



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
May 19, 2016
Agenda Item: **1**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 2 Audrey Court; File Nos. DR2015139, VAR2015021 & FAE2015013; Site Plan and Architectural Review for the Construction of Additions to an Existing Single-Family Dwelling, with a Variance for Excess Lot Coverage and a Floor Area Exception (Continued from April 21, 2016)

Reviewed By: _____

BACKGROUND

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

This application was first reviewed at the April 21, 2016 Design Review Board meeting. At that meeting, numerous property owners in the vicinity raised concerns about potential view blockage that would be caused by the project, primarily by the proposed upper level addition. Privacy issues were also raised by the owners of the adjacent properties at 6 Audrey Court and 8 Acela Drive. At the meeting, the applicant indicated a willingness to redesign the project to eliminate the upper level addition.

The Design Review Board shared these concerns and felt that the project as designed would have had substantial impacts on other homes. The Board encouraged a revised project design that possibly included areas on the lower level, but expressed doubts about whether a floor area exception could be supported for this property. The Board also encouraged the applicant to redesign the proposed garage, provide more landscaping information and incorporate more details in the project architecture. The application was continued to the May 19, 2016 meeting to allow the applicant to address these issues. The applicant requested a further continuance to the June 2, 2016 meeting to allow more time to revise the plans.

The applicant has now submitted revised plans for the project. The upper floor addition has been eliminated. On the main floor, the garage conversion has been slightly reconfigured, the 52 square foot kitchen addition has been reduced to a small popout and the entry and its roofline have been modified. The new garage has been redesigned to a more traditional two-car configuration. The lower floor addition has been enlarged by 11 square feet, with a media room now proposed instead of a living room and bedroom.

The floor area of the project was decreased by 1,212 square feet to a total of 4,067 square feet, which is 209 square feet greater than the 3,858 square foot floor area ratio for this site. The applicant has therefore again requested a floor area exception. The revised project decreased the lot coverage of the project by 70.5 square feet to a total of 3,765 square feet (20.3%), which is greater than the 15.0 % maximum lot coverage permitted in the RO-2 zone. As a result, a variance is still requested for excess lot coverage.

ANALYSIS

Design Issues

The revised project design responds to many of the concerns raised by the Design Review Board at the previous meeting. The removal of the upper level addition would eliminate most, if not all, of the potential view impacts on nearby homes and would dramatically lessen the mass and bulk of the structure. The redesigned garage would provide adequate enclosed parking for the house. The only increase in floor area from the previous design has been added to the lower floor of the house. The revised entry design would add some architectural detail to the front of the building. Staff notes that no additional landscaping information has been provided with the revised plans.

The only portion of the revised project that would appear to have the potential to intrude into views from neighboring homes is the proposed entry addition. The entry roofline would project out from the face of the house and rise above a portion of the existing roofline when viewed from the side, but would not extend above the existing ridgeline of the house. The entry would not block any views from the neighboring home at 6 Audrey Court and would not be visible from the home at 8 Bartel Court, but could be visible at a distance and slightly intrude into views toward San Francisco from other homes on Bartel Court and Meadowhill Drive. The Design Review Board is encouraged to view the story poles for the revised project design from the homes at 6 Audrey Court and homes along Bartel Court and Meadowhill Drive.

During the review of the previous project design, it was noted that the conditional use permit that approved the existing secondary dwelling unit on the property (File #18401) set a maximum size of 689 square feet for that unit and specifically required an amendment to the permit to increase the size of the unit. The revised project design would eliminate the secondary dwelling unit and replace the kitchen with a wet bar.

Zoning

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

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

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

The 18,580 square foot size of the lot is somewhat smaller than the 20,000 square foot minimum lot size required in the RO-2 zone. The upper floor of the existing house on the site is situated within many viewlines for neighboring properties. These physical characteristics would create special circumstances that would deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones if the maximum lot coverage requirement is strictly applied.

