



TOWN OF TIBURON  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
November 3, 2016

Agenda Item: **1**

## STAFF REPORT

**To:** Members of the Design Review Board

**From:** Planning Manager Watrous

**Subject:** 85 East View Avenue; File Nos. DR2016091, VAR2016026, VAR2016027, VAR2016028, VAR2016029, VAR2016030 & FAE2016009 ; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling, with Variances for Reduced Front and Side Setbacks, Excess Lot Coverage and Excess Building Height, and a Floor Area Exception (Continued from September 1, 2016)

**Reviewed By:** \_\_\_\_\_

## BACKGROUND

The applicant is requesting Design Review approval for the construction of a new four-story single-family dwelling on property located at 85 East View Avenue. The subject property is currently vacant.

The application was first reviewed at the September 1, 2016 Design Review Board meeting. At that meeting, the owners of the adjacent homes at 83 & 87 East View Avenue raised concerns about potential view and privacy impacts from the proposed house and recommended that the house be pulled up closer to the slope. The Design Review Board shared some of these concerns, but felt that the potential view impacts would be more substantial for the home at 87 East View Avenue, while the potentially affected views for the residence at 83 East View Avenue were more appropriately characterized as borrowed views across a vacant lot. The Board made suggestions about potential design changes that could address these concerns and continued the application to the November 3, 2016 meeting.

The applicant has now submitted revised plans for the project. The living room on the third floor has been pulled back 4 feet from the rear and widened to match up with the remainder of the building footprint on the east side, 3 feet from the east side property line. A closet has been added on the second floor beneath the widened living room.

The floor area of the proposed house would be 1,966 square feet (99.9%), which is greater than the 35.0% maximum floor area permitted for a lot of this size and 58 square feet larger than the previous house design. A floor area exception is therefore requested. The proposed house would cover 1,231 square feet (62.5%) of the site, 4 square feet greater than the previous design and greater than the 30.0% maximum lot coverage permitted in the R-1 zone. Variances would be required for reduced front and side setbacks, excess lot coverage and excess building height.

## **ANALYSIS**

### **Design Issues**

The revised house design appears to respond to the concerns previously raised by the Design Review Board. The 4 foot reduction in the depth of the living room would lessen the impacts on views toward Angel Island for the home at 87 East View Avenue and views to the west for the home at 83 East View Avenue. The widened living room would bring additional building mass closer to the home at 83 East View Avenue.

The Design Review Board is encouraged to view the revised story poles from the homes at 83 & 87 East View Avenue.

### **Zoning**

Staff has reviewed the proposal and finds that it is generally not in conformance with the development standards for the R-1 zone, as variances are requested for reduced front and side yard setbacks, excess lot coverage and excess building height, along with a floor area exception. In the September 1, 2016 staff report, staff indicated that there is sufficient evidence to support the findings for the requested variances and floor area exception.

### **Public Comment**

As of the date of this report, one letter has been received regarding the subject application since the September 1, 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. Design Review Board staff report dated September 1, 2016
3. Minutes of the September 1, 2016 Design Review Board meeting
4. Letter from Anne Kasanin, dated September 8, 2016
5. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

## CONDITIONS OF APPROVAL

### 85 EAST VIEW AVENUE

#### **FILE # DR2016091, VAR2016026, VAR2016027, VAR2016028, VAR2016029, VAR2016030 & FAE2016009**

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform with the application dated by the Town of Tiburon on July 14, 2016, or as amended by these conditions of approval. Any modifications to the plans of October 24, 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. A photovoltaic energy system shall be installed in compliance with the requirements of Section 16-40.080 of the Tiburon Zoning Ordinance.
11. Prior to issuing a grading or building permit the applicant shall implement measures for site design, source control, run-off reduction and stormwater treatment as found in the Bay Area Stormwater Management Agency Association (BASMAA) Post-Construction Manual available at the Planning Division or online at the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) website at [www.mcstoppp.org](http://www.mcstoppp.org).
12. 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 site must provide at least one Post Construction mitigation in accordance with E.12 of the Town's Municipal Stormwater Permit and the BASMAA Post-Construction Manual Design Guidance for Stormwater Treatment and Control for Projects in Marin, Sonoma, Napa, and Solano Counties. Prior to building permit issuance complete the Project Data Form indicating which runoff reduction measure will be used and delineate the areas and locations of runoff reduction measures on a site plan.
  - b. An Encroachment Permit from DPW is required for any work within the Town's road right-of-way, including, but not limited to, utility trenching, installation of new utility connections, and modifications to the driveway apron. The plans shall clearly identify all proposed work in the right of way and an Encroachment Permit shall be obtained prior to conducting such work. If no work is proposed within the public right-of-way this comment may be disregarded.
  - c. Prior to building permit issuance specify on the building permit plan set the total volume of displaced earth (cut and fill).
  - d. Prior to building permit issuance an erosion and sediment control plan shall be submitted as part of the plan set.
  - e. Prior to building permit issuance the applicant shall complete the Construction Erosion and Sediment Control Applicant Package that can be found on the Town's website.
  - f. The project shall be subject to post rain event erosion control inspections.

