity, the predominant

development pattern of the Belveron East neighborhood consists of open yards with no or shorter fences. Staff recommends that the fence height be reduced along the front property line to be more consistent with the character of the surrounding neighborhood, and has included a condition of approval requiring this change.

The existing attached garage is slightly narrower than a two-car garage and the driveway leading to the garage is only wide enough to accommodate one vehicle. The applicants propose to convert the garage to living space and widen the driveway to accommodate two vehicles.

The Town of Tiburon has adopted a policy regarding the conversion of garages into living space. The Town's policy states "that a replacement garage or carport of equal or greater capacity be provided on the property" when an application is submitted to convert an existing garage into living space. However, a replacement garage or carport may not be required if all of the following criteria are met:

- 1. There is adequate space on the property to provide an improved but uncovered parking area of equal or greater capacity than that being converting, while meeting all setback requirements.**

A potential replacement garage/carport would extend approximately 8 feet into the required 15 foot front setback. The existing driveway would be widened to accommodate two off-street parking spaces.

- 2. There is adequate screening of that parking area provided as part of the proposal, either by a structure, trellis, existing and/or proposed landscaping, lattice or other means.**

The open parking spaces on the driveway would not appear to be screened by existing or proposed landscaping. Most parking spaces in front of previously approved converted garages are similarly open and unscreened.

- 3. There is an adequate, screened storage area provided for items typically stored in a garage or carport (i.e. gardening equipment, bicycles, etc.).**

No new enclosed storage space is proposed as part of this application, but there is adequate space in the rear of the lot for screened storage area.

- 4. The proposal allows for the future construction of a replacement garage or carport in a credible location on the property without the need for Variance (i.e. a future garage or carport would conform to all zoning requirements regarding setbacks, lot coverage, height limits, etc.).**

As noted above, a potential replacement for the garage would encroach approximately 8 feet into the required front yard setback.

The subject property does not contain adequate space to construct a replacement garage space while meeting the required setbacks. There is adequate space in the rear of the lot for screened storage area. The application does not appear to comply with all four criteria stated above, but the Board has historically approved such garage conversions in neighborhoods with adequate on-street parking and where many other, older homes have previously converted garage spaces. Although these conditions are most predominant in the Bel Aire neighborhood, similar situations also exist in the Belveron East neighborhood.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-1 zone, with the exception of the requested variance for reduced front setback. As noted above, the proposed garage conversion would not be in conformance with Town's policy for garage conversions.

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

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

The subject property is substantially smaller than the 10,000 square foot minimum lot size required in the R-1 zone and is located in the Belveron East subdivision where two-story homes have been problematic. These characteristics are special circumstances applicable to this property whereby the strict application of the front setback requirement would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity.

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

Numerous other properties in the R-1 or similar zones have received variances for reduced front setbacks for additions to maintain one-story home designs.

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

The strict application of the front setback requirement for this property would require additions that would either much of the desirable rear yard area or force the proposed house to add an upper

story of living area which would be incompatible with the character of the surrounding neighborhood, and therefore would create a practical difficulty for the applicant.

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

The proposed project would not create substantial view or privacy impacts for other homes in the vicinity.

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

Public Comment

As of the date of this report, 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 finds the design to be acceptable and in conformance with the Town's policy regarding garage/carport conversions, Staff recommends 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

65 MERCURY AVENUE

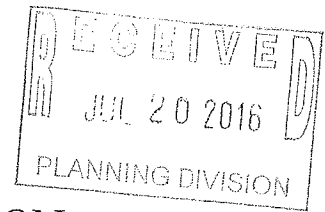
FILE #DR2016096/VAR2016031

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 July 20, 2016, or as amended by these conditions of approval. Any modifications to the plans of November 10, 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. 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.
10. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
 - a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
 - b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.
 - c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.
 - d. A drainage plan shall be provided prior to issuance of building permits, showing existing and new drainage features and their location of dispersal. No lot-to-lot drainage is allowed except where easements for drainage are provided. No drainage shall discharge across sidewalks.
13. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD, including, but not limited to, the following:
 - a. A High Pressure Water Service application shall be completed.
 - b. A copy of the building permit for this project shall be submitted.
 - c. Appropriate fees and charges shall be paid.
 - d. The structure's foundation shall be completed within 120 days of the application.

- e. The project shall comply with all indoor and outdoor requirements of District Code Title 13 (Water Conservation). Plans shall be submitted and reviewed to confirm compliance. The following items are required:
 - 1. Verification of indoor fixtures compliance.
 - 2. Landscape plan.
 - 3. Irrigation plan.
 - 4. Grading plan.
 - f. Compliance with the backflow prevention requirements, if, upon the District's review backflow protection is warranted, including installation, testing and maintenance.
 - g. Compliance with District requirements for installation of gray water recycling systems.
14. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:
- a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. This requirement shall be noted on plans submitted for building permits. 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
15. The project shall comply with all requirements of the Richardson Bay Sanitary District.
16. The proposed wooden fence shall be lowered to a maximum height of 42 inches within the required front setback.



TOWN OF TIBURON LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

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

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 65 Mercury Ave PROPERTY SIZE: 7,700 ft²
PARCEL NUMBER: 034-281-33 ZONING: R1

PROPERTY OWNER: *Emir Keye and Karen Ripenburg
MAILING ADDRESS: 65 Mercury Ave
Tiburon, CA 94920
PHONE/FAX NUMBER: (415) 889-5407 E-MAIL: emirkeye@gmail.com

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

PHONE/FAX NUMBER: _____ E-MAIL: _____

ARCHITECT/DESIGNER/ENGINEER Dennis and Matt Foster,

MAILING ADDRESS: Diablo Valley Drafting

425 El Pintado Rd, Suite 190

Danville, CA 94526-1804

PHONE/FAX NUMBER: (925) 838-2859 E-MAIL: dfoster@caprecut.com

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

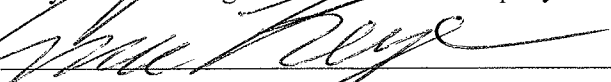
BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):

Add two additions that total 612 ft² off the two front gables
and convert 396 ft² garage into finish space. Existing 1,012 ft²
3 bed / 1 bath home with 396 ft² garage would become 2,020 ft²
4 bedroom and 3 bathroom house with no garage. 20' long and
18'2" wide driveway will accommodate two cars.