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

Numerous other properties in the RO-2 and similar zones have been granted variances for excess lot coverage, particularly to prevent adding upward to an existing house when such additions would result in view impacts for other residences in the vicinity.

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 maximum lot coverage requirements would require additional floor area to be added to the upper level of the house, which would create substantial view impacts on other nearby homes, which would result in practical difficulty on the applicant.

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

As noted above, the revised project design would not create view and other visual impacts for other homes in the vicinity.

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

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

The proposed additions would no longer extend the existing upper level of the house and would add only to the main and lower floors of the house, which would not substantially alter the visual size and scale of the existing structure.

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 revised project design would expand the existing building footprint outward on the main and lower levels of the house, which would not substantially alter the relationship of the structure to the physical characteristics of the site.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance and floor area exception. It should be noted that the Design Review Board has generally not applications requesting a floor area exception in connection with a request for a lot coverage variance. However, the revised project would exceed both the floor area ratio and maximum lot coverage requirements to a much lesser extent than previously proposed, and in manner more consistent with the development pattern of other homes in the surrounding Marinero subdivision, many of which exceed both of these standards.

Public Comment

As of the date of this report, no letters have been received regarding the subject application since the April 21, 2016 meeting.

RECOMMENDATION

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

ATTACHMENTS

1. Conditions of approval
2. Supplemental application materials
3. Design Review Board staff report dated April 21, 2016
4. Minutes of the April 21, 2016 Design Review Board meeting
5. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

2 AUDREY COURT

FILE #DR2015139/VAR2015021/FAE2015013

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform with the application dated by the Town of Tiburon on November 2, 2015, or as amended by these conditions of approval. Any modifications to the plans of May 23, 2016 must be reviewed and approved by the Design Review Board.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not “deemed approved” if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
6. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney’s fees that might result from the third party challenge.
7. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24” x 24” in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact

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

8. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
9. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
 - a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
 - b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.
 - c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.
10. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
11. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:
 - a. The automatic fire sprinkler system shall be modified to properly protect the new and remodeled areas. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. Due to the size of the structure, the system shall be designed to meet NFPA 13R standards. CFC 903.2
 - b. Approved carbon monoxide and smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
 - c. The vegetation on this parcel shall comply with the requirements of TFPD. CFC 304.1.2
12. The project shall comply with all requirements of the Richardson Bay Sanitary District.
13. The kitchenette on the lower floor shall comply with the Tiburon Zoning Ordinance definition of a wet bar.



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 Setback | _____ | _____ | _____ | _____ |
| Rear Setback | _____ | _____ | _____ | _____ |
| Left Side Setback | _____ | _____ | _____ | _____ |
| Right Side Setback | _____ | _____ | _____ | _____ |
| Lot Coverage | <u>15% max</u> | <u>13.2%</u> | <u>20.2%</u> | <u>5.2%</u> |
| Height | _____ | _____ | _____ | _____ |
| Parcel Area Per Dwelling Unit | _____ | _____ | _____ | _____ |
| Usable Open Space | _____ | _____ | _____ | _____ |
| Parking | _____ | _____ | _____ | _____ |
| Expansion of Nonconformity | _____ | _____ | _____ | _____ |
| Other (Please describe): | _____ | | | |
| <u>FAR</u> | 4067 sq.ft <u>3858</u> | <u>3577</u> sq.ft | <u>4067</u> sf | <u>209</u> sq. |



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

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

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 2 Audrey Court; File Nos. DR2015139, VAR2015021 & FAE2015013;
Site Plan and Architectural Review for the Construction of Additions to
an Existing Single-Family Dwelling, with a Variance for Excess Lot
Coverage and a Floor Area Exception

