



## STAFF REPORT

**To:** Members of the Design Review Board  
**From:** Community Development Department  
**Subject:** 681 Hawthorne Drive; File No. DR2015151 and VAR2015024;  
Site Plan and Architectural Review for Construction of a New Single-Family Dwelling, with a Variance for Excess Lot Coverage

### PROJECT DATA

**ADDRESS:** 681 HAWTHORNE DRIVE  
**OWNER:** BAHRAM SEYEDIN-NOOR AND MAYSA NAMAKIAN  
**APPLICANT:** POLSKY PERLSTEIN ARCHITECTS  
**ASSESSOR'S PARCEL:** 055-191-05  
**FILE NUMBER:** DR2015151 AND VAR2015024  
**LOT SIZE:** 9,608 SQUARE FEET  
**ZONING:** R-1 (SINGLE-FAMILY RESIDENTIAL)  
**GENERAL PLAN:** MH (MEDIUM HIGH DENSITY RESIDENTIAL)  
**FLOOD ZONE:** X  
**DATE COMPLETE:** JANUARY 26, 2016

### PROJECT DESCRIPTION

The applicant is requesting design review approval to construct a new single-family dwelling, with a variance for excess lot coverage on property located at 681 Hawthorne Drive. The property is currently developed with a one-story single-family dwelling. The existing dwelling includes 1,341 square feet of floor area. The applicant intends to demolish the existing structure and build a new partial two-story dwelling.

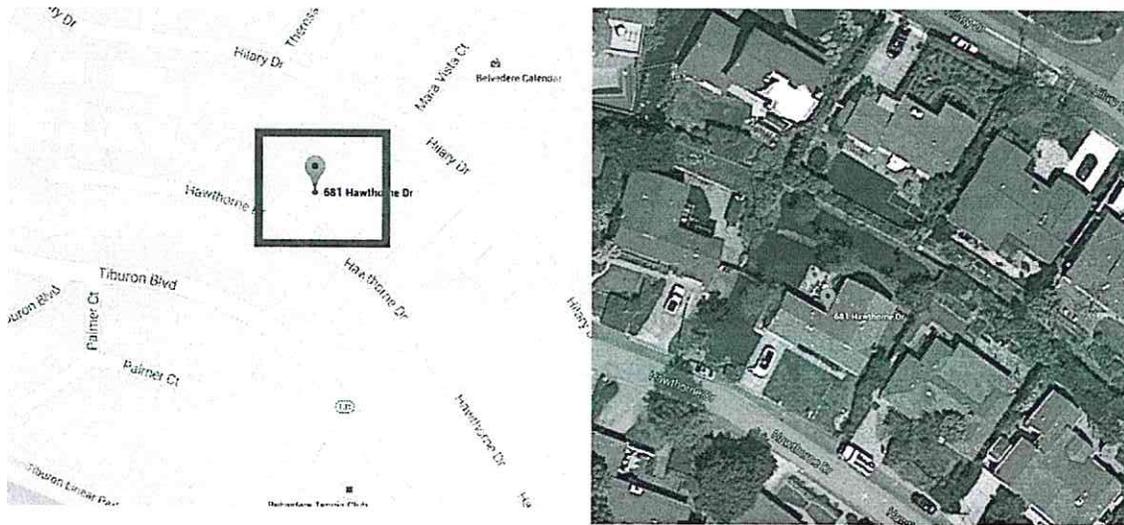
The proposed 2,914 square foot home would include an entry foyer, living room, office, dining room, kitchen, breakfast nook, family room, two bathrooms, two bedrooms, laundry room, and a master bedroom suite on the main level. An 836 square foot basement level addition would include a media room, exercise room, bathroom, mechanical room and a two-car garage. Other improvements include a covered front entry, front view terrace with glass guardrails, trash enclosure, a trellis over the garage and a rear terrace with fire pit and BBQ island. Both terraces would extend off the living room and dining room to provide an outdoor living space. Four new skylights would be installed on the roof; one above the hallway and the other three above the entry foyer, along with solar panels.

