



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
July 21, 2016
Agenda Item: **7**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 480 Irving Court; File Nos. DR2016066, VAR2016017 & VAR2016018;
Site Plan and Architectural Review for the Construction of Additions to
an Existing Single-Family Dwelling, with Variances for Reduced Side
Setback and Excess Lot Coverage

Reviewed By: _____

PROJECT DATA

ADDRESS: 480 IRVING COURT
OWNER: JUNZHE MIAO
APPLICANT: XIAOJIE LUO (ARCHITECT)
ASSESSOR'S PARCEL: 034-251-15
FILE NUMBERS: DR2016066/VAR2016017/VAR2016018
LOT SIZE: 8,272 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: MH (MEDIUM HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: JUNE 28, 2016

PRELIMINARY ENVIRONMENTAL DETERMINATION

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

PROJECT DESCRIPTION

The applicant is requesting Design Review approval for the construction of additions to an existing one-story, single-family dwelling on property located at 480 Irving Court. The project would expand the house to the front and rear. The project would add a master bedroom suite, one bathroom, a dining room, entry and den, and would expand the great room. A solarium at the rear of the house would be removed. The roofline would be reconfigured, with the maximum height increasing from 13 feet to 17 feet, 6 inches. Three new skylights would be installed.

The floor area of the house would be increased by 1,361 square feet to a total of 2,563 square feet, which is 264 square feet less than the 2,872 square foot floor area ratio for this site. The proposal would increase the lot coverage on the site by 1,281 square feet to a total of 2,985 square feet (36.1%), which is greater than the 30.0 % maximum lot coverage permitted in the R-1 zone. As a result, a variance is requested for excess lot coverage.

The proposed addition would extend to within 7 feet, 8 inches of the right (west) side property line. As an 8 foot side setback is required in the R-1 zone, a variance is required for reduced side setback.

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The house would be finished with light brown wood siding with dark brown and off-white trim. The roof would utilize dark brown shingles.

PROJECT SETTING



The subject property is situated on a relatively level site on the lower side of Irving Court, toward the end of a cul-de-sac. The site is situated above homes at lower elevations on Washington Court.

ANALYSIS

Design Issues

The existing house is bordered by existing mature vegetation to the sides and rear of the site. A solid wood fence and screening vegetation extends along the right (west) side property line, which would help screen the addition along that side of the home from view from the adjacent home at 476 Irving Court.

The raised portions of the roofline would be most visible from the homes across the street, which are situated at higher elevations than the subject house. The residences at 477 & 481 Irving Court both have views across the rooftop. The story poles indicate that the roofline would extend into views of the hillside above Tiburon Boulevard from the home at 477 Irving Court. The modified roofline would be more visible in the center of the view of the residence at 481 Irving Court, but this view is currently screened by trees on homes on Washington Court beyond. As a result, the roofline would not appear to project into any protected views from these nearby homes.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-1 zone, with the exception of the requested variances for reduced side setback and excess lot coverage.

In order to grant the requested variances, 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 8,272 square foot size of the lot is smaller than the 10,000 square foot minimum lot size required in the R-1 zone, but is similar in size to many of the lots in the surrounding Belveron West subdivision. The existing house is situated closer to the side property line, with a side setback of only 4 feet, 2 inches at the narrowest point. 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 side setback and maximum lot coverage requirements are 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 R-1 and similar zones have been granted variances for reduced side setback and excess lot coverage, particularly to support additions that maintain a one-story house design. Therefore, the requested variances would not 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.

The strict application of the side setback and maximum lot coverage requirements would result in practical difficulty or unnecessary physical hardship, as additions to the existing house would otherwise require construction of a second story, which would result in substantial view or privacy issues for other homes in the vicinity, or would require an unnecessary increased setback for a very small portion of the proposed addition.

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 not create substantial view and other visual impacts for other homes in the vicinity.

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

Public Comment

As of the date of this report, no letters have been received regarding the subject application.

RECOMMENDATION

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

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

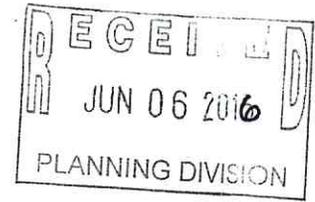
480 IRVING COURT

FILE #DR2016066/VAR2016017/VAR2016018

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 June 6, 2016, or as amended by these conditions of approval. Any modifications to the plans of June 6, 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. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
7. 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.
8. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction

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

9. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
10. All requirements of the 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.
11. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
12. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:
 - a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2
 - b. The vegetation on this parcel shall comply with the requirements of TFPD and the recommendations of Fire Safe Marin. CFC 304.1.2
 - c. Approved carbon monoxide and smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
13. The project shall comply with all requirements of the Richardson Bay Sanitary District.



**TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION**

TYPE OF APPLICATION

- Conditional Use Permit
- 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) 2 #
- 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: 480 Irving Ct, Tiburon, CA **PROPERTY SIZE:** 1202 sqft
PARCEL NUMBER: 034-251-15 **ZONING:** R-1

PROPERTY OWNER: Junzhe Miao *
MAILING ADDRESS: 60 Rollingwood Dr, San Rafael, CA 94901

PHONE/FAX NUMBER: 415-497-1878 **E-MAIL:** miaojunzhe@gmail.com

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

PHONE/FAX NUMBER: _____ **E-MAIL:** _____

ARCHITECT/DESIGNER/ENGINEER Xiaojie Luo
MAILING ADDRESS: 746 Posada Way, Fremont, CA 94536

PHONE/FAX NUMBER: 510-7904930 **E-MAIL:** el.architects@yahoo.com

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

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

We are remodeling the house by adding 1361 square feet on the backyard to accommodate more family members. This is a single-story home with maximum elevation of 17'-6" on a leveled land. There is no change on the side/front setbacks. We are going to keep all external wall structures and most roofs. The southern external walls will become inner walls. The only structure we will demolish is the solarium, which doesn't have foundation or studs.