Reviewed By: _____

PROJECT DATA

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

PRELIMINARY ENVIRONMENTAL DETERMINATION

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

PROJECT DESCRIPTION

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

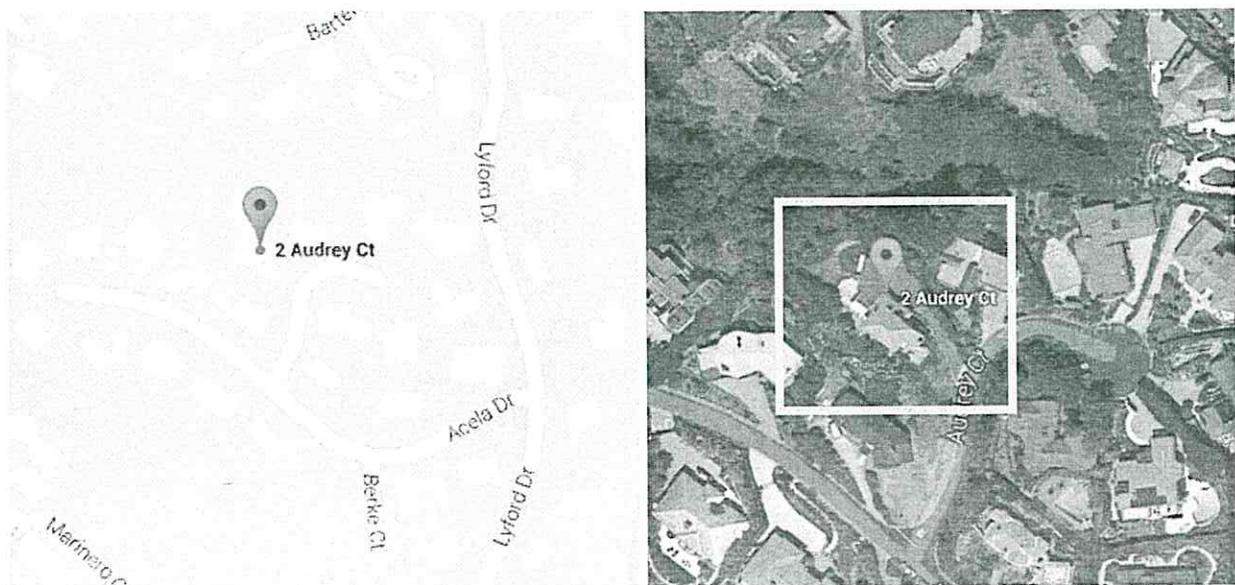
The project would make changes to all three levels of the house. On the main level, the existing garage and secondary dwelling unit would be converted into a master bedroom suite with an adjacent deck, the existing kitchen and living room and adjacent deck would be expanded, and a

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

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

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

PROJECT SETTING



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

BACKGROUND

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

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

ANALYSIS

Design Issues

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

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

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

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

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

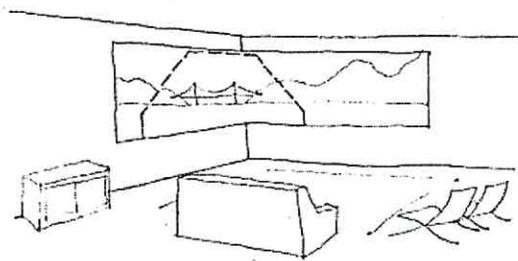
and extend slightly further into views of San Francisco from the living areas of the homes at 8 Bartel Court and 23 & 25 Meadowhill Drive.

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

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

NO

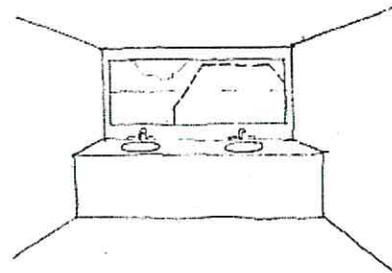
• PROPOSED STRUCTURE
BLOCKS LIVING ROOM VIEW