A new concrete driveway would be installed on the east side of the property to accommodate the proposed location of the two-car garage. Proposed landscaping would be installed throughout the property and two existing trees would be removed. On the west and east sides of the property, a new 6 foot tall fence and gate would be installed to connect with the existing 6 foot tall fence (which currently is situated along the perimeter of the property).

The proposal would result in a floor area of 2,949 square feet, which is below the maximum permitted floor area for the property (2,960 square feet). The proposal would result in lot coverage of 3,016 square feet (31.4%), which is approximately 134 square feet (1.4 %) above the maximum permitted lot coverage in the R-1 zone (30.0%). A variance for excess lot coverage is required.

The proposed colors and materials include tile roofing, a mixture of ivory stucco and stone for siding, and a brown trim for windows and doors. A colors and materials board has been submitted and will be present at the meeting for the Board to review.

## Project Setting



The subject property is located in the Hawthorne Terrace neighborhood, on the upper side of Hawthorne Drive. The subject property is reasonably level with a slight slope upwards from the street. The property faces south with views of the Richardson Bay, Belvedere Island and portions of the Golden Gate Bridge and San Francisco. The streets within the neighborhood are terraced upward from Tiburon Boulevard to Delmar Drive.

## ANALYSIS

### Design Issues

Throughout the years, numerous smaller single-family homes have been remodeled and/or expanded to upgrade older homes, including a number of second story additions. The second story additions have generally been located along the upper portion of Hawthorne Drive. The proposed partial two-story home follows the modest styles of other two-story homes in the neighborhood, with the appearance of one-story design from the street. The garage and basement level would be excavated and lowered into the existing grade, which would limit the

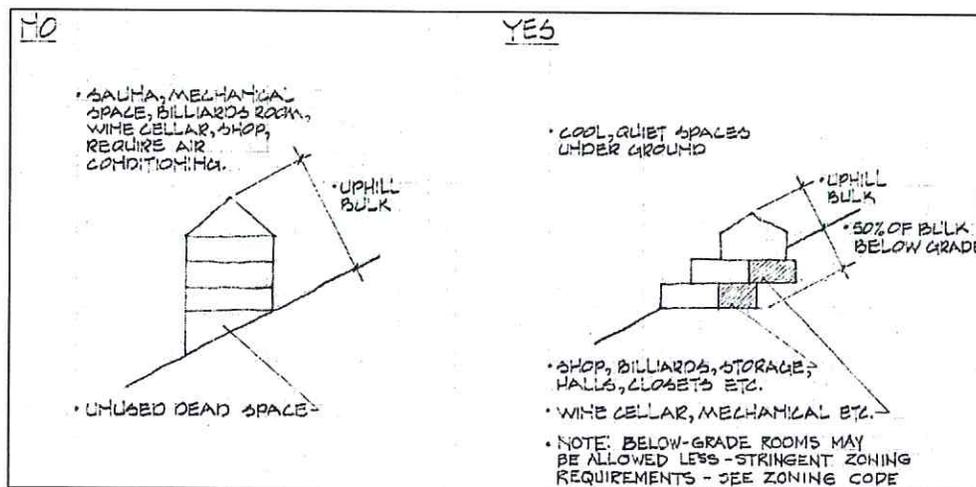
potential of appearing massive from the street or from adjacent properties and potentially limiting the view blockage from uphill neighbors.

The submitted plans show the proposed roof ridgeline at an elevation of 122.12 feet, which would be 1.22 feet taller than the ridgeline of the existing home. The new ridgeline would appear to block partial water views for the uphill neighbor at 678 Hilary Drive. The design and character of the proposed home would be similar to the other updated homes in the neighborhood, including those at 695, 693, and 687 Hawthorne Drive. However, the footprint of the home would be built out to all required setbacks, which would be unusual for a property that would not maintain a one-story design in a predominantly one-story neighborhood.