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

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

Signature: *



Date:

6/15/16

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: *



Date:

6/15/16

**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*

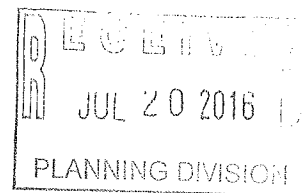
NOTICE TO APPLICANTS

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



DO NOT WRITE BELOW THIS LINE

VAR2016-0312-032 DEPARTMENTAL PROCESSING INFORMATION

Application No.: DR2016096

GP Designation:

Fee Deposit: R157/R15775

Date Received: 7/20/16

Received By: LS

Receipt #: 2225

Date Deemed Complete: 6/15/16

By: DW

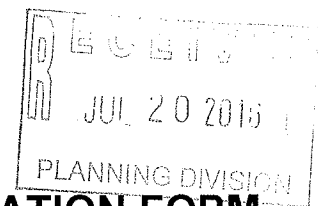
Acting Body:

Action:

Date:

Conditions of Approval or Comments:

Resolution or Ordinance #



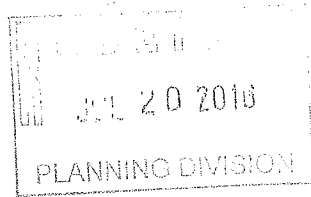
DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

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

1. Briefly describe the proposed project: Add two extensions that total 612 ft² off the two front facing gables and convert 396 ft² garage into finished space. Existing 1012 ft² house (3 bedroom, 1 bathroom) with 396 ft² would become 2,020 ft² 4 bedroom, 3 bathroom house with no garage. Driveway will be wide enough to accommodate two vehicles side by side to replace garage converted to finished space.
2. Lot area in square feet (Section 16-100.020(L)): 7,700 ft²
Existing: 5,300 ft² landscaped / 2,400 ft² impervious
3. Square footage of Landscape Area: Proposed: 4,859 ft² landscaped / 4,859 ft² impervious
(inc. driveway, concrete paths and back yard)
4. Proposed use of site (example: single family residential, commercial, etc.):
Existing Single family residential
Proposed Single family residential (same)
5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.
Garage (existing two car garage, 396 ft²) will be converted to finished space and existing driveway would be widened from 14' to 18'-2" to accommodate two cars side by side. Driveway will be 20' long.

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	L-29'-7" C-32'-4" R-24'-9" ft.	L- +19'-7" C- 0' R- +14'-9" ft.	L-10'-0" C-32'-4" R-10'-0" ft.	ft.	ft.
Rear	55'-7" ft.	0' ft.	55'-7" ft.	ft.	ft.
Right Side	3'-11" ft.	0' ft.	3'-11" ft.	ft.	ft.
Left Side	10'-10" ft.	0' ft.	10'-10" ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	13'-8 1/2" ft.	0' ft.	13'-8 1/2" ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B))*	1,503 sq.ft.	+612 sq.ft.	2,115 sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	19.5 %	+7.9 %	27.5 %	%	%
Gross Floor Area (Section 16-100.020(F))*	1,012 sq.ft.	+1,008 sq.ft.	2,020 sq.ft.	sq.ft.	sq.ft.

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



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

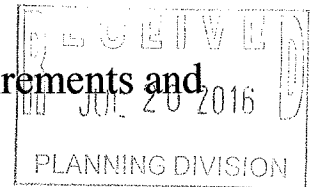
APPLICATION FOR VARIANCE

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

WHAT VARIANCE(S) ARE YOU REQUESTING?

<u>Condition</u>	<u>Zoning Requirement</u>	<u>Existing Condition</u>	<u>This Application Proposes</u>	<u>Magnitude Of Variance Requested</u>
Front Yard Setback	15'	24'9"	10'	5'
Rear Yard Setback	22'	55'7"	55'7"	—
Left Side Yard Setback	8'	10'10"	10'10"	—
Right Side Yard Setback	8'	3'11"	3'11"	4'1" (same as existing h)
Lot Coverage	—	—	—	—
Height	—	—	—	—
Parcel Area Per Dwelling Unit	—	—	—	—
Usable Open Space	—	—	—	—
Parking	—	—	—	—
Expansion of Nonconformity	—	—	—	—
Other (Please describe):	—	—	—	—
	—	—	—	—
	—	—	—	—

65 Mercury Ave Variance Request Application Requirements and Required Findings Supporting Evidence



Ownership: Emir Keye and Karen Ripenburg, 65 Mercury Ave, Tiburon, CA 94920
(property owners)

Parcel Description: APN# 034-281-33, property is 7700 sq ft lot with 1,012 sq ft, 3
bedroom/1 bathroom home in Belveron East neighborhood of Tiburon

- (1) The special circumstances that apply to property that cause a strict application of the zoning regulation to deprive our family of privileges enjoyed by other properties is centered on the historical Belveron East precedents of variances allowed our direct immediate neighbor as well as of other houses in the neighborhood. The variances to the front and side setbacks we are requesting are already in place for our immediate neighbors to an equal or greater degree than our request. Moreover, since second story additions are not permitted in the Belveron East neighborhood, practically speaking, we would like to extend our home to increase its finished square footage from its current 1,012 sq ft to a proposed 2,020 sq ft to better accommodate our family of four and frequent visiting close relatives. We are working off of a limited budget and our remodel achieves an efficient expansion of square footage within our budget and material cost savings by limiting the opening up of the exterior of the house and roof beyond extending the current front gables. Finally, we would also like to be able to maintain our full backyard greenspace, a space upon which our family places a very high value in its use. The greenspace has a diverse number of tree and plant species, and in addition to us, many species of animals use the space. We feel it would be a shame to need to reduce the size of that backyard space to achieve the desired expansion, beyond the pure cost efficiencies achieved through the proposed remodel plan.