• GREAT IMPACT ON
LIVABILITY

YES

• PROPOSED STRUCTURE
BLOCKS BATHROOM VIEW

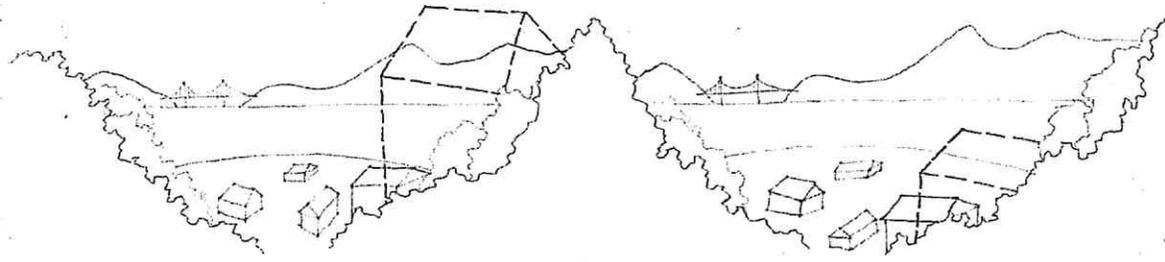


• LITTLE IMPACT ON
LIVABILITY

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

NO

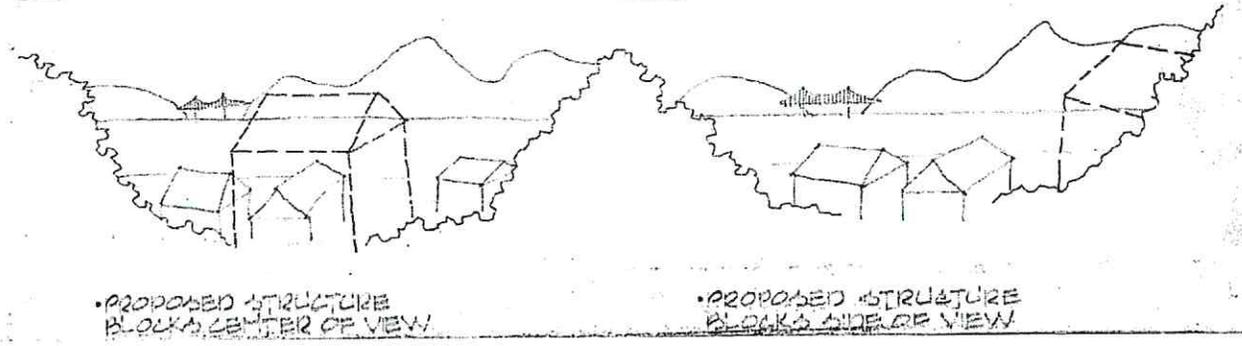
YES



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

NO

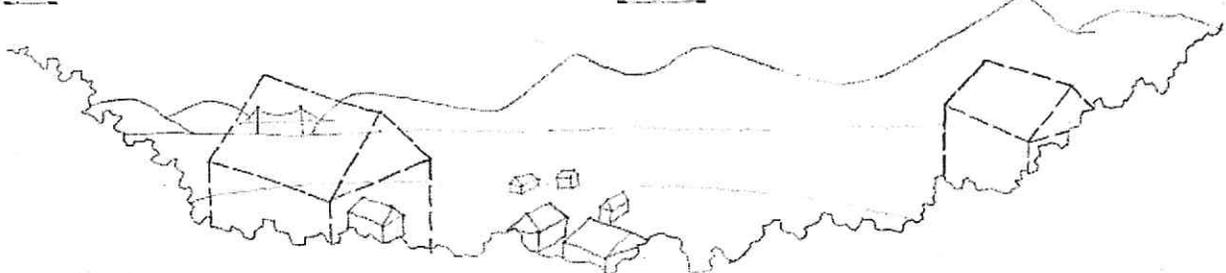
YES



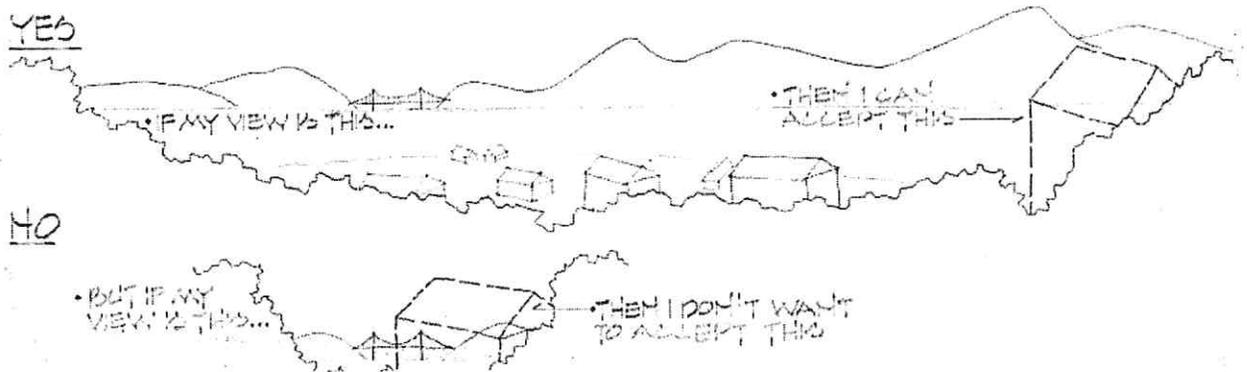
Goal 3, Principle 7 (D) of the Hillside Design Guidelines states that “blockage of important object in the view (Golden Gate Bridge, Belvedere Lagoon, Sausalito, Angel Island) is more difficult to accept than blockage of other, less well-known landmarks.” The proposed upper level addition would block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

NO

YES



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



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

Zoning

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Comment

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

CONCLUSION

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

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

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

RECOMMENDATION

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

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

ATTACHMENTS

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

Prepared By: Daniel M. Watrous, Planning Manager

modified windows and doors on the west, east and south sides of the existing home, five (5) new skylights on the roof above the kitchen and sunroom, a new ramp from the carport to the existing bridge, and a new entry door and entry canopy.

The proposal would result in a floor area of 3,415 square feet, which is below the maximum permitted floor area for the property (3,920 square feet). The proposal would result in lot coverage of 2,774 square feet (14.4%), which is below the maximum permitted lot coverage in RO-2 zones (15.0%).

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

Scott Fleming, architect, said that the house is located on a narrow portion of the site and one of the reasons for the variance is because the location makes it extremely difficult to site an addition. He described the additions and said that since the existing front elevation is fairly plain, they would like to improve its appearance with an entry structure with a new door, transom windows, and stone pillars. He said that they also would like to add a ramp from the existing carport to the wooden entryway bridge to provide more access from the carport to the home.

Chair Tollini asked if the existing fence is built on the lot line. Mr. Fleming said he thought that the fence might be in the right-of-way.

There were no public comments.

Boardmember Emberson said that the changes were incremental and the house would be nicer. She felt that the access was necessary. She said that no one will see it and the additional two feet into the setback did not bother her, so she supported the project.

Vice Chair Kricensky agreed with Boardmember Emberson and said that this was an intelligent design that will enhance the house.

Boardmember Chong agreed with the other Boardmembers. He said that when he visited the site it was clear that the project would not impact any of the neighbors.

Boardmembers Cousins and Chair Tollini also agreed that this was a modest request and would make the house more usable.

ACTION: It was M/S (Chong/Emberson) that the request for 4000 Paradise Drive is exempt from the California Environmental Quality Act and to approve the request, subject to the attached conditions of approval. Vote: 5-0.