- g. Prior to building permit issuance provide a geotechnical report prepared by a licensed soils engineer.
  - h. Plans, reports, calculations and other relevant project files shall be reviewed and approved by the Public Works Department for impacts to the public right-of-way prior to building permit issuance.
  - i. Prior to building permit final all damage to the streets that result from the subject construction activities shall be restored by applicant/developer. Inspections by the Public Works Department shall take place prior construction, during construction and prior to final to identify extent of restoration and to ensure its adequacy.
13. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
14. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:
- a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. The automatic fire sprinkler system shall be upgraded to a NFPA 13R system with the FDC located below the structure on East View Avenue. CFC 903.2
  - b. Access shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. A means of egress/access shall be provided from each level of the home to exterior stairs. CFC 503.1.1
  - c. Approved smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
  - d. The vegetation on this parcel shall comply with the requirements of TFPD and the recommendations of Fire Safe Marin. Shredded bark is prohibited. CFC 304.1.2
  - e. All solar panels shall comply with TFPD standard 605.11.
15. The project shall comply with all requirements of Sanitary District No. 5.
16. The roof material color shall be a medium to dark color to be reviewed and approved by Planning Division staff prior to issuance of a building permit for this project.
17. A construction staging plan shall be approved by the Building Official and Public Works Department prior to issuance of a building permit for this project. The staging plan shall include the following information:

- a. Staging areas and means of construction during the various stages of the projects.
- b. Indicate the impacts to the roadway.
- c. Specify which street frontages will be affected, if any, and whether traffic in Belvedere will be affected. If street frontages will be affected by construction activities, staging or parking, provide traffic control plans and the expected frequency of road closures.
- d. Expected project duration and preliminary construction schedule.
- e. Specify whether East View Avenue will be closed during the demolition and re-construction of the retaining wall and means of retaining the soil and street during construction. The maximum limit of road closures is 5 days for the duration of the project in accordance with the amount specified in the construction management plan. Road closures shall not conflict with garbage pickup days or street sweeping days. Work within the public right of way, including road closures, shall not be permitted on weekends.
- f. Specify the expected frequency and quantity of dump truck trips for the various stages of the project.
- g. Specify what heavy equipment will be utilized at the various stages of the projects and its expected location and duration of use.



**TOWN OF TIBURON**  
 1505 Tiburon Boulevard  
 Tiburon, CA 94920

Design Review Board Meeting  
 September 1, 2016  
 Agenda Item: **1**

<b>STAFF REPORT</b>	
<b>To:</b>	<b>Members of the Design Review Board</b>
<b>From:</b>	<b>Planning Manager Watrous</b>
<b>Subject:</b>	<b>85 East View Avenue; File Nos. DR2016091, VAR2016026, VAR2016027, VAR2016028, VAR2016029, VAR2016030 &amp; FAE2016009 ; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling, with Variances for Reduced Front and Side Setbacks, Excess Lot Coverage and Excess Building Height, and a Floor Area Exception</b>
<b>Reviewed By:</b>	_____

**PROJECT DATA**

**ADDRESS:** 85 EAST VIEW AVENUE  
**OWNER:** DAVID AND TANDY FORD  
**APPLICANT:** DAVID THOMPSON (ARCHITECT)  
**ASSESSOR'S PARCEL:** 060-105-67  
**FILE NUMBERS:** DR2016091, VAR2016026, VAR2016027, VAR2016028, VAR2016029, VAR2016030 & FAE2016009  
**LOT SIZE:** 1,968 SQUARE FEET  
**ZONING:** R-1 (SINGLE-FAMILY RESIDENTIAL)  
**GENERAL PLAN:** MH (MEDIUM HIGH DENSITY RESIDENTIAL)  
**FLOOD ZONE:** X  
**DATE COMPLETE:** AUGUST 10, 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 a new four-story single-family dwelling on property located at 85 East View Avenue. The subject property is currently vacant.

The first (lowest) level of the house would include a bedroom, bathroom study and storage area. The second level would include a master bedroom suite and laundry room. The third level would include a living room, kitchen, dining room and a half bathroom. The fourth (highest) level would

include a two-car garage and an entry. A deck would extend off the second level, along with access to a patio area on the first level and a roof deck adjacent to the entry on the fourth level. All four levels would be connected by an interior stairway and an elevator. Skylights would be installed above the entry stairs on the fourth level and the first level study. A wire fence would extend along the west (left) side property line. An additional parking pad would be created to the left of the driveway.

The floor area of the proposed house would be 1,908 square feet (97.1%), which is greater than the 35.0% maximum floor area permitted for a lot of this size. A floor area exception is therefore requested. In addition, the following variances would be required for the proposed house:

- The proposed house would extend up to the front property line, which would be less than the 15 foot front yard setback required in the R-1 zone.
- The proposed house would extend to within 3 feet of the east (right) side property line, which would be less than the 8 foot side yard setback required in the R-1 zone.
- The proposed house would extend to within 3 feet, 4 inches of the west (right) side property line, which would be less than the 8 foot side yard setback required in the R-1 zone.
- The proposed house would cover 1,227 square feet (62.3%) of the site, which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone.
- The height of the proposed house would be 42 feet, 11 inches, which is greater than the 30 foot maximum building height in the R-1 zone.

