



## **STAFF REPORT**

**To:** Members of the Design Review Board  
**From:** Community Development Department  
**Subject:** 4030 Paradise Drive; File #DR2015142 and FAE2015014  
Site Plan and Architectural Review for the Construction of Additions to an Existing Single-Family Dwelling, with a Floor Area Exception

### **PROJECT DATA**

**ADDRESS:** 4030 PARADISE DRIVE  
**ASSESSOR'S PARCEL:** 039-091-11  
**FILE NUMBER:** DR2015142 AND FAE2015014  
**PROPERTY OWNERS:** TAYLOR LEMBI  
**APPLICANT:** Y.A. STUDIO  
**LOT SIZE:** 28,000 SQUARE FEET  
**ZONING:** RO-2 (RESIDENTIAL OPEN)  
**GENERAL PLAN:** M (MEDIUM DENSITY)  
**FLOOD ZONE:** X  
**DATE COMPLETE:** JANUARY 26, 2016

### **PROJECT DESCRIPTION**

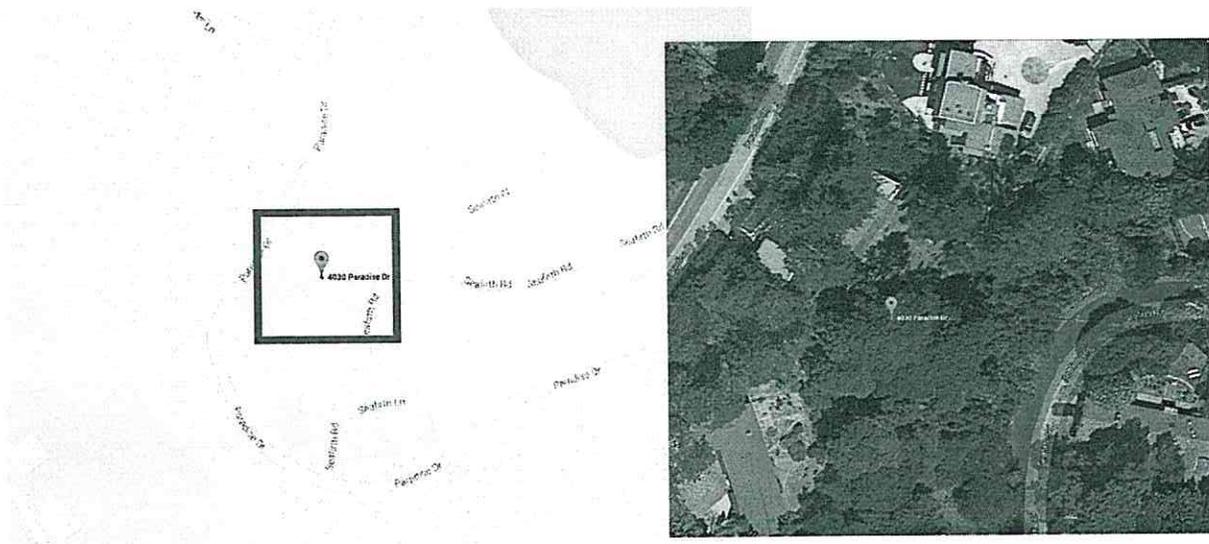
The applicant is requesting design review approval for the construction of additions to an existing single-family dwelling, with a floor area exception, on property located at 4030 Paradise Drive. The existing 3,468 square foot single-family dwelling includes a dining room, kitchen, living room, family room, and a bathroom on the main level; and a master bedroom suite, bathroom, and two bedrooms on the upper level. There is also an existing multi-level detached accessory structure with a 492 square foot garage in the front property and wooden decks to the sides and rears of the site.

As part of an interior remodel and additions to the existing home, the proposal would add a 1,601 square foot lower level, which includes a playroom, gym, laundry room, bathroom, and master bedroom suite. A 214 square foot addition to the main level would include a great room and library. Other improvements include new wooden decks with glass railings at the main level and lower level; a rooftop deck over a portion of the new addition; four new skylights; a new chimney; and solar panels on the roof of the main structure and accessory structure. A new pool, spa, BBQ area and retaining walls would be located in the rear adjacent to the lower level deck.