For the above reasons, we are asking for a front variance to a ten foot setback (as opposed to the fifteen foot setback allowed without variance) to expend the two front facing gable additions to line up parallel with the granted variance front of house expansion granted to our immediate neighbor to the left, whose addition extends their home to ten feet from the front property line. More precisely, their addition expends to between a few inches greater and a few inches shorter than ten feet from their front property line since their home is not oriented to be exactly parallel/perpendicular from their property lines, one of which is shared with us.

In terms of the right side setback, the original house was built in 1950 3'11" from the right side property line and 10'10" from the left side property line. That current house and its footprint stand today. Current variance free zoning for our neighborhood requires 8' side setback. The home to the left of ours is located even closer to our shared side property line than ours is on the other side-between 1'-11.5" and 3'-1". Moreover the front extension granted to that

homeowner maintains a distance from our shared property line of between 2'-1" to 2'-11.5" from our shared property line. These setbacks for the neighbor's original house and granted front extension are even closer to the side property side we share than the 3'-11" requested setback of our gable extension on the opposite side of our property. We are asking that our extension be allowed to follow the current gable roof line of the current original house located 3'-11" from the side property line for both financial and aesthetic reasons. Jogging the extension to be eight feet or even five feet from the side property would require a materially more complicated and expensive roof structure. The Tiburon fire department has seen the planned extension footprint and stated that the plan poses no problem to access to the rear of the home and therefore they have no objections.

In addition to the home to the left and our request to match variances already allowed that property, the property to the right also has side setback variances that have been permitted significantly closer to our shared property line than our side variance request. The garage of the home to the right has been converted to finished space, so the home has no garage. The home is 9'-7" from our shared property and currently extends as far as our existing garage. There is a decades-old grandfathered large structure in their backyard that is within one foot of our shared side yard border, far closer than our requested 3'-11" variance. The neighbor's backyard structure is not adjacent to any current or proposed structure on our side, so it does not present any fire control access risk. Both of these immediate two neighbors (63 and 67 Mercury Ave) have agreed to our proposed additions/garage conversion project with no objections.

- (2) For the reasons stated in the above response, the granting of the above front setback and right side setback variances would not result in special privilege that has already been granted to our immediate neighbors, as well as many neighbors who have completed remodel projects in the Belveron East neighborhood. The same applies to the garage conversion request.
- (3) The strict application of zoning requirements would result in the practical difficulty of requiring a jog in the extension of the front facing gable that would require a new roof system and complicated engineering structure for that roof. This would require a materially higher amount of financial resources and building time to construct falls outside of our financial budget for this remodel project. An extension out the front to the fifteen setback would minimize the amount of additional square footage available to add in the front. Given the practical ban on second stories in the neighborhood, the smaller front extensions would then require an additional back extension which would be very expensive in requiring the opening of a third exterior section of the home in order to meet our goals of building a sufficiently large 4 bedroom/3 bathroom home to comfortably accommodate our family and frequent extended immediate family guests. Extending the home exclusively in the rear of the home would take away our

much used and loved enclosed backyard which is a nature haven for us and many animals.

- (4) The public welfare would not be hurt and neither would other properties in the vicinity because the proposed remodel would fit into the shape and extent of preexisting remodels in the neighborhood that have been granted similar variances.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
December 15, 2016
Agenda Item: **2**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 138 Stewart Drive; File No. DR2016130 & FAE2016014; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling, with a Floor Area Exception

Reviewed By: _____

PROJECT DATA

ADDRESS: 138 STEWART DRIVE
OWNER: THE QUADRATURA LIVING TRUST
APPLICANT: POLSKY PERLSTEIN ARCHITECTS
ASSESSOR'S PARCEL: 055-091-16
FILE NUMBERS: DR2016130 & FAE2016014
LOT SIZE: 7,660 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: MH (MEDIUM HIGH RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: NOVEMBER 15, 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 to construct additions to an existing three-story single-family dwelling. As more than 50% of the house would be demolished as part of the project, the application has been classified as the construction of a new single-family dwelling.

The main level floor of the house would be expanded slightly in the front and rear, with portions removed from the existing kitchen as well, reconfiguring the rooms of the floor plan. The existing second floor office on the north side of the house would be demolished and a new second floor master bedroom suite and terrace would be constructed above the southern portion of the house. The existing basement level would be reconfigured into a den/game room with wet bar, bedroom

and bathroom. A new wooden fence would extend along portions of the front and south side property lines. Two new exterior HVAC units would be installed.

The proposal would decrease the floor area on the site by 69 square feet to a total of 3,773 square feet with a 545 square foot garage, which would be 462 square feet greater than the maximum floor area allowed for a lot of this size. A floor area exception is therefore required. The proposal would increase the lot coverage by 67 square feet to a total of 2,821 square feet (36.8%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. However, as the lot coverage would increase by less than 1.0%, a variance is not required for excess lot coverage.

The proposed colors and materials for the home include beige colored stucco and light to medium grey wood siding. Portions of the roof would consist of light grey gravel material and a portion would be a green roof. A color and materials board will be available at the meeting for review by the Board.

PROJECT SETTING



The subject property is situated on a relatively level site on the downhill side of Stewart Drive across the street from the intersection with Sonora Court. Mature vegetation extends along the rear and south side of the house.

ANALYSIS

Design Issues

The house would have a contemporary design with flat roof, eliminating the visual variety in the rooflines of the existing house. The highest point of the house would be 22 feet, 4 inches, 4.5 taller than the highest point of the upper level of the existing house.

The proposed project design would shift the upper level of the house from right to left when viewed from Stewart Drive and homes uphill from the site. The overall visual mass of the upper level of the building would be similar to that of the existing residence, but would be more heavily weighted to the left (south) side of the structure.

The proposed house would not appear to create any privacy issues for the homes on either side of the site. The two-story home to the south at 142 Stewart Drive is located at a higher elevation, but does not have any windows facing to the north toward the proposed dwelling. The home to the north at 134 Stewart Drive has a one-story profile when viewed from the street and is situated lower than the subject property. The elimination of the upper level on the north end of the house would lessen any visual impact on this adjacent residence.