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The structure would be finished with wood and light grey colored stucco walls, with dark grey trim. A grey flat roof with gravel would be installed.

## **BACKGROUND**

In 2007, a previous owner of the subject property filed an application (File #20720) for construction of a single-family dwelling on this site. The application included a five-story project design with garages at the lowest level of the building and included requests for variances for reduced front, side and rear yard setbacks, excess lot coverage and excess building height, along with a floor area exception. This application was reviewed at the October 4, 2007 Design Review Board meeting. At that time, several neighboring property owners objected to the overall size of the proposed house, stating that the design was inconsistent with the character of other homes on Corinthian Island and could result in view impacts for nearby residences. The Design Review Board echoed many of these concerns, particularly with the overall floor area and mass and bulk of the house. The application was continued to allow the applicant time to address these concerns.

On March 20, 2008, the Design Review Board considered a revised project design with four levels and garage access on the uppermost level of the house. The Board approved the application with the following exception and variances:

- Floor area of 2,450 square feet (97.2%).
- Reduced front setback of 6 inches.
- Reduced side setbacks of 5 feet of the east (right) side property line and 3 feet of the west (left) side property line.
- Lot coverage of 1,384 square feet (54.9%) of the site.
- Excess building height of 42 feet.

The application expired before a building permit could be obtained for the project. The property was then sold to the current property owner.

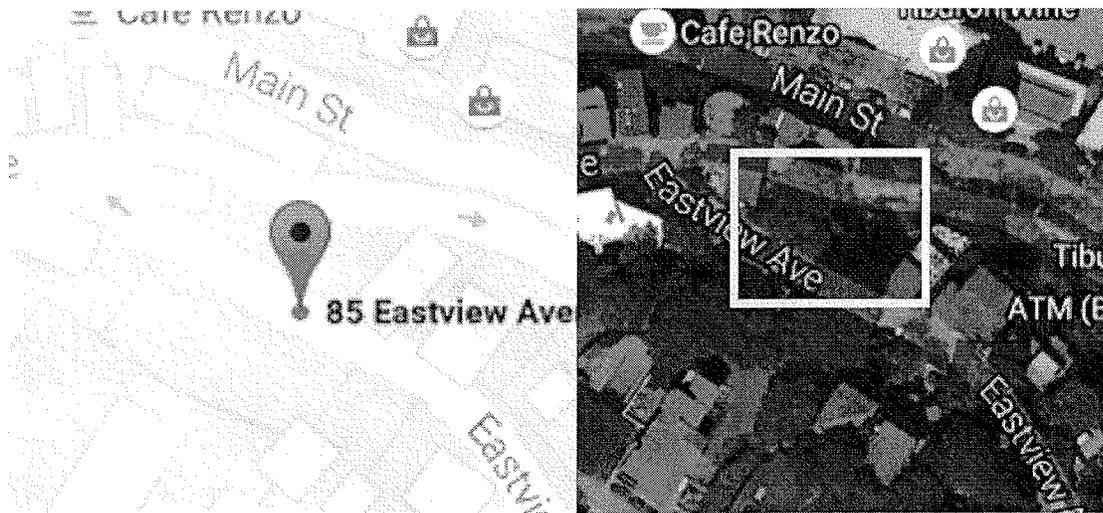
In 2015, a new application (File #VAR2015019) was filed for construction of a new four-story home on the site. The application requested the following exception and variances:

- Floor area of 2,593 square feet (103.1%).
- Reduced front setback of 5 feet, 9 inches.
- Reduced east (right) setback of 5 feet.
- Lot coverage of 1,332 square feet (53.0%) of the site.
- Excess building height of 42 feet.

The application was reviewed at the November 19, 2015 Design Review Board meeting. At that meeting, several neighboring property owners raised concerns about the size of the house, potential light and view blockage and compatibility with the surrounding neighborhood. The Board shared some of these concerns and suggested that the house be stepped back and pushed further into the hillside to lessen impacts on the homes at 83 & 87 East View Avenue and better comply with the Hillside Design Guidelines. The application was continued to the December 17, 2015 meeting.

The applicant subsequently investigated a question regarding the location of the property lines. A survey and attendant research indicated that the lot was smaller than previously thought and that the neighboring home at 83 East View Avenue extends across the shared side property line. The applicant withdrew the application to redesign the house in light of this new information.

## PROJECT SETTING



The subject property is steeply sloped, with frontage on East View Avenue above, and extends down to the portion of East View Avenue below leading to Ark Row. The site is a vacant lot nestled among older homes along the western end of East View Avenue. The lot is visible from the Ark Row portion of Main Street below.

Corinthian Island is a neighborhood with very small, steeply sloped lots. The northern half of Corinthian Island lies within Tiburon, while the southern half lies within Belvedere. Due to the steep topography and small lot sizes, most, if not all, homes on Corinthian Island have either received variances or have nonconforming conditions related to setbacks, lot coverage, building height and floor area ratio.