The proposal would result in lot coverage of 4,115.5 square feet (14.7%), which is below the maximum 15% permitted lot coverage in the RO-2 zone. The proposal would result in a floor area of 5,283 square feet, which is 483 square feet above the 4,800 square foot floor area ratio for the property. A floor area exception is therefore required.

The exterior of the home would become contemporary with a mixture of wood, concrete, and cement for siding, with black trim. White ballast for roofing with a small portion of the roof would be a “green roof”. A colors and materials board has been submitted and will be present at the meeting for the Board to review.

### Project Setting



The subject property is located 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

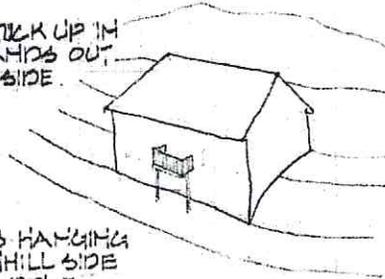
The site layout of the proposed improvements would not appear to create any view or privacy impacts or light pollution for the adjacent neighbors. The closest adjacent neighbor's home at 7 Seafirth Place is located downhill from the subject property and oriented towards the bay. The majority of the new windows would be facing downhill towards Seafirth Road and not towards the adjacent neighbors.

The following principle of the Hillside Design Guidelines should be used in evaluating the design of the improvements as proposed:

Goal 1, Principle 2 of the Hillside Design Guidelines states that "Terrace building using the slope. Use roofs of lower levels for the deck open spaces of upper levels." The majority of the addition would be under the existing footprint of the home and decks, which the decks would terrace downwards to the pool and pool deck. The new decking would be on multiple levels with a rooftop deck on top of a portion of the addition and the rest of the decking on the main level and lower level.

NO

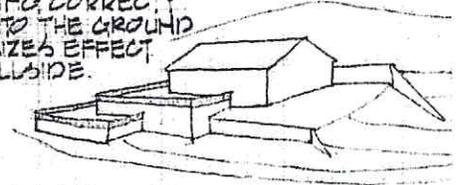
- BUILDING STICKS UP IN THE AIR STANDS OUT ON THE HILLSIDE.



- AVOID DECKS HANGING FROM DOWNHILL SIDE WITH LONG POLE SUPPORTS.

YES

- BUILDING CORRECTLY FITS INTO THE GROUND MINIMIZES EFFECT ON HILLSIDE.

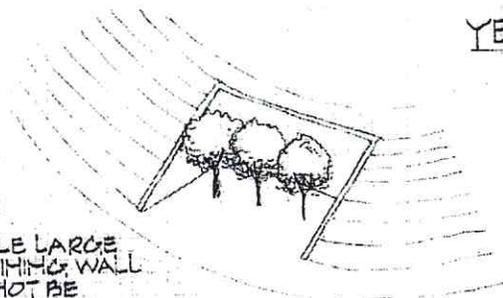


- USE ROOF DECKS, LOW LEVEL DECKS, SIDE OF BUILDING, DECKS.

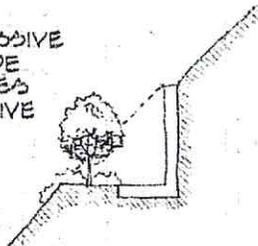
Goal 1, Principle 7 of the Hillside Design Guidelines states that "Avoid large retaining walls in a uniform plane. Break retaining walls into elements, terraces." New retaining walls would be situated at the pool deck and terrace downwards on the hillside. New landscaping would be planted between the walls to provide screening and reduce any bulk from the new walls. In addition, the landscaping would soften the walls and help blend the walls into the hillside.

NO

- SINGLE LARGE RETAINING WALL CANNOT BE SCREENED EASILY.