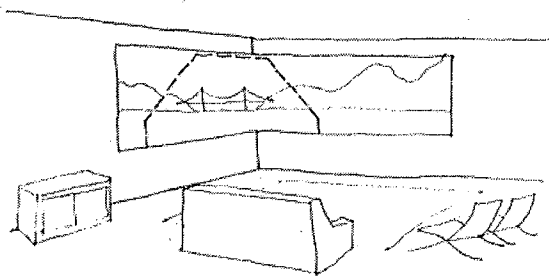
The story poles for the proposed project are most prominently visible from the homes uphill from the site, which have views across the existing home toward Richardson Bay, most notably the homes at 131 & 135 Stewart Drive and 11 Sonora Court. The poles and connecting lines illustrate the revised profile of the house, which would include both the new upper level area and the elimination of the existing upper level space. As a result, the proposed project would intrude into some views, while opening up others.

The following principles of the Hillside Design Guidelines should be used in evaluating the potential view impacts from the 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 of the proposed house would intrude into the views from the primary living areas of the homes at 131 & 135 Stewart Drive and 11 Sonora Court.

NO

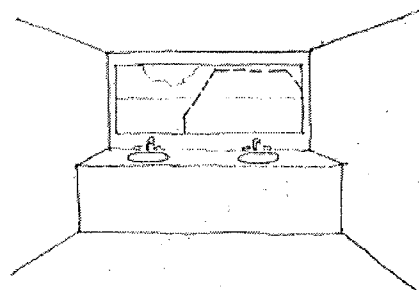
• PROPOSED STRUCTURE
BLOCKS LIVING ROOM VIEW



• GREAT IMPACT ON
LIVABILITY

YES

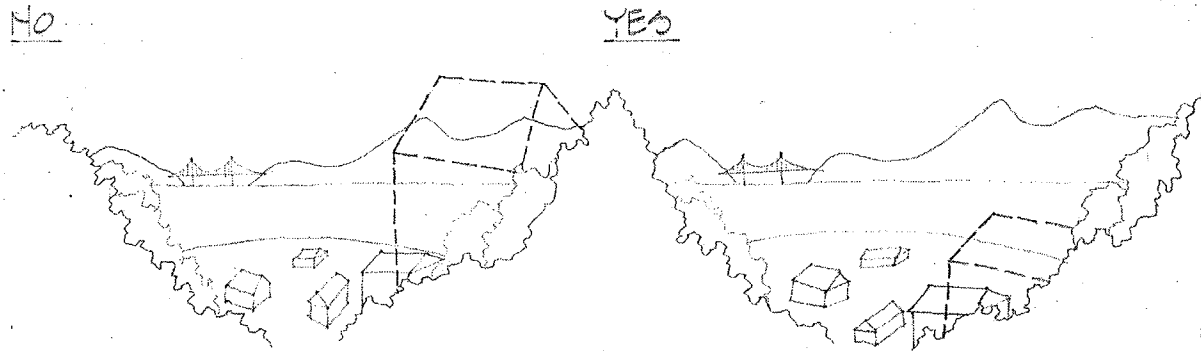
• PROPOSED STRUCTURE
BLOCKS BATHROOM VIEW



• LITTLE IMPACT ON
LIVABILITY

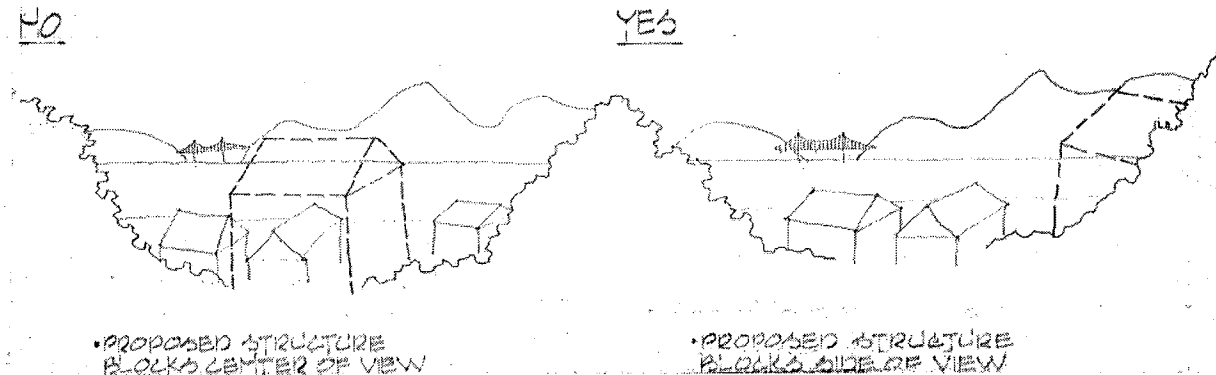
Goal 3, Principle 7 (B) of the Hillside Design Guidelines states that the “horizon line is [the] most sensitive part of [the] view, then foreground, then middleground.” The upper level of the proposed house would extend into the horizon view of the homes at 131 & 135 Stewart Drive, but

would open up similar horizon views where the existing upper level space would be eliminated. The proposed upper level would be in the foreground view from the home at 11 Sonora Court.

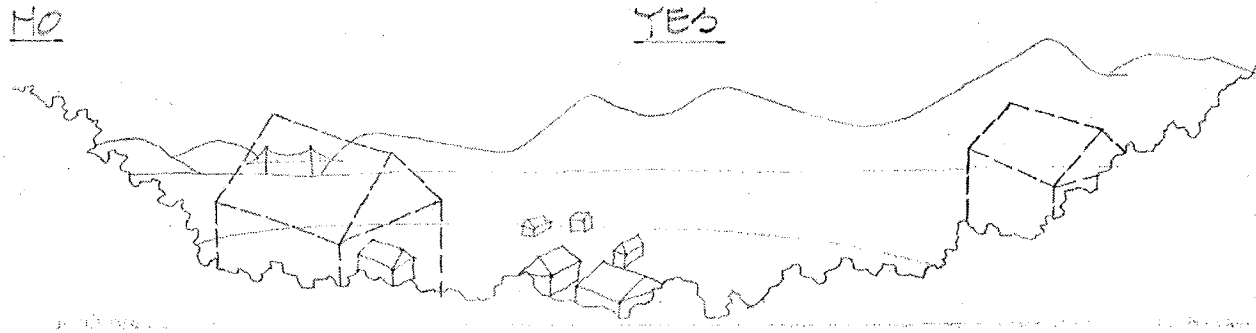


Goal 3, Principle 7 (C) of the Hillside Design Guidelines states that “blockage of center of [the] view [are] more damaging than blockage of [the] side of [the] view.” The upper level of the proposed house would intrude into the center of the view from the home at 135 Stewart Drive and the left side of the home at 131 Stewart Drive, but would open up other views where the existing upper level would be demolished. The proposed upper level space would be visible in the center of the view from the home at 11 Sonora Court.