## ANALYSIS

### Design Issues

The proposed house design is smaller than the previous homes proposed for this site, with the floor area reduced by 685 square feet from the 2015 application. The downhill end of the home has been moved 2 to 3 feet uphill and the second and third floors of the house have been moved much closer to the front property line.

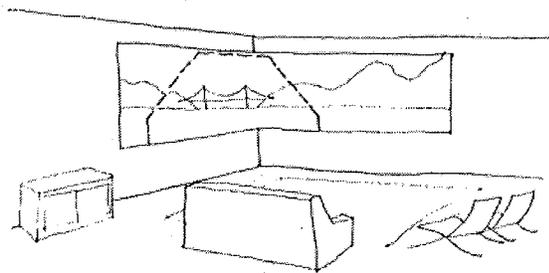
Story poles have been erected for the proposed house. The poles do not appear to indicate substantial view impacts for any homes uphill from the site, but would appear to intrude somewhat into the views from the adjacent residences at 83 & 87 East View Avenue.

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

Goal 3, Principle 7 (A) of the Hillside Design Guidelines states that “view protection 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 proposed house would intrude into the views from the kitchen, dining room and bedrooms of the home at 83 East View Avenue and from the living room of the home at 87 East View Avenue.

NO

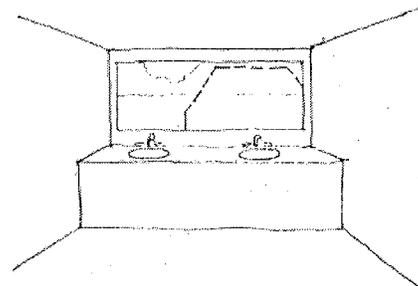
• PROPOSED STRUCTURE  
BLOCKS LIVING ROOM VIEW -



• GREAT IMPACT ON  
LIVABILITY

YES

• PROPOSED STRUCTURE  
BLOCKS BATHROOM VIEW

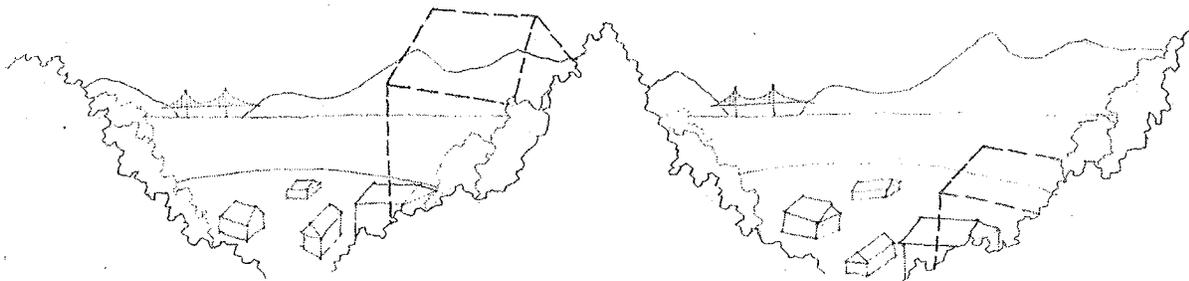


• LITTLE IMPACT ON  
LIVABILITY

Goal 3, Principle 7 (B) of the Hillside Design Guidelines states that the “horizon line is [the] most sensitive part of [the] view, then foreground, then middleground.” The proposed home would be in the foreground view and extend past the horizon line from the home at 83 East View Avenue. The house would be situated in the middleground of the view of the home at 87 East View Avenue.

NO

YES

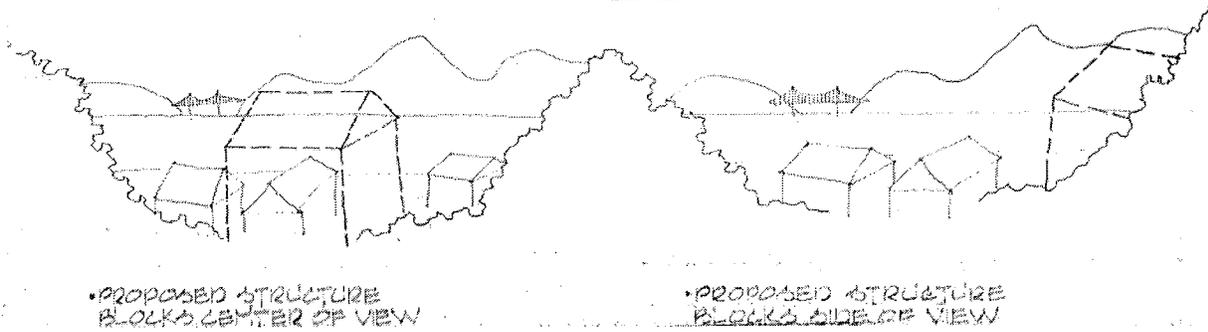


Goal 3, Principle 7 (C) of the Hillside Design Guidelines states that “blockage of center of [the] view [are] more damaging than blockage of [the] side of [the] view.” The proposed house would intrude into the side of the view from the home at 83 East View Avenue, but the center of the view from the kitchen and dining room. The living room of the home at 87 East View Avenue has windows on two sides, with the proposed house sitting in the center of one of the windows.