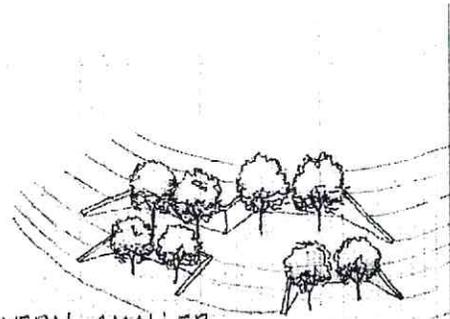


- SINGLE RETAINING WALL MAKES A MASSIVE SCAR ON HILLSIDE, TOE OF WALL PRECLUDES PLANTING OF EFFECTIVE SCREEN.

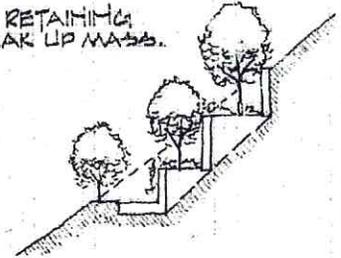


YES

- SEVERAL SMALLER RETAINING WALLS CAN BE SCREENED.



- TERRACED RETAINING WALLS BREAK UP MASS.



The Design Review Board is encouraged to visit the site and view the project story poles from the adjacent homes.

## **Zoning**

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone with the exception of the previously noted floor area exception.

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:

### Floor Area Exception Findings

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 improvements would not substantially alter the visual size and scale of the existing dwelling, as the project would maintain the same footprint as the existing dwelling and decking with updated modifications. Therefore, the visual size and scale of the dwelling as proposed would remain compatible with the existing structures in the surrounding neighborhood.

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 improvements would be compatible with the physical characteristics of the site because the proposal includes maintaining the same footprint as the existing house and decking. The improvements would be in the same location as the existing landscaping, decks, and dwelling and would not change the character of the neighborhood and would continue to be compatible with the physical characteristics of the site.

From the evidence provided, Staff believes there is sufficient evidence to support the findings for the requested floor area exception.

## **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 and 15303.

## **RECOMMENDATION**

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) [Guiding Principles] 16-52.020 (I) [Floor Area Guidelines] and applicable sections of the Hillside Guidelines, and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section CEQA Guidelines 15301 and 15303. 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. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

Prepared by: Kyra O'Malley, Associate Planner

## ATTACHMENT 1

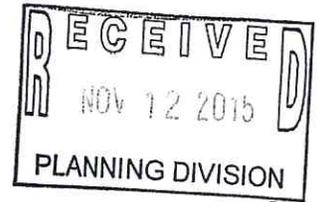
### CONDITIONS OF APPROVAL 4030 PARADISE DRIVE FILE NO. DR2015142 and FAE2015014

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. The development of this project shall conform with the application dated by the Town of Tiburon on November 12, 2015, or as amended by these conditions of approval. Any modifications to the plans of February 8, 2016 must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require 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. The project shall comply with the requirements of the California Fire Code to the satisfaction of the Building Official. The Tiburon Fire Protection District (TFPD) recommends the following conditions of approval:
    - a. The structures (main house and garage/guest house) shall have installed throughout an automatic fire sprinkler system. The main house shall have an NFPA 13R system due to the size of the structure. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (CFC 903.2)
    - b. Approved 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 and the recommendations of Fire Safe Marin. (CFC 304.1.2)
      1. The existing bamboo shall be removed
    - d. Fire Department access shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of this first story (CFC 530.1.1)
      1. Added landscape stairs and alternate routes are accepted to meet the requirements
    - e. Photovoltaic system shall comply with TFPD standard 605.11. "Alternative Power Sources"
  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. For fencing/walls within the required setbacks shall not exceed six feet (6') in height at any point, measured from grade.
  13. 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. Stairs in the right-of-way must be permitted through an encroachment permit application process with plans for Public Works review.
    - c. Permanent improvements in the right-of-way are not permitted. This includes fences, retaining walls, and other permanent improvements.