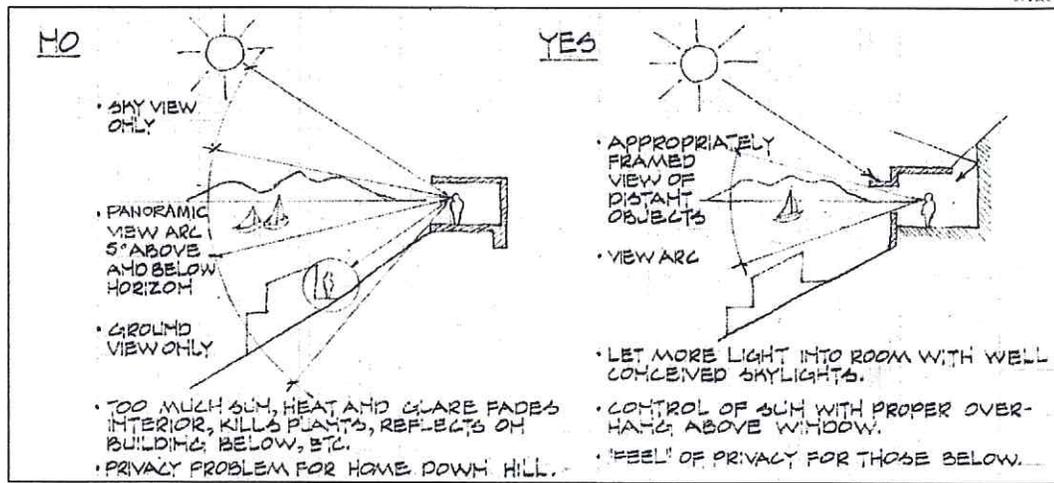
The following principles of the Hillside Design Guidelines should be used in evaluating the design of the new residence as proposed:

### Hillside Guidelines

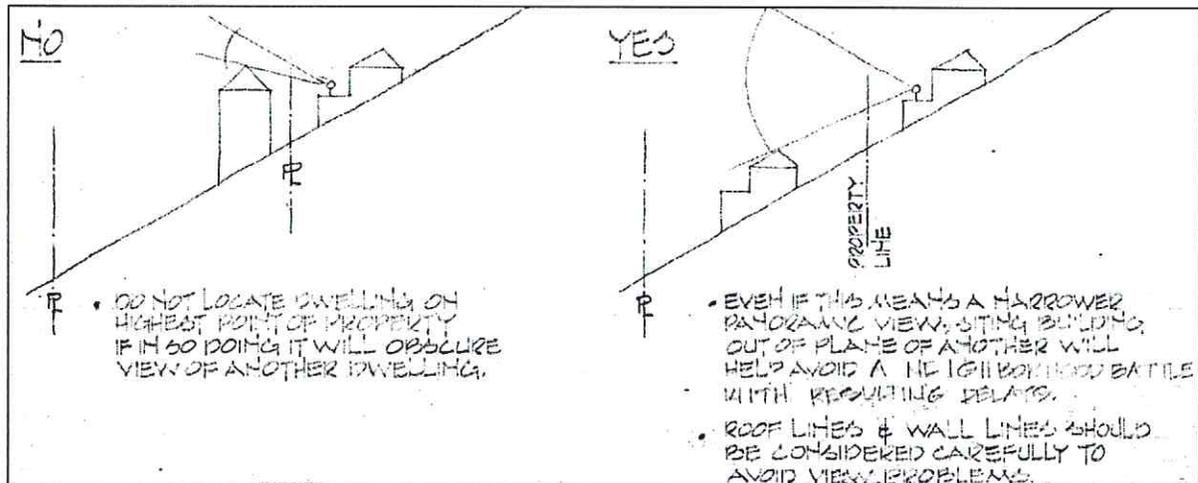
Goal 1, Principle 9: *“Excavate underground or below grade rooms to dramatically reduce effective bulk, provide energy efficient and environmentally designable spaces.”* The two-car garage would be excavated underground and connected to a basement level. The basement level would include a media room,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