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

NO

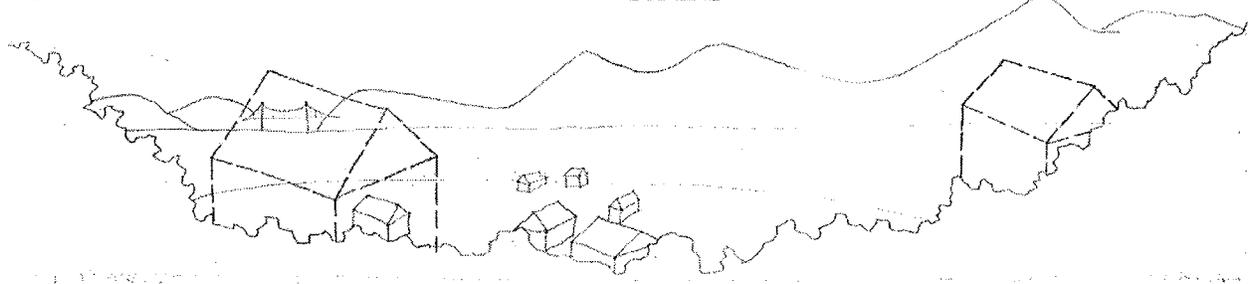
YES



Goal 3, Principle 7 (C) of the Hillside Design Guidelines states that “blockage of important objects in the view (Golden Gate Bridge, Belvedere Lagoon, Sausalito, Angel Island) is more difficult to accept than blockage of other, less well-known landmarks.” The proposed house would block views of Mt. Tamalpais and Belvedere Lagoon from the kitchen and dining room of the home at 83 East View Avenue and would block views of San Francisco Bay and Angel Island from the living room of the home at 87 East View Avenue.

NO

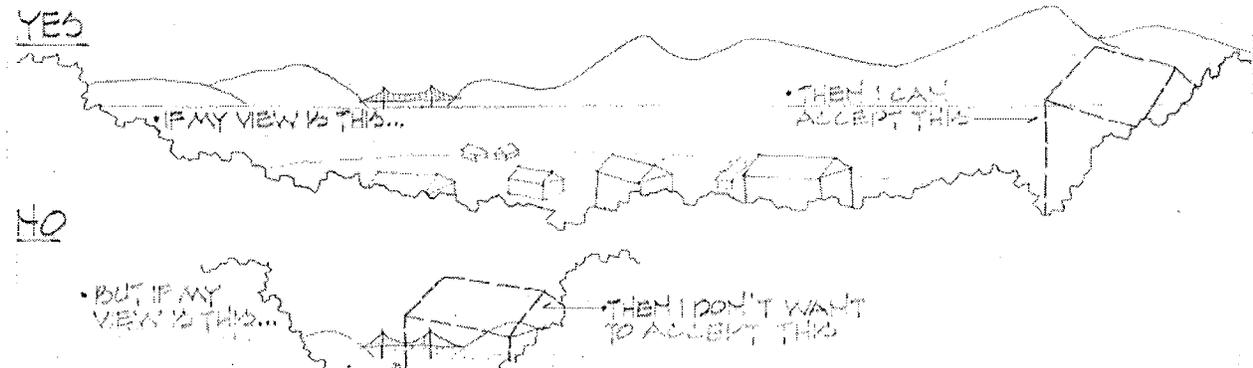
YES



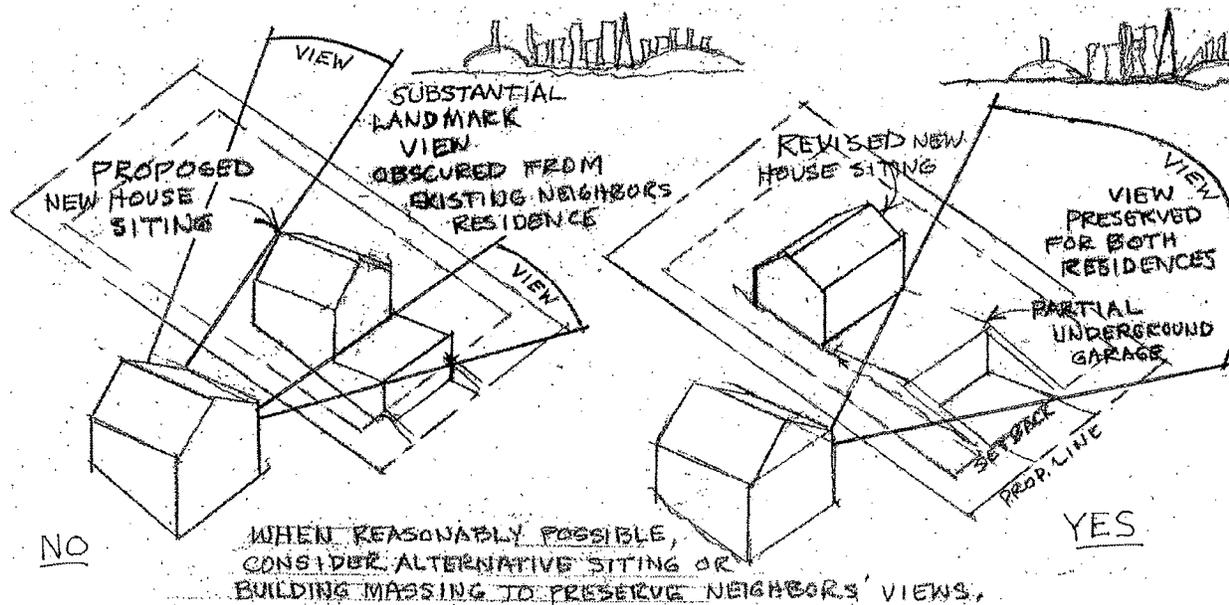
Goal 3, Principle 7 (E) of the Hillside Design Guidelines states that “a wide panoramic view can accept more view blockage than the smaller slot view.” The home at 83 East View Avenue has a relatively panoramic view to the north and west, while the home at 87 East View Avenue has bifurcated views to the east and west.