# TOWN OF TIBURON LAND DEVELOPMENT APPLICATION



## TYPE OF APPLICATION

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

## APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 4030 PARADISE DRIVE PROPERTY SIZE: 28,000 SQF  
 PARCEL NUMBER: 039-409-11-091-11 ZONING: RD-2

PROPERTY OWNER: TAYLOR LEMBI  
 MAILING ADDRESS: 4030 PARADISE DRIVE TIBURON, CA 94920

PHONE/FAX NUMBER: 415-830-9292 E-MAIL: TLEMBI@UP-SE.COM

APPLICANT (Other than Property Owner): Y.A. STUDIO, ATTN: PRITI PAI  
 MAILING ADDRESS: 777 FLORIDA STREET, SUITE 301

SAN FRANCISCO, CA 94110  
 PHONE/FAX NUMBER: 415-920-1839 ext. 106 E-MAIL: PRITI@YA-STUDIO.COM

ARCHITECT/DESIGNER/ENGINEER Y.A. STUDIO, ATTN: PRITI PAI  
 MAILING ADDRESS: SAME AS ABOVE

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):  
LOWER & HORIZONTAL ADDITION AND EXPANSION. NEW CONDITIONED  
BASEMENT, POOL & DECK AT BASEMENT LEVEL. HORIZONTAL EXPANSION AT  
MAIN LEVEL. INTERIOR REMODEL. RE-FINISHING OF ALL EXTERIOR FACADES,  
RECONFIGURED ENTRY STAIR. NEW ROOF.

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: \* [Signature], AGENT OF OWNER

Date: 11/12/2015

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: \* [Signature], AGENT OF OWNER

Date: 11/12/2015

*\*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*

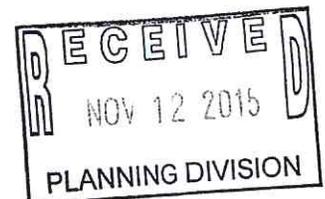
#### NOTICE TO APPLICANTS

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.

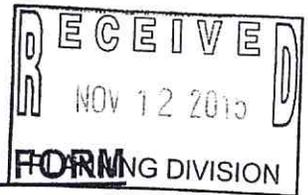
The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks 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](http://www.townoftiburon.org)



DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION		
Application No.: DR2015-142	GP Designation:	Fee Deposit: \$1555
Date Received: 11/12/2015	Received By: AS	Receipt #: PAID 2014
Date Deemed Complete: 1/26/16	Action:	By: DW see 714115
Acting Body:	Resolution or Ordinance #	Date:
Conditions of Approval or Comments:		



## DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

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

- Briefly describe the proposed project: LOWER & HORIZONTAL ADDITION & EXPANSION.  
ADDITION ~ 2,000 SQ.FT. NEW CARPORT CONDITIONED BASEMENT, POOL, & DECK  
AT BASEMENT LEVEL.
- Lot area in square feet (Section 16-100.020(L)): 28,000 SQ.FT.
- Square footage of Landscape Area: REQ ~ 24,000 SQ.FT.
- Proposed use of site (example: single family residential, commercial, etc.):  
 Existing SINGLE FAMILY RESIDENCE  
 Proposed SINGLE FAMILY RESIDENCE
- Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.  
NONE

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
<b>Yards</b> (Setbacks from property line) (Section 16-100.020(Y)* <b>Front</b>	30 ft.	<del>30</del> ft.	30 ft.	ft.	ft.
<b>Rear</b>	30 ft.	— ft.	30 ft.	ft.	ft.
<b>Right Side</b>	15 ft.	<del>15</del> ft.	15 ft.	ft.	ft.
<b>Left Side</b>	15 ft.	<del>15</del> ft.	15 ft.	ft.	ft.
<b>Maximum Height</b> (Section 16-30.050)*	28'8" ft.	<del>30</del> 14" ft.	30 ft.	ft.	ft.
<b>Lot Coverage</b> (Section 16-30.120(B))*	8 2,352 sq.ft.	<del>1,730.4</del> 1,730.4 sq.ft.	4,082.4 sq.ft.	4,115.5 sq.ft.	4,200 sq.ft.
<b>Lot Coverage as Percent of Lot Area</b>	8.4 %	14.58 %	%	14.7 %	15 %
<b>Gross Floor Area</b> (Section 16-100.020(F))*	3,824 sq.ft.	1,968 sq.ft.	*5,792 sq.ft.	5,283 sq.ft.	4,800 sq.ft.

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

Garage: 492

\* → INCLUDING GARAGE ASF

FA