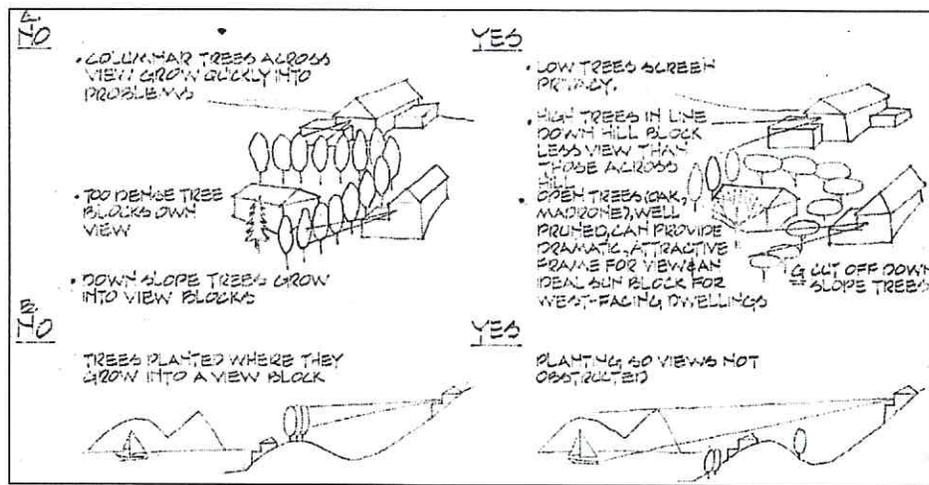
Goal 2, Principle 6: *“Control window placement for sun, privacy, and view”* The majority of the home would have large windows, especially for the front and rear elevations towards the outdoor terraces adjacent to the home. The windows on the sides would create a potential light and privacy impact for the neighbors on the west and east sides of the home due to the large amount of windows, but most of these windows would appear to be screened by proposed landscaping.



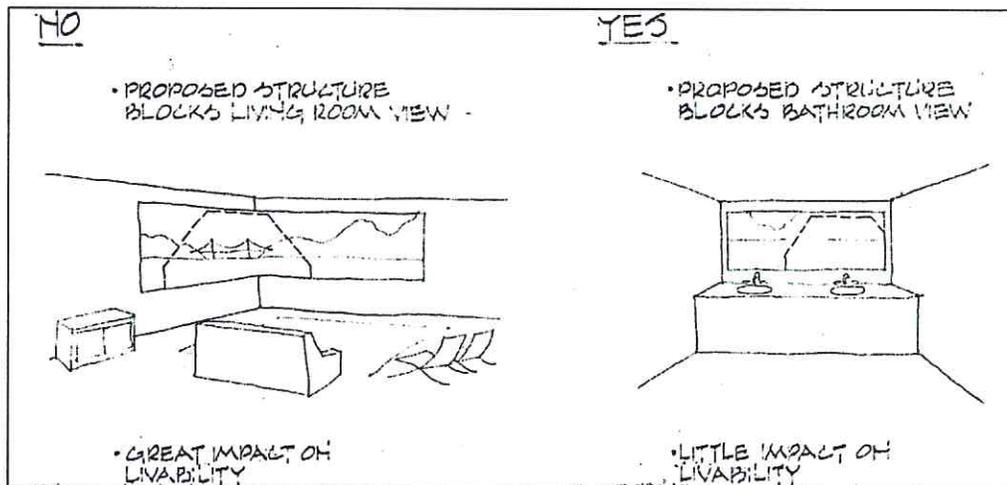
Goal 3, Principle 1: *“Locate all new dwellings so they interfere minimally with view of the adjacent neighbor.”* The majority of the new residence would appear to minimally interfere with the views of the adjacent neighbors except for the uphill neighbor and the neighbor on the west side of the property. The new master bedroom suite would appear to block water views for the west side neighbor at 679 Hawthorne Drive and the roof over the kitchen area would appear to block water views for the uphill neighbor at 678 Hilary Drive.