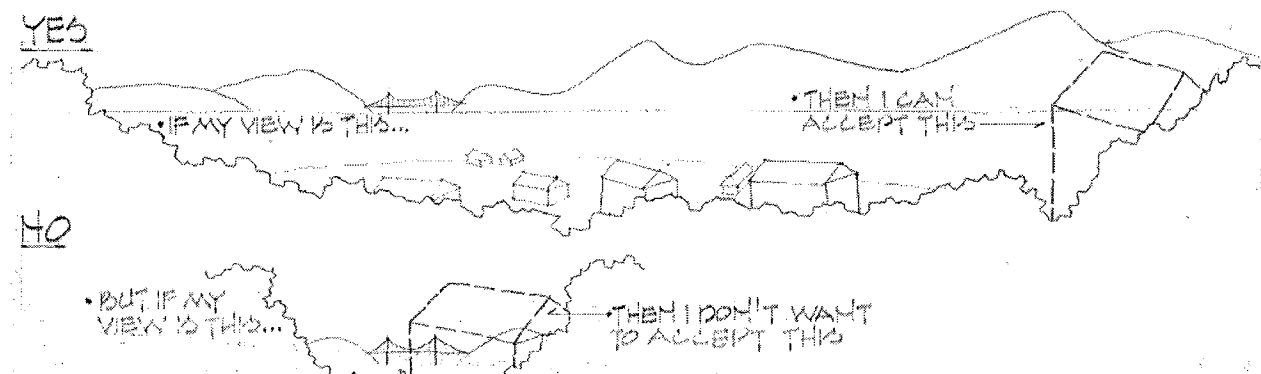
2. BLOCKAGE OF CENTER OF VIEW MORE DAMAGING THAN BLOCKAGE OF SIDE OF VIEW.



Goal 3, Principle 7 (C) of the Hillside Design Guidelines states that “blockage of important objects 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 upper level of the proposed house would not block views of any “important objects,” but would project into portions of the view of Richardson Bay from the homes at 135 Stewart Drive and 11 Sonora Court. From the residence at 135 Stewart Drive, the construction of the proposed upper level and the elimination of the existing upper level would eliminate a slot water view between the subject building and the home at 142 Stewart Drive, but would open up more Richardson Bay views contiguous to their existing views, resulting in a larger visible expanse of water. The proposed upper level would eliminate a small, lower portion of the water views from the home at 11 Sonora 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 131 & 135 Stewart Drive have generally panoramic views, although the existing and proposed upper levels are situated in the center of this view from the home at 135 Stewart Drive and to the far left of this view from the home at 131 Stewart Drive. The proposed upper level would intrude into a small, lower portion of the larger panoramic currently enjoyed by the home at 11 Sonora Court.



The Design Review Board is encouraged to view the story poles from the homes at 131 & 135 Stewart Drive and 11 Sonora Court.

Zoning

Staff has reviewed the proposal and finds that it is in general conformance with the development standards for the R-1 zone, with the exception of the requested floor area exception and the maximum lot coverage requirements.

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

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

Many of the homes in the Little Reed Heights neighborhood have relatively vertical two-story or three-story designs similar to that of the proposed house.

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 addition of the proposed upper level of the house and the elimination of the existing upper level area would only marginally change the existing relationship between the dwelling and the physical characteristics of the site.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested floor area exception. Staff notes that the Design Review Board often does not approve floor area exceptions for projects that also exceed the maximum lot coverage requirement. However, the proposed floor area would be less than that of the existing house and the proposed lot coverage would increase by less than one percent.

Public Comment

As of the date of this report, one letter has been received regarding the subject application from the owner of 11 Sonora Court.

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 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 Teresa Aronoff, dated December 7, 2016
4. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

138 STEWART DRIVE

FILE #DR2016130 & FAE2016014

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 September 29, 2016, or as amended by these conditions of approval. Any modifications to the plans of December 5, 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

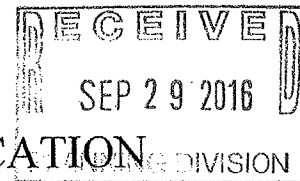
commencement of work and shall remain posted until the contractor has vacated the site

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. 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.
10. 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. An Encroachment Permit from DPW is required for any work within the Town's road right-of-way, including, but not limited to, utility trenching, installation of new utility connections, and modifications to the driveway apron. The plans shall clearly identify all proposed work in the right-of-way and an Encroachment Permit shall be obtained prior to conducting such work. If no work is proposed within the public right of way this comment may be disregarded.
 - b. 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.
 - c. Prior to building permit issuance an erosion and sediment control plan shall be submitted as part of the plan set. The project shall be subject to post rain event erosion control inspections.
 - d. Prior to building permit issuance the applicant shall complete the Construction Erosion and Sediment Control Applicant Package that can be found in the helpful forms and documents section of the Town's website.
 - e. A geotechnical report prepared by a licensed geotechnical engineer shall be provided prior to building permit issuance. The plans for this project shall conform with the recommendations of the geotechnical report.
 - f. If over 2,500 square feet of surface area will be added or replaced, the site must provide at least one Post Construction mitigation in accordance with Section E.12 of the Town's Municipal Stormwater Permit and the BASMAA Post-Construction Manual Design Guidance for Stormwater Treatment and Control for Projects in Marin, Sonoma, Napa and Solano Counties.
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 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. CFC 304.1.2
 - d. The photovoltaic system shall comply with TFPD Policy 423.5.
 - e. The green roof shall comply with TFPD Policy 433.7.
13. The project shall comply with all requirements of the Richardson Bay Sanitary District.



**TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION**



TYPE OF APPLICATION

- | | | |
|--|---|---|
| ☐ Conditional Use Permit | ☒ Design Review (DRB) | ☐ Tentative Subdivision Map |
| ☐ Precise Development Plan | ☐ Design Review (Staff Level) | ☐ Final Subdivision Map |
| ☐ Secondary Dwelling Unit | ☒ Variance(s) <u>3</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: 138 STEWART DRIVE **PROPERTY SIZE:** 7,660
PARCEL NUMBER: 055-091-16 **ZONING:** R-1

PROPERTY OWNER: THE QUADRATURA LIVING TRUST - ERIC DIBENEDETTO: TRUSTEE
MAILING ADDRESS: 20 PASCAL PLACE
NAPA CA 94558
PHONE/FAX NUMBER: 650.222.1077 **E-MAIL:** eric@activestarts.com

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

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

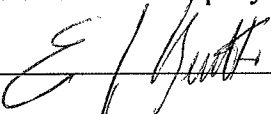
Please indicate with an asterisk () persons to whom Town correspondence should be sent.*

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

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

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

Signature:*



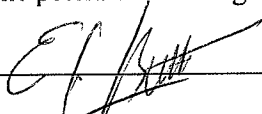
Date:

9-1-2016

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:

9-1-2016

****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***

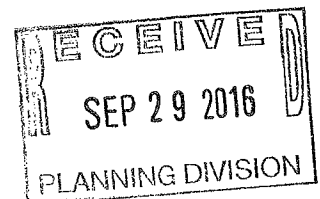
NOTICE TO APPLICANTS

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.: DR2016-130 / FAE2016-014 GP Designation:

Fee Deposit: \$3055-

Date Received: 9/28/16

Received By: LS

Receipt #: R1942

Date Deemed Complete: 11/15/16

By: JCS

Acting Body:

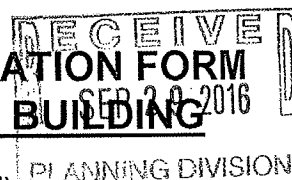
Action:

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.):

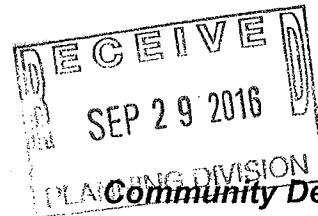
Existing: SINGLE FAMILY RESIDENTIAL

Proposed: SINGLE FAMILY RESIDENTIAL

Square Footage of Landscape Area: 4,798

TO BE COMPLETED BY APPLICANT			STAFF USE ONLY	
ITEM	EXISTING (if existing building is to be demolished)	PROPOSED (reflects proposed construction)	CALCULATED	PER ZONE
Setbacks from property line (Section 16-100.020(y))* Front	14'-11" ft.	14'-11" ft.	ft.	ft.
Rear (DECK POSTS)	19'-5" ft.	19'-4" ft.	ft.	ft.
Right Side (NORTH)	6'-0" ft.	6'-0" ft.	ft.	ft.
Left Side (SOUTH)	15'-4" ft.	13'-1" ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	28'-1" ft.	30' ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B))*	2,754 sq.ft.	2,821 sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	36 %	36.8 %	%	%
Gross Floor Area (Section 16-100.020(F))*	3,297 sq.ft.	3,228 sq.ft.	sq.ft.	sq.ft.
Net Floor Area (if office building) (Section 16-32.040)	Sq.ft.	Sq.ft.	Sq.ft.	Sq.ft.
Number of Parking Spaces Provided	4 spaces	4 spaces	spaces	spaces

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



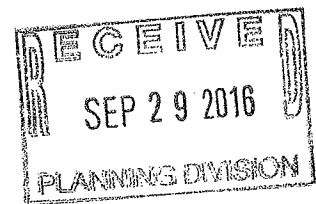
APPLICATION FOR VARIANCE

WHAT VARIANCE(S) ARE YOU REQUESTING?

APPLICATION FOR VARIANCE

DiBenedetto Residence

138 Stewart Drive



Variance Findings:

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

Setbacks:

The footprint of the existing house encroaches 2 feet into the side yard setback and 1" into the front yard setback. While this project is being considered a new house, the proposed building will be built over the existing foundations, to be more environmentally conscious as a hillside property (new hillside foundations would be much more invasive).

Lot Coverage:

The existing house is over the allowed lot coverage, and the minor increase in lot coverage that is being requested is primarily due to the elevated deck off the main living spaces. Due to the hillside site, the deck is counted as lot coverage, but is the only outdoor space that can take advantage of the property's views.

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

Setbacks:

Granting these setback variances would not be a special privilege in that the two adjacent properties are also encroaching into their respective setbacks. This suggests that the setbacks were allowed by the original subdivisions design.

Lot Coverage:

The existing house is over the allowed lot coverage, it appears that the adjacent properties may also currently be non-conforming with respect to coverage, therefore this would not be a grant of special privilege.

- 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.***

Setbacks:

Following the zoning regulation for the front yard setback would result in digging and constructing an entirely new foundation. This is unnecessary when the existing foundation can be utilized and doesn't exacerbate any existing conditions of the site.

Lot Coverage:

Based on the municipal code definitions, 50% of any elevated decks must be counted as lot coverage. Due to the sloping nature of this site, elevated decks are the only useable outdoor space, and therefore would be a hardship to the owners if they were required to minimize the deck area.

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

Setbacks:

Granting these setback variances will not be detrimental to the properties in the vicinity since the existing setback conditions will not be altered and the adjacent properties are similarly non-conforming.

Lot Coverage:

The existing deck offers the only outdoor living space, and we are duplicating this deck almost exactly. This will not impact the public or neighboring properties adversely because it presents no change to the existing condition.

Sent: Wednesday, December 07, 2016 6:46 AM
To: Dan Watrous
Cc: rob@pluritas.com
Subject: Opposition to addition of 138 Steward Drive

Dear Mr. Watrous and Design Review Board,

I received notice, and subsequently saw the markers, to the proposed addition of 138 Stewart Dr. This addition would block our view of water from our living room, an upstairs bedroom, and our deck. I will be at the December 15 meeting with pictures to show the obstruction. In addition, I welcome you to come to our home to view the proposed obstruction.