3. **2 AUDREY COURT:** File Nos. DR2015139/VAR2015021/FAE2015013; Arvand Sabetian, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling and secondary dwelling unit, with a Variance for excess

lot coverage and a Floor Area Exception. The applicant proposes to add 1,649 square feet of additions to an existing single-family dwelling and secondary dwelling unit for a total of 5,279 square feet, which is 1,421 square feet greater than the 3,858 square foot floor area ratio for this lot. The project would result in 3,835.5 square feet (20.6%) of lot coverage, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Assessor's Parcel No. 058-231-10.

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

The project would make changes to all three levels of the house. On the main level, the existing garage and secondary dwelling unit would be converted into a master bedroom suite with an adjacent deck, the existing kitchen and living room and adjacent deck would be expanded, and a new two-car garage would be constructed. On the lower level, the existing living area would be converted into the secondary dwelling unit and expanded, with two bedrooms, a kitchen, living room and two bathrooms. A new second master bedroom suite would be added on the upper level above the main level master suite.

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

Arvand Sabetian, applicant, acknowledged that there have been many issues with the proposed upstairs addition and that they thought about postponing this meeting, but after speaking with Planning Manager Watrous decided they would come to the meeting to communicate their thoughts and come back with revisions at a later meeting. He said that they became aware of the impact on the views after the story poles went up, so they therefore plan on completely removing the upstairs addition to avoid impacting their neighbors. He described other aspects of the project design and said that without the upper level addition the floor area exception would be reduced to 737 square feet. He spoke of the 2006 approval for an exception on this property and said that they hoped for a similar exception when they purchased the property. He stated that there are only two usable rooms in the house, one of which is the master bedroom and the other of which is on the main floor. He said that the house does not have any rooms on the same floor, and therefore one of their goals was to fix that problem and make it into a main residence with a very small in-law unit. He said that they originally wanted to put the rooms on the same floor on the upper floor, but because of view impacts, the other option was to convert the garage and add a new garage. He said that they wanted to make the second unit a small self-contained unit with an extra bedroom and kitchen. He researched the sizes of other lots in the vicinity and said that compared to the others, this lot is substandard. He said that the 700 square foot addition would solve their problems and the house would still be smaller than most of the houses in the neighborhood.

Boardmember Cousins asked if they had plans of the revised proposals. Mr. Sabetian said that they did not have time to prepare them for this meeting, but the entire upper story addition would be eliminated.

The public hearing was opened.

Mark Groody, representing Mike and Kathy King, said they do not want to deny anything reasonable and support the homeowner's desire to improve their property. He said that they could support an addition on top of the existing garage if the higher existing roofline was removed. He also questioned whether there might be two master suites in the house, in addition to the in-law unit.

Mark Casillas said that it was highly unlikely that the existing house would be approved today because of its impact on views, which are important to residents of Tiburon. He said that he was impressed with Mr. Sabetian's responses and promptness, and he understood how difficult this process can be. He stated that many projects in the area have been improved by using excavation as a possible way to add floor area. He was concerned about exterior lighting and landscaping, and asked if that could be taken into consideration.

Elona Baum thanked Mr. Sabetian for taking the initiative to eliminate the additional floor. She said that they also built lower for their renovation and she noted that they are careful to keep trees trimmed to protect everyone's views and be able to live harmoniously. She suggested that the Board consider not just the height, but also the bulk of the house.

Nancy Todes-Taylor agreed with Ms. Baum's comments and said that she appreciated the reduction of the height. She stated that the roof of the house went up in 2006 with no warning. She said that when the story poles went up this time it was clear that this would impact their views of the Golden Gate Bridge, city and a good portion of their bay view.

Jonathan Taylor said that story poles were massive and jut into the view that he grew up with. He said that they were not notified until the story poles went up. He said that they love the neighborhood and this would be detrimental to their well-being.

Ms. Todes-Taylor stated that when big structures go out horizontally it affects their property tremendously.

Mike Perozzi said that this project would affect the Kings most but would also affect his own views, including blocking water views and views of Belvedere. He said that the project would have less impact without the upper story and he looked forward to seeing the new plans. He said that he did not see how they can expand this house in a way that does not affect the Kings because the properties are so close to each other.