YES

NO



Goal 3, Principle 8 of the Hillside Design Guidelines states that “a view across a vacant lot is often considered to be a ‘borrowed’ view, which is likely to be compromised by the eventual development of the vacant lot. A borrowed view is one which is temporary in nature and which may be reasonably expected to change upon development of the lot. Consideration may be given to preserving portions of a borrowed view if this is the only substantial view for a neighboring home.” The views from the dining room and kitchen of the home at 83 East View Avenue are directly across the subject site and could be considered to be borrowed views. The view from the living room at 87 East View Avenue is currently limited by the home at 83 East View Avenue beyond the subject property and only a portion of the proposed house would extend beyond the other neighboring home and into views toward Angel Island.



The Design Review Board is encouraged to view the story poles from the homes at 83 & 87 East View Avenue.

The Public Works Department and several neighboring property owners have raised concerns about construction staging for this project. Although construction-related issues are generally not within the purview of the Design Review Board, the design of the house would leave little or no room for construction staging on the property, potentially causing construction impacts to overflow onto nearby streets. The Public Works Department has recommended adoption of conditions of approval detailing requirements of a construction staging plan to be reviewed by the Town prior to issuance of a building permit for this project.

### Zoning

Staff has reviewed the proposal and finds that it is generally not in conformance with the development standards for the R-1 zone, as variances are requested for reduced front and side yard setbacks, excess lot coverage and excess building height, along with a floor area exception.

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 subject property has a small size and steep topography by both the standards of Corinthian Island and of Tiburon as a whole. The strict application of the R-1 development standards would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity.

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

Numerous other properties on Corinthian Island have received variances for reduced setbacks, excess lot coverage and excess building height and the Design Review Board approved similar variances for a construction of a new house on this site in 2008.

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 interpretation of the required yard setbacks, lot coverage and building height would result in a very small house on the site that would be inconsistent with the development pattern of other homes on Corinthian Island. The house would be very narrow and pushed down the hill away from the front property line in a manner that would create an impractical house design.

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 may create view impacts for the homes at 83 & 85 East View Avenue. However, some of these view impacts may be the result of borrowed views across this currently vacant lot.

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

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

Many of the homes on Corinthian Island are visually prominent, similar to the design of the proposed house and the design of the house approved for this property in 2008.

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.***

Although the vertical nature of the proposed house design could be considered to be incompatible with the physical layout of the site, the steepness of the subject property and the limited lot size substantially restricts the ability of any house design to more closely follow the contours of the site.

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

### **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. Design Review Board staff report dated November 19, 2015
4. Minutes of the November 19, 2015 Design Review Board meeting
5. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

**MINUTES #14  
TIBURON DESIGN REVIEW BOARD  
MEETING OF SEPTEMBER 1, 2016**

The meeting was opened at 7:00 p.m. by Chair Kricensky.

**A. ROLL CALL**

Present: Chair Kricensky, Vice Chair Emberson and Boardmembers Chong, Cousins and Tollini

Absent: None

Ex-Officio: Planning Manager Watrous, Associate Planner O'Malley and Minutes Clerk Rusting

**B. PUBLIC COMMENTS - None**

**C. STAFF BRIEFING**

Planning Manager Watrous noted changes that had been made to the format of the agenda, stating that the Town had switched to a new software system to connect online agendas and staff reports to audio recordings in the future. As a result, there is now a standardized format listing only public hearings and action items.

**D. PUBLIC HEARINGS**

Boardmember Chong recused himself from the following item.

- 1. 85 EAST VIEW AVENUE:** File Nos. DR2016091, VAR2016026, VAR2016027, VAR2016028, VAR2016029, VAR2016030 & FAE2016009; David and Tandy Ford, Owners; Site Plan and Architectural Review for construction of a new single-family dwelling, with Variances for reduced front and side yard setbacks, excess lot coverage and excess building height, and a Floor Area Exception. The applicant proposes to construct a new four-story, 1,908 square foot house, which would result in a floor area ratio of 97.1%, which is greater than the 35.0% maximum for a lot of this size. The front yard setback would be zero feet in lieu of the minimum 15 feet. The east side setback would be 3 feet and the west side yard setback would be 3 feet, 4 inches, in lieu of the minimum 8 feet. The lot coverage of the house would be 1,227 square feet (62.3%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. The house would be 42 feet, 11 inches tall, in lieu of the maximum building height of 30 feet. Assessor's Parcel No. 060-105-67.