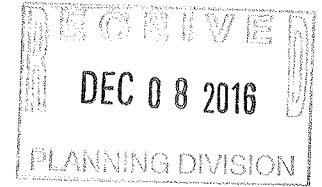
I ask that you decline this new addition to 138 Stewart Dr. It will not only take away from the aesthetics of our view, but will erode the value of our home. Every large chunk of view that is taken away will eventually result in no view. The beauty of living here is one of the main attractions. Please preserve the integrity of our community.

Respectfully,

Teresa Aronoff
11 Sonora ct

Dan Watrous

From: Kleiderman Harold [hkleiderman@gmail.com]
Sent: Thursday, December 08, 2016 11:52 AM
To: Dan Watrous
Cc: Klairmont Lisa
Subject: Comments for Tiburon Design Review Board-138 Stewart Drive



Dear Mr. Watrous;

We live at 161 Stewart Drive, since 1987. We see the story poles at 138 Stewart and wish to voice our opposition to the expansion plan. The proposed structure is too tall and will significantly intrude on our view and the views of our neighbors.

We also oppose any Floor Area Exception. The Floor Area rules are to prevent "mansionization" of homes in our neighborhood by limiting the size of homes to that which is compatible with the neighborhood.

Driving up Stewart Drive, the existing homes now form a logical and pleasing progression of roof lines. The proposed expansion at 138 Stewart will stick out "like a sore thumb".

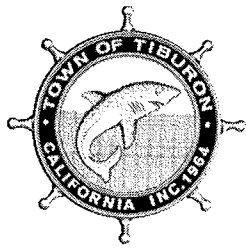
We respectfully request that the Design Review Board reject the application.

Sincerely,

Lisa Klairmont and Harold Kleiderman
 161 Stewart Drive, Tiburon, CA 94920

Harold Kleiderman

Home: 415.435.8566
 Mobile: 415.298.6293
 Email: hkleiderman@gmail.com



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
December 15, 2016
Agenda Item: **3**

STAFF REPORT

To: Members of the Design Review Board
From: Community Development Department
Subject: 262 Cecilia Way; File No. DR2016143; Site Plan and Architectural Review for Conversion of an Existing Attached Garage into Living Space for an Existing Single-Family Dwelling

PROJECT DATA

ADDRESS: 262 CECILIA WAY
ASSESSOR'S PARCEL: 034-212-05
FILE NUMBER: DR2016143
OWNER/APPLICANT: GERARD SUYDERHOUD & ELIZABETH CHA
APPLICANT: HACHMAN CONSTRUCTION, INC
LOT SIZE: 7,655 SQUARE FEET
ZONING: R-1-B-A (BEL AIRE SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: MH (MEDIUM HIGH DENSITY)
FLOOD ZONE: X
DATE COMPLETE: NOVEMBER 16, 2016

PROPOSAL

The applicant is requesting design review approval to convert an existing attached garage into living space for an existing single-family dwelling, on property located at 262 Cecilia Way in the Bel Aire neighborhood. The property is currently developed with a 1,899 square foot one-story single-family dwelling.

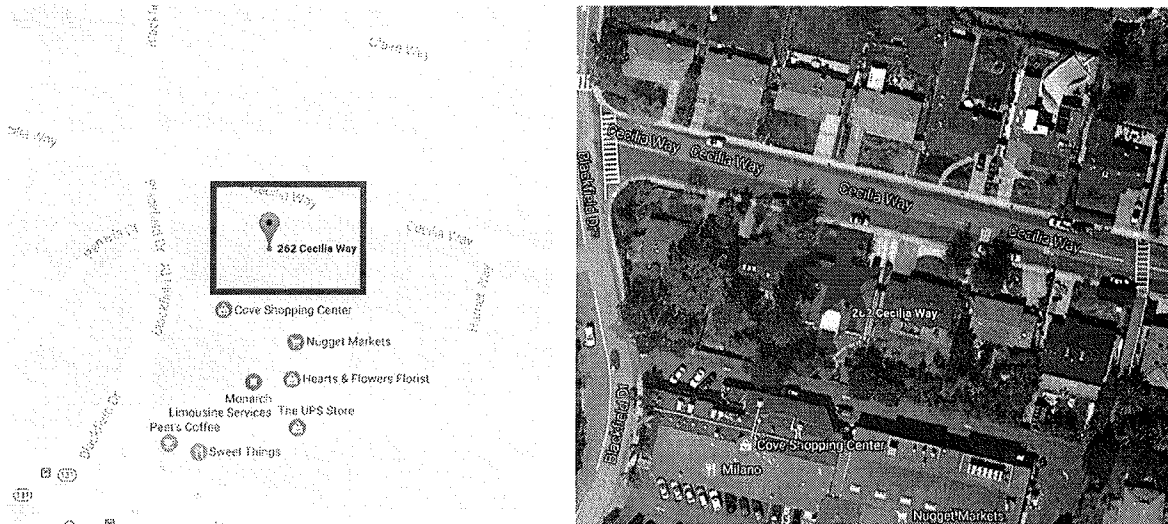
As part of an interior remodel, the proposal consists of converting a 241 square foot one-car garage into living space, which would include a master bedroom expansion and storage space. No modifications would be made to the existing exterior. The existing garage door would provide exterior access to the storage space.

The proposal would result in a floor area of 2,140 square feet, which is below the maximum floor area ratio for the property (2,765 square feet). The proposal would result in no change to the existing lot coverage of 2,140 square feet (27.9%).

The colors and materials of the dwelling would not change with this proposal.

The proposed garage conversion does not meet the standards set forth within the Town's garage/carport conversion policy. Therefore, this application has been referred to the Design Review Board for review.

PROJECT SETTING



The subject lot is located on Cecilia Way near Blackfield Drive on a reasonably level lot.

ANALYSIS

Design Issues

The neighborhood consists of predominantly one-story designs with one-car garages. Many of the other homes in the vicinity have converted the existing one-car garage into living space. The modifications would not appear to create additional impacts on the adjacent neighbors.