Goal 3, Principle 2 (A & B): *“Plan landscaping so it does not grow into view block for neighboring dwellings.”* As shown on the submitted planting plan (see **Attachment 2**), four large trees with a range in maximum height of 12 feet to 15 feet would be planted in the front and rear of the home, but in the similar area where the adjacent neighbor’s views are directed. The majority of the west side and rear property lines would be screened by 8-10 foot shrubs, which would help with privacy, but could potentially block views from the adjacent neighbors.



Goal 3, Principle 7A: “View protection is more important for the primary living areas of a dwelling (i.e. living room, dining room, family room, great room, kitchen, and decks associated with these room) than for less actively used areas of a dwelling (i.e. bedroom, bathroom, study, office, den)” Partial water views from the uphill neighbor’s kitchen, living room, and breakfast nook would be blocked by the new roof over the kitchen and family room.



The Design Review Board is encouraged to view the story poles from the neighboring residences to determine if the proposed single-family dwelling would create any visual or privacy impacts on the adjacent homes.

**Zoning**

Staff has reviewed the proposal and finds that it is in conformance with the remaining development standards for the R-1 zone with the exception of the previously noted variance for excess lot coverage.

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

Variance Findings

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

The 9,608 square foot size of the subject property is smaller than the 10,000 square foot minimum lot size in the R-1 zone, but not by much. The site is relatively level and does not provide opportunities to build a full second story in order to meet the maximum permitted lot coverage, without creating additional view impacts for the adjacent neighbors, but, the full second story would not be compatible with the character of this neighborhood.

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

Numerous other properties within the Hawthorne Terrace neighborhood, especially properties on the upper side of Hawthorne Drive, have been granted variances for excess lot coverage, in order to prevent view blockage for uphill neighbors. However, most of the granted variances were given to applications that maintain a one-story design in this predominantly one -story neighborhood.

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

The strict application of the minimum lot coverage for this property would require a redesign of the home, which could add a full second level, which would not be compatible with the character of the neighborhood, would potentially block views and create privacy impacts for the adjacent neighbors on all sides of the property. In addition, the above grade portion of the home could be transferred to the basement level for additional space and comply with the required lot coverage.

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

Granting a variance for excess lot coverage would potentially be detrimental or injurious to neighboring properties, even though the proposed new residence would maintain a partial second story design with an excavated garage and would match the other updated homes; the new residence would potentially create privacy and view impacts on the adjacent neighbors.

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

## **PUBLIC COMMENT**

As of the date of this report, one correspondence in opposition regarding height and landscaping has been received regarding the subject application.

## **PRELIMINARY ENVIRONMENTAL DETERMINATION**

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

## **RECOMMENDATION**

Staff recommends that the Board:

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) [Guiding Principles], 16-52.030 [Variance], and applicable sections of the Hillside Guidelines, and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Design Review Board agrees with Staff's conclusions, it is recommended that the applicant be directed to reduce the size of the new residence to comply with the required lot coverage and to reduce the height of the new residence. If the Board can make the required variance findings to approve the project as proposed, it is recommended that the attached draft conditions of approval be applied.

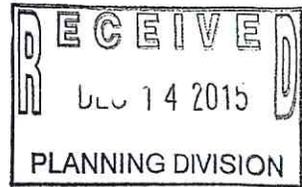
- Attachments:
1. Conditions of Approval
  2. Application and Supplemental Materials
  3. Letter dated February 23, 2016 by Daphne Hooker and Daniel Ferst
  4. Submitted Plans

**ATTACHMENT 1**

**DRAFT CONDITIONS OF APPROVAL  
681 HAWTHORNE DRIVE  
FILE NO. DR2015151 AND VAR2015024**

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform to the application and plans dated by the Town of Tiburon on December 14, 2015, as amended by these conditions of approval. Any modifications to the plans dated February 22, 2016 must receive Design Review approval.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not “deemed approved” if not highlighted and listed on construction drawings. Construction of any such un-approved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge, with defense counsel subject to the Town’s approval. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney’s fees that might result from the third party challenge.
5. A copy of the Planning Division’s “Notice of Action” including the attached “Conditions of Approval” for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
6. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
7. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
8. Prior to under-floor inspection, a certified survey of the structure foundation will be required. Required documents shall include: 1) graphic documentation accurately locating the building on a site plan; 2) specific distances from property lines and other