The applicant is requesting Design Review approval for the construction of a new four-story single-family dwelling on property located at 85 East View Avenue. The subject property is currently vacant. The first (lowest) level of the house would include a bedroom, bathroom study

and storage area. The second level would include a master bedroom suite and laundry room. The third level would include a living room, kitchen, dining room and a half bathroom. The fourth (highest) level would include a two-car garage and an entry. A deck would extend off the second level, along with access to a patio area on the first level and a roof deck adjacent to the entry on the fourth level. All four levels would be connected by an interior stairway and an elevator. Skylights would be installed above the entry stairs on the fourth level and the first level study. A wire fence would extend along the west (left) side property line. An additional parking pad would be created to the left of the driveway.

The floor area of the proposed house would be 1,908 square feet (97.1%), which is greater than the 35.0% maximum floor area permitted for a lot of this size. A floor area exception is therefore requested. In addition, the following variances would be required for the proposed house:

- The proposed house would extend up to the front property line, which would be less than the 15 foot front yard setback required in the R-1 zone.
- The proposed house would extend to within 3 feet of the east (right) side property line, which would be less than the 8 foot side yard setback required in the R-1 zone.
- The proposed house would extend to within 3 feet, 4 inches of the west (right) side property line, which would be less than the 8 foot side yard setback required in the R-1 zone.
- The proposed house would cover 1,227 square feet (62.3%) of the site, which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone.
- The height of the proposed house would be 42 feet, 11 inches, which is greater than the 30 foot maximum building height in the R-1 zone.

David Ford, owner, gave an overview of the project history. He described the process by which surveys were made that resulted in a lot one-third smaller than they previously thought they had. He said that they therefore redesigned the house that would step up the hill, be built into the hill, and be much less intrusive.

David Thompson, architect, displayed images of the proposed project and materials to be used. He said that they had previously redesigned the project to address the Board's concerns, but after finding out about the lot line issues it took until June to be able to redesign the project. He said that since this is a substandard lot, it seemed reasonable to adjust the setback. He stated that the Town's records show a three foot setback on one side of 83 East View Avenue and a two foot setback on the other side, and he believed that this represented a precedent for what they proposed. He displayed photos of several properties along East View Avenue and stated that the houses are set back very similar to what they have designed. He said that the top floor would be level with the road, and the roof structure kept as minimal as possible, which would be consistent with other properties on the street. He said that the owner's preference for a contemporary design was appropriate. He stated that any time a new home is built on a vacant lot next to an existing

home, there will be impacts on the existing homes that are often considered to be “borrowed views.” He compared drawings of the old design and new design and noted that the current proposal would step the building up the hill and push it away from the neighboring property. He said that the house was moved further into the hill and up the hill and that it was not possible to move it any further up the hill because the lot became narrower. He displayed several examples of 3-4 story buildings in the neighborhood. He stated that construction projects on Corinthian Island are challenging, and hoped that the Board approved the project.

Vice-Chair Emberson asked if they studied the existing retaining wall built by the Town. Mr. Thompson said that they did and their project would reinforce that wall, but they were not relying on that wall to support the house.

Boardmember Tollini asked if the proposed exterior stairway was requested by the Fire Marshall, and Mr. Thompson confirmed that it was. He said that the site is much steeper on the other side and the stairs would follow the contour of the grade.

The public hearing was opened.

Emily Gannett said she that owns a very small house with beautiful views and the story poles indicate that the house would obstruct her view of Angel Island almost entirely. She hoped for a compromise so she may continue to have the view for which she purchased her home. She suggested pushing the house further into the hillside.

Ken Welter asked if the story poles represented the top of the railing or the top of the deck. The Boardmembers confirmed that the poles represented the top of the railing. Mr. Welter stated that the tallest story pole was in his view towards Mt. Tam and he requested a way for the house to be pushed back further into the hill.

Ulrik Binzer said that the suggestions at the last meeting were completely ignored. He said that the project would eliminate all of his views and suggested moving the home closer to the street. He displayed photographs of the view from his living room and kitchen showing the story poles and noted there would also be a window looking right into his home. He said that the house would have a huge impact on privacy, light, and views. He felt that the neighbors’ views could be preserved by pushing the house further into the hillside and by removing some of the living room and repositioning it near the retaining wall. He also thought that it would help to move the third floor slightly back and remove some deck space. He did not think that a fourth parking spot was necessary since most of the houses in the area have only two.

Teresa Ou stated that the applicants did not follow the feedback that was given. She believed that the impact on the neighbors could be easily mitigated if they followed that feedback. She felt that some of the commentary about the lot lines was a distraction from the main issue at hand, which is that the house does not follow the Hillside Design Guidelines.