The Town's policy states that when an application is submitted to convert an existing garage into living space, "that a replacement garage or carport of equal or greater capacity be provided on the property." However, a replacement garage or carport may not be required if all of the following criteria are met:

- 1. There is adequate space on the property to provide an improved but uncovered parking area of equal or greater capacity than that being converting, while meeting all setback requirements.**

A portion of a potential replacement garage/carport would extend approximately 2 foot into the 20 foot required front setback and the existing driveway would remain as a single-car driveway, which would not be able to accommodate two off-street parking spaces.

- 2. There is adequate screening of that parking area provided as part of the proposal, either by a structure, trellis, existing and/or proposed landscaping, lattice or other means.**

The one parking space would be on an existing driveway and would not appear to be screened by existing or proposed landscaping. Most parking spaces in front of converted garages in the Bel Aire neighborhood are similarly open and unscreened. However, the second parking space would have to be tandem on the driveway or would be an on-street parking space.

3. There is an adequate, screened storage area provided for items typically stored in a garage or carport (i.e. gardening equipment, bicycles, etc.).

As part of the garage conversion, an enclosed storage area would be provided in the front portion of the conversion. The area would be used as a storage room.

4. The proposal allows for the future construction of a replacement garage or carport in a credible location on the property without the need for Variance (i.e. a future garage or carport would conform to all zoning requirements regarding setbacks, lot coverage, height limits, etc.).

As noted above, a potential replacement for the garage would encroach approximately 2 foot into the required front yard setback.

The application does not appear to comply with all four criteria stated above, but the Board has approved similar garage conversion requests in the past, particularly for homes in the Bel Aire neighborhood, where there is abundant on-street parking available.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-1-B-A zone. However, the proposed garage conversion would not be in conformance with the parking requirement of two off-street parking spaces for a single-family dwelling, as the parking spaces would not be screened and the potential replacement would be within the required front setback.

PUBLIC COMMENT

As of the date of this report, no letters have 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.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) Guiding Principles, and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. If the Board finds the design

to be acceptable and in conformance with the Town's Policy regarding garage/carport conversions, Staff recommends that the attached conditions of approval be applied.

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

Prepared by: Kyra O'Malley, Associate Planner

ATTACHMENT 1

**DRAFT CONDITIONS OF APPROVAL
262 CECILIA WAY
FILE NO. DR2016143**

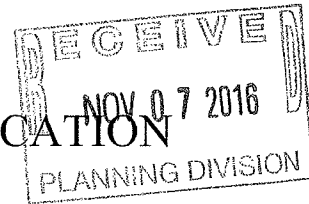
1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform to the application dated by the Town of Tiburon on November 7, 2016, as amended by these conditions of approval. Any modifications to the plans of November 23, 2016 must receive Design Review approval.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such un-approved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge, with defense counsel subject to 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. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
8. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street

address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site.

9. All requirements of the Southern Marin Fire Protection District and the California Fire Code shall be met.
10. All requirements of the Marin Municipal Water 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) _____ # | ☐ 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

7475 #

SITE ADDRESS: 262 Cecilia Way **PROPERTY SIZE:** 7655
PARCEL NUMBER: 034-212-06 **ZONING:** R-1-BA

PROPERTY OWNER: Gerard Syderhoud + Elizabeth Chen Gerard Syderhoud
MAILING ADDRESS: 262 Cecilia Way, Tiburon, CA 94920

PHONE/FAX NUMBER: 650-269-1477 **E-MAIL:** gerards@gmail.com

***APPLICANT** (Other than Property Owner): Hachman Construction, Inc.
MAILING ADDRESS: 55 Lakeside St #2, San Rafael, CA 94901

PHONE/FAX NUMBER: 415-256-9810 **E-MAIL:** Tim@hachprop.com

ARCHITECT/DESIGNER/ENGINEER _____
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):
Convert 1 car garage into a master closet and storage area.

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

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

Signature:*

Date:

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

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

Signature:*

Date:

**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*

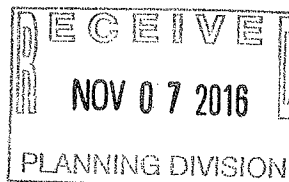
NOTICE TO APPLICANTS

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.: DR2016-143

GP Designation:

Fee Deposit: \$485

Date Received: 11/7/2016

Received By: LS

Receipt #: R2148

Date Deemed Complete: 11/16/16

By: DS

Acting Body:

Action:

Date:

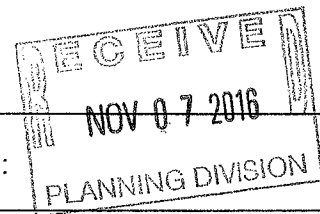
Conditions of Approval or Comments:

Resolution or Ordinance #

DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

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

1. Briefly describe the proposed project: Convert an existing one car garage into a master bedroom closet + a storage room. All work is within the existing building structure.
2. Lot area in square feet (Section 16-100.020(L)):
3. Square footage of Landscape Area: 5,515 sq. ft.
4. Proposed use of site (example: single family residential, commercial, etc.):
 Existing Single family residence
 Proposed " " "
5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.
Proposing the removal of one indoor parking space.



TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
Setbacks from property line (Section 16-100.020(Y))* Front	32' ft.	32' ft.	ft.	ft.	20 ft.
Rear	44'6" ft.	44'6" ft.	ft.	ft.	20'0"-25' ft.
Right Side	4'5" ft.	4'5" ft.	ft.	ft.	6 ft.
Left Side	5'6" ft.	5'6" ft.	ft.	ft.	6 ft.
Maximum Height (Section 16-30.050)*	N/A ft.	N/A ft.	ft.	ft.	30 ft.
Lot Coverage (Section 16-30.120(B))*	7,655 sq.ft.	7,655 sq.ft.	sq.ft.	2140? sq.ft.	2296 sq.ft.
Lot Coverage as Percent of Lot Area	28% %	28% %	%	27.9 %	30 %
Gross Floor Area (Section 16-100.020(F))*	1,899 sq.ft.	2,410 sq.ft.	2,400 sq.ft.	sq.ft.	2765 sq.ft.

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