Tom Ollendorff said that they share a common boundary with the applicant's property and that their objections were not view-related, but rather privacy issues. He said that this house looks down upon their deck, master bedroom, other bedroom, and kitchen and that the proposed expansion would put more mass into that area and reduce their privacy further. He was

concerned that the plans show a deck area that would extend into the setback. He stated that the 1984 Planning Commission resolution for the secondary dwelling unit had conditions of approval that limited its size and he would like that taken into account. He said that they had not had any dialogue with the applicant until noon today, and he found that unusual.

Mr. Sabetian said in 2006 there was an approval that was never constructed. Chair Tollini asked if the new deck goes into the setback, and Mr. Sabetian said the intent was to not overstep the setback but get close to it. He said that they had a survey done to be sure they were within the setback.

The public hearing was closed.

Boardmember Chong appreciated the applicant's willingness to work with the neighbors and design a project that would be more fitting. He noted that the area is relatively well-developed and the houses have negotiated views, so any second stories have the potential to impact multiple properties. He said that he could only support a project in this neighborhood if it had little to no impact on the other homes. He said that this is a relatively large home and this would be one of the largest homes in the area. He said he could support an exception if it had little or no view impact. He would like to see the applicant be more involved with the neighbors and understand the impacts on them before the next meeting, as the current project design was not close to getting his support.

Boardmember Cousins said that the initial project design was a nonstarter because it had such a huge impact on the neighbors. He said that he could not comment on the project without seeing new floor plans. He said that the garage design looked very impractical and he was unsure whether it would be a usable space. He said that there is potential in excavating the crawl spaces under the building to add area without any impact on the neighbors.

Boardmember Emberson suggested talking with the neighbors and showing them the new set of plans to get a close approximation of something acceptable to them. She said she would like to see a landscape plan with existing trees, including those they intend to remove and those they intend to plant. She said that she could not support an addition to the second story, and she could not see how they can expand without excavation. She acknowledged that this is a difficult site.

Vice Chair Kricensky said that it is unlikely that the current Board would approve the current house because there are other architectural solutions. He suggested that the proposed garage was awkward and would encroach more into the visual space of the neighbor. He said that requests that exceed the floor area ratio and lot coverage requirements are usually considered to be overbuilt. He said that the architecture of the house also made it feel overbuilt and would exacerbate the problem. He was unsure how much he could approve over the FAR when the house was so close to its maximum size. He noted that the permit for the secondary dwelling unit limited its size to 689 square feet and the application proposed increasing that to 824 square feet. He appreciated that the applicant recognized the problem and started talking with neighbors to come up with another solution.

Chair Tollini agreed with the other Boardmembers. He felt that the original application for this project was far from being acceptable. He agreed that the existing house would never be approved today because it is awkward and top-heavy and this application would make that worse by making it bigger. He felt that any expansion needs to conform to the Hillside Design Guidelines and mitigate the top-heaviness of the structure. He thought that the revised plans should emphasize design and more function. He said that the Assessor's records of floor area do not tell the whole story and each house is reviewed on an individual basis. He encouraged the applicant to gather the neighbors when the new plans are completed.

Boardmember Chong asked that additional detail needed to be incorporated into the plans.

Vice Chair Kricensky stated that the design made the house look even bigger than its floor area.

The applicant agreed to an extension of the Permit Streamlining Act deadline for this application.

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| ACTION: It was M/S (Emberson/Kricensky) to continue the application for 2 Audrey Court to the May 19, 2016 meeting. Vote: 5-0. |
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F. APPROVAL OF MINUTES #5 OF THE APRIL 7, 2016 DESIGN REVIEW BOARD MEETING

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| ACTION: It was M/S (Emberson/Kricensky) to approve the minutes of the April 7, meeting, as written. Vote: 5-0. |
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G. ADJOURNMENT

The meeting was adjourned at 8:00 p.m.