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

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

Signature:*  Date: 6/5/2016

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

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

Signature:*  Date: 6/5/2016

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

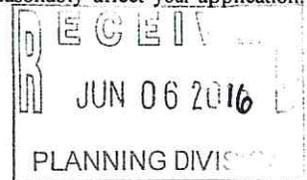
NOTICE TO APPLICANTS

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

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

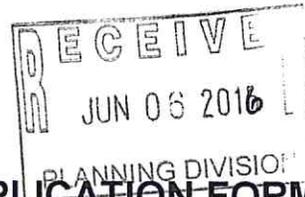
The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks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

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



DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION		
Application No.: DR2016-0609/VAR2016-017	GP Designation:	Fee Deposit: \$2,225
Date Received: 6/6/2016	Received By: LS	Receipt #: R1309
Date Deemed Complete: 6/23/16	Action:	By: DJ
Acting Body:		Date:
Conditions of Approval or Comments:		Resolution or Ordinance #



DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

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

1. Briefly describe the proposed project: _____
We are remodeling the house by adding 1361 square feet on the backyard to accommodate more family members. This is a single-story home with maximum elevation of 17'-6" on a leveled land. There is no change on the side/front setbacks. We are going to keep all external wall structures and most roofs. The southern external walls will become inner walls. The only structure we will demolish is the solarium, which doesn't have foundation or studs.

2. Lot area in square feet (Section 16-100.020(L)): 8272 sq ft.

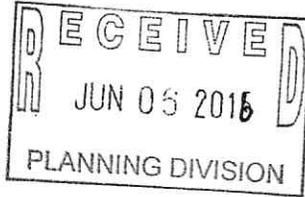
3. Square footage of Landscape Area: 4790 sq ft.

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

5. 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	CAL- CULATED	PER ZONE
Setbacks from property line (Section 16-100.020(Y))* Front	18.98 ft.	0 ft.	18.98 ft.	ft.	ft.
Rear	52.98 ft.	-27.78 ft.	25.2 ft.	ft.	ft.
Right Side	7.72 ft.	0 ft.	7.72 ft.	7'8" ft.	8' ft.
Left Side	8.32 ft.	0 ft.	8.32 ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	13 ft.	4.5 ft.	17.5 ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B))*	1704 sq.ft.	1281 sq.ft.	2985 sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	20.6 %	15.5 %	36.1 %	36.1 %	30.0 %
Gross Floor Area (Section 16-100.020(F))*	1202 sq.ft.	1361 sq.ft.	2563 sq.ft.	sq.ft.	sq.ft.

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



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

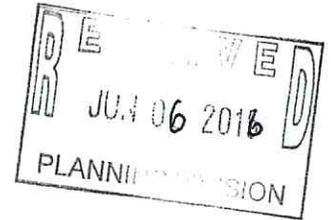
APPLICATION FOR VARIANCE

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

WHAT VARIANCE(S) ARE YOU REQUESTING?

<u>Condition</u>	<u>Zoning Requirement</u>	<u>Existing Condition</u>	<u>This Application Proposes</u>	<u>Magnitude Of Variance Requested</u>
Front Setback	_____	_____	_____	_____
Rear Setback	_____	_____	_____	_____
Left Side Setback	_____	_____	_____	_____
Right Side Setback	8 ft	7.72 ft	7.72ft	_____
Lot Coverage	30%	20.9%	36.1%	_____
Height	_____	_____	_____	_____
Parcel Area Per Dwelling Unit	_____	_____	_____	_____
Usable Open Space	_____	_____	_____	_____
Parking	_____	_____	_____	_____
Expansion of Nonconformity	_____	_____	_____	_____
Other (Please describe):	_____			

Application for Variance



Dear Sir/Madam,

I am writing to apply for two building variances.

1. We are proposing a home of 2563 sq ft, with a total 36.1% lot coverage, which exceeds the 30% lot coverage standard.

We want a big home that can accommodate 7-8 people. We currently have a kid and plan to have more. And we plan to invite my parents and my wife's parents to stay with us. Our tradition is that old parents live with their child so that the child can take care of them.

We prefer one story home. Two-story home will satisfy the standard but it is not inconsistent with our neighbors, which are all one story home. And it is not convenience for our parents to climb the stairs.

The new home should not be detrimental to the public welfare or injurious to other property in the vicinity. There are similar size one-story homes in the vicinity already - 493 Washington Ct (2856 sq ft) and 488 Washington Ct (2405 sq ft).

2. We are keeping a right side setback of 7.72' which is a little smaller than standard 8' side setback.

The current right side setback is 7.72'. We are not going to make it smaller. We want to extend in the rear direction. As you will see in the site plan, when we extend along the current right wall, the setback is growing up to 10'-6".

Thanks a lot for your time and consideration.

Sincerely,

Junzhe Miao

6/5/2016