Mr. Thompson stated that the notion that they ignored the previous direction and discussion was insulting because a lot of effort was put into the revision. He said that the views presented by neighbors were somewhat misleading and if the house was moved as suggested, that would

impact their own views because it would place the building in a “canyon.” He said that they already have a smaller view corridor than their neighbors. He stated that moving the garage closer would make the parking steeper than what is allowable and was therefore not possible. He stated that the front property line was not accurately located in Mr. Binzer’s diagrams, as the property line varies along that location. He said that removing the existing retaining wall and pushing back the house in that area would be a major undertaking and he did not believe they should be forced to do that. He reiterated that they paid a lot of attention to the comments, and the change in lot size made reaching all of the goals more difficult. He believed that the issues the neighbors were concerned about had improved since the original design.

Mr. Ford said a significant amount of time was spent figuring out the lot lines and then a good deal of time was spent figuring out how to build on this lot. He said that they tried to incorporate everything that was mentioned at the last meeting. He felt that the views to the side were borrowed views at best. He said that the previously proposed house would have blocked a lot more view than the current design. He said that their intention was to build a small house with a nice design and he did not think they can do any better.

Chair Kricensky asked for an explanation of what would be needed to move the house closer to the street. Mr. Ford said that they did not want to have to close East View Avenue for a substantial period of time to rebuild the wall, which would be necessary if they moved the house further up the hill.

The public hearing was closed.

Boardmember Cousins commended the applicant on the presentation and the design. He believed that they did much of what was requested at the last meeting, with a considerable reduction in size and pulling the house up the hill. He said that he was hesitant to move it further up the hill as it was as tight as it could get. He said that if the lot was still wider, then they could build a wider house and push things back, so it was difficult to see how it could be made smaller. He noted that the home at 83 East View Avenue is nonconforming and there was bound to be a big impact when something was built next to it. He thought that the changes made to the design addressed the Board’s comments and that this was a good compromise. He believed that the primary views from the home at 87 East View Avenue were of Mt. Tam and downtown and that the views across the property to Angel Island were borrowed. He liked the design of the house and support the project.

Boardmember Tollini said that this was a thoughtful design with a resilient applicant, adding that he was sympathetic to the applicant because of what happened with the lot lines. He noted that the house at 87 East View Avenue is oriented differently and that the primary living room window looks directly at Raccoon Strait and Angel Island. He did not think that it was reasonable for the house in the borrowed view to be 43 feet tall. He felt that possible changes to the third story could help preserve views from both 83 & 87 East View Avenue. He suggested moving the living room back 6 feet or more and removing the glazing on that side. He acknowledged that this is a tough site and a house would have a dramatic impact on neighbors no matter what, but he felt that if the third floor space could be shifted it would be a good balance. He felt that there were opportunities to redistribute the living room space on the third floor. He

also believed that the road would be blocked anyway during construction since it is a one-way road and it is difficult to access the lot.

Vice-Chair Emberson said she struggled with this application, as she liked the design but felt that there was some room to shift some of the space to preserve more of the views. She agreed that the road would be affected by the construction and thought that there was an opportunity to adjust the retaining wall and move the house back. She said that this would help the neighbors' views and said that she would like to see the living room on the third story pulled back.

Boardmember Tollini said that he did not believe views from the new house would be affected by moving it back. The Boardmembers reviewed the plans and questioned whether the living room could be made wider. Boardmember Tollini suggested that there was space to shift some of the portions of the house that block views.

Chair Kricensky said that this was a nicely designed house and would be rather modest and very similar to other houses in that area. He said that the further back the house is pushed, the further back the next house would have to be. He said that the side windows on 83 East View Avenue were designed knowing that a house would be built on this lot someday and that that house is built much further out. He said that he was more concerned about losing the slot view from 87 East View Avenue.

Boardmember Tollini agreed about the views from 87 East View Avenue. He stated that often with windows on the side of older homes a new house needs to work with what exists and strike a balance. He thought that there were some plausible changes to the design that would resolve the view issues and have less impact.

Planning Manager Watrous stated that the owner needed to grant a time extension to the Permit Streamlining Act deadlines to continue the application past October 6 and the applicant verbally agreed to the extension.

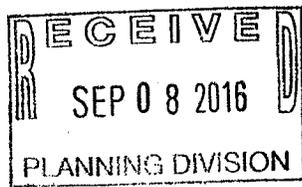
**ACTION:** It was M/S (Emberson/Tollini) to continue the application for 85 East View Avenue to the November 3, 2016 meeting. Vote: 4-0-1 (Chong recused).

Boardmember Chong returned to the meeting.

## **E. ACTION ITEMS**

2. **173 STEWART DRIVE:** File No. DR2016036; Afie Royo, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling. The applicant proposes to construct a new two-story, 2,723 square foot house with a 510 square foot garage. Assessor's Parcel No. 055-101-21.

The applicant is requesting to construct a new two-story single-family dwelling. The existing single-family dwelling on the site shall be demolished.



To the members of the Tiburon Review Board -

I am very much opposed to the construction of the proposed house at 85 East View on Corinthian Island, because it is an oversized building on a substandard lot.

Sincerely,

Anne Kasarin

12 Alcatraz Avenue