- reference points to the foundation as appropriate; and 3) elevations relative to mean sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.
9. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
  10. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
  11. The project shall comply with the following requirements of the California Fire code and the Tiburon Fire Protection District:
    - a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Office. (CFC 903.2)
    - b. Approved smoke and carbon monoxide alarms shall be installed to provide protection to all sleeping areas. (CFC 907.2.10)
    - c. The vegetation on this parcel shall comply with the requirements of the Tiburon Fire District and the recommendations of Fire Safe Marin. (CFC 304.12)
    - d. The fire pit shall have proper separation from combustible vegetation and combustible construction.
      - i. Gas fire pit shall be located a minimum 10 feet from any property line, combustible vegetation and combustible construction.
  12. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site.
  13. All requirements of the Department of Public Works shall be met.
  14. All requirements of the Marin Municipal Water District shall be met.
  15. All requirements of the Richardson Bay Sanitary District shall be met.



**TOWN OF TIBURON  
LAND DEVELOPMENT APPLICATION**

**TYPE OF APPLICATION**

- Conditional Use Permit
- 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) 1 #
- 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:** 681 Hawthorne Dr. **PROPERTY SIZE:** 9608.4 SF  
**PARCEL NUMBER:** 055-191-05 **ZONING:** R-1

**PROPERTY OWNER:** Bahram Seyedin-Noor and Maysa Namakian  
**MAILING ADDRESS:** 681 Hawthorne Dr., Tiburon, CA 94920

**PHONE/FAX NUMBER:** 415-868-5602 **E-MAIL:** bahram@altolit.com mnamakian@gmail.com

**APPLICANT (Other than Property Owner):** Polsky Perlstein Architects - Laura Van Amburgh\*  
**MAILING ADDRESS:** 469 B Magnolia Ave., Larkspur, CA 94939

**PHONE/FAX NUMBER:** 415-927-1156 **E-MAIL:** laura@polskyarchitects.com

**ARCHITECT/DESIGNER/ENGINEER** Polsky Perlstein Architects  
**MAILING ADDRESS:** 469 B Magnolia Ave., Larkspur, CA 94939

**PHONE/FAX NUMBER:** 415-927-1156 **E-MAIL:** laura@polskyarchitects.com

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

**BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):**  
DEMO EXISTING SINGLE FAMILY RESIDENCE AND BUILD NEW 2,960 SF SINGLE STORY HOME WITH 512 SF GARAGE BELOW AND A 1191 SF BASEMENT STORAGE/MECH AREA. THE PROJECT INCLUDES A 199 SF TERRACE, SITE RETAINING WALLS, NEW DRIVEWAY, PATHWAYS AND LANDSCAPING.

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

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

Signature:\* [Signature] Date: 12-14-15

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

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

Signature:\* [Signature] Date: 12-14-15

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

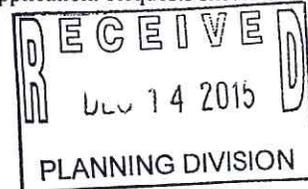
**NOTICE TO APPLICANTS**

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

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

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

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



**DO NOT WRITE BELOW THIS LINE**

DEPARTMENTAL PROCESSING INFORMATION		
Application No.:	DR2015-151/VAR2015-024	GP Designation:
Date Received:	12/14/2015	Received By:
Date Deemed Complete:	1/26/16	Action:
Acting Body:		Resolution or Ordinance #
Conditions of Approval or Comments:		Fee Deposit: \$3275 -
		Receipt #: 0434
		By: DW
		Date:

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

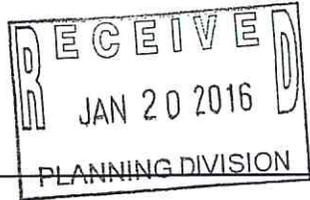
Please fill in the information requested below (attach separate sheet as needed):

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

Existing: SINGLE FAMILY RESIDENCE

Proposed: SINGLE FAMILY RESIDENCE

Square Footage of Landscape Area: 4685 SF



TO BE COMPLETED BY APPLICANT			STAFF USE ONLY	
ITEM	EXISTING (if existing building is to be demolished)	PROPOSED (reflects proposed construction)	CALCULATED	PER ZONE
<b>Yards</b> (Setbacks from property line)(Section 16-100.020(y))* <b>Front</b>	26'-1" ft.	15'-0" ft.	ft.	15 ft.
<b>Rear</b>	29'-11" ft.	21'-2" ft.	ft.	20'-0-25 ft.
<b>Right Side</b>	11'-9" ft.	8'-0" ft.	ft.	8 ft.
<b>Left Side</b>	22'-5" ft.	8'-0" ft.	ft.	8 ft.
<b>Maximum Height</b> (Section 16-30.050)*	16'-0" ft.	23'-7" ft.	ft.	30 ft.
<b>Lot Coverage</b> (Section 16-30.120(B))*	1717 sq.ft.	3016 sq.ft.	3016 sq.ft.	2882 sq.ft.
<b>Lot Coverage as Percent of Lot Area</b>	18 %	31.39 %	31.4 %	30 %
<b>Gross Floor Area</b> (Section 16-100.020(F))*	1341 sq.ft.	2949 sq.ft.	sq.ft.	2960.8 600 sq.ft.
<b>Net Floor Area</b> (if office building) (Section 16-32.040)	Sq.ft.	Sq.ft.	Sq.ft.	Sq.ft.
<b>Number of Parking Spaces Provided</b>	2 spaces	2 spaces	spaces	spaces

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



**COMMUNITY DEVELOPMENT DEPARTMENT**  
 Planning Division (415)-435-7390  
[www.ci.tiburon.ca.us](http://www.ci.tiburon.ca.us)

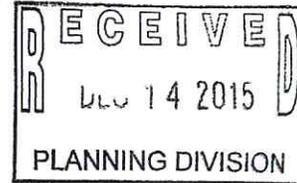
## APPLICATION FOR VARIANCE

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

### WHAT VARIANCE(S) ARE YOU REQUESTING?

<u>Condition</u>	<u>Zoning Requirement</u>	<u>Existing Condition</u>	<u>This Application Proposes</u>	<u>Magnitude Of Variance Requested</u>
Front Yard Setback	_____	_____	_____	_____
Rear Yard Setback	_____	_____	_____	_____
Left Side Yard Setback	_____	_____	_____	_____
Right Side Yard Setback	_____	_____	_____	_____
Lot Coverage	30% - 2882.52 SF	18% - 1717 SF	32.76% - 3148 SF	30/6 31.4% 1.4%
Height	_____	_____	_____	_____
Parcel Area Per Dwelling Unit	_____	_____	_____	_____
Usable Open Space	_____	_____	_____	_____
Parking	_____	_____	_____	_____
Expansion of Nonconformity	_____	_____	_____	_____
Other (Please describe):	_____			

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



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

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

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

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

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

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

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

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



**Planning Division**

1505 Tiburon Boulevard  
Tiburon, CA 94920

February 23, 2016

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

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

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

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

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

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

Mrs. Namakian provided the following further communication:

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

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

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

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

Sincerely,

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

The image shows two handwritten signatures in black ink. The first signature, on the left, is "Dan R. Ferst" written in a cursive style. The second signature, on the right, is "Daphne Hooker" also written in a cursive style. The signatures are positioned to the right of the typed names in the address block.

Attachment "A"



Attachment "B"



Attachment "C"

Potential Bay View  
Obstruction

