



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
August 18, 2016
Agenda Item: **3**

STAFF REPORT

To: Members of the Design Review Board
From: Planning Manager Watrous
Subject: 8 Apollo Road; File Nos. DR2016080/VAR2016021; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling, with a Variance for Excess Lot Coverage
Reviewed By: _____

PROJECT DATA

ADDRESS: 8 APOLLO ROAD
OWNER: CEDRIC BARRINGER
APPLICANT: DAVUD ARMOUR ARCHITECTURE
ASSESSOR'S PARCEL: 034-271-04
FILE NUMBERS: DR2016080/VAR2016021
LOT SIZE: 6,995 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: MH (MEDIUM HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: JULY 13, 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 8 Apollo Road. As more than 50% of the existing structure would be demolished as part of this application, the project has been deemed to be construction of a new single-family dwelling.

The existing house would be expanded to the front and rear. The new floor plan would include a master bedroom suite, three additional bedrooms and two more bathrooms, a living room, dining

room, kitchen and laundry room, along with a one-car garage. The roof would be changed from a flat roof to flat roof for the front portion of the building, with a raised, slightly sloped roof on the rear. Three skylights would be installed. A 6 foot tall wood fence would connect between the house and existing fencing along the side property lines. An existing cedar tree in the front would be removed and replaced with new trees and landscaping.

The floor area of the proposed house would be 2,075 square feet, with 396 square feet of garage space, which is 373 square feet less than the floor area ratio for a lot of this size. The proposed house would cover 2,471 square feet (35.3%) of the site, which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. A variance is therefore 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 structure would be finished with grey colored stucco and brown wood and aluminum trim. The flat roof would have a light grey finish.

PROJECT SETTING



The subject property is situated in the interior portion of the Belveron East neighborhood. The lot is generally flat, but is situated at an elevation slightly above the properties to the rear along Juno Road.

ANALYSIS

Design Issues

The front portion of the proposed home would be lower than the maximum height of the existing house, while the rear would be somewhat taller. The existing house has a pitched roof with a ridgeline height of 14 feet, 6 inches. The front portion of the house would have a flat roof with a height of 11 feet, 10 inches. The raised portion of the roof above the living room, dining room

and kitchen would be slightly sloped, with a height of 14 feet, 10 inches on the side and 16 feet toward the center.

The taller portion of the proposed house would be visible from the rear yard of the home at 13 Juno Road. The story poles indicate that much of this additional building height, including the upper living room windows, would be visually prominent when viewed from the neighboring back yard. Although the existing property line fence and landscaping along the shared property line would limit privacy impacts from the living room, the raised elevation of the subject property, combined with the taller building height and flat plane of the rear of the house, would make this structure appear more massive from this neighboring property. The Design Review Board is encouraged to view the story poles from the home at 13 Juno Road.

The contemporary building design of the proposed house is inconsistent with the architecture of the original homes in the Belveron East neighborhood and most of the remodeled homes in this subdivision. However, there have been other homes in the vicinity that have been remodeled in the recent past with similar updated designs. The Design Review Board should determine whether the proposed house design would be compatible with the prevailing architectural character of the surrounding neighborhood.

There is a small storage shed to the rear of the existing house that has not been calculated into the lot coverage of this property. To comply with the noticed variance for excess lot coverage, this shed shall be removed as part of the construction of the proposed house.

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 variance for excess lot coverage.

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 subject property is substantially smaller than the 10,000 square foot minimum lot size required in the R-1 zone and is located in the interior of the Belveron East subdivision where two-story homes have been discouraged. These characteristics are special circumstances applicable to this property whereby the strict application of the maximum lot coverage requirement 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 in the R-1 or similar zones have received variances for excess lot coverage, particularly in areas where a two-story home would be discouraged.

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 requirement for this property would force the proposed house to add an upper story of living area which would be incompatible with the character of this portion of the surrounding neighborhood, and therefore would create a practical difficulty for 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 proposed project would not create substantial view or privacy 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 variance.

Public Comment

As of the date of this report, one letter has been received regarding the subject application from the owners of 13 Juno Road.

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. Letter from Felicia Wolford and Charles Cathey, dated August 7, 2016
4. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

8 APOLLO ROAD

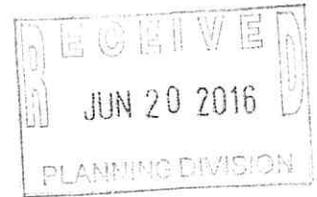
FILE #DR2016080/VAR2016021

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 17, 2015, or as amended by these conditions of approval. Any modifications to the plans of January 14, 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.
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 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.
 - d. A drainage plan shall be provided prior to issuance of building permits, showing existing and new drainage features and their location of dispersal. No lot-to-lot drainage is allowed except where easements for drainage are provided. No drainage shall discharge across sidewalks.
13. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD, including, but not limited to, the following:
 - a. A High Pressure Water Service application shall be completed.
 - b. A copy of the building permit for this project shall be submitted.

- c. Appropriate fees and charges shall be paid.
 - d. The structure's foundation shall be completed within 120 days of the application.
 - e. The project shall comply with all indoor and outdoor requirements of District Code Title 13 (Water Conservation). Plans shall be submitted and reviewed to confirm compliance. The following items are required:
 - 1. Verification of indoor fixtures compliance.
 - 2. Landscape plan.
 - 3. Irrigation plan.
 - 4. Grading plan.
 - f. Compliance with the backflow prevention requirements, if, upon the District's review backflow protection is warranted, including installation, testing and maintenance.
 - g. Compliance with District requirements for installation of gray water recycling systems.
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. CFC 903.2
 - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
 - c. The vegetation on this parcel shall comply with the requirements of TFPD and the recommendations of Fire Safe Marin. CFC 304.1.2
 - d. The photovoltaic solar system shall comply with TFPD Policy 423.5, Alternate Power Supplies.
15. The project shall comply with all requirements of the Richardson Bay Sanitary District.
16. A construction staging plan shall be approved by the Building Official prior to issuance of a building permit for this project.
17. The existing shed to the rear of the house shall be removed as part of this project.



TOWN OF TIBURON LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

- | | | |
|---|--|--|
| <input type="checkbox"/> Conditional Use Permit | <input checked="" type="checkbox"/> Design Review (DRB) | <input type="checkbox"/> Tentative Subdivision Map |
| <input type="checkbox"/> Precise Development Plan | <input type="checkbox"/> Design Review (Staff Level) | <input type="checkbox"/> Final Subdivision Map |
| <input type="checkbox"/> Secondary Dwelling Unit | <input checked="" type="checkbox"/> Variance(s) <u>1</u> # | <input type="checkbox"/> Parcel Map |
| <input type="checkbox"/> Zoning Text Amendment | <input type="checkbox"/> Floor Area Exception | <input type="checkbox"/> Lot Line Adjustment |
| <input type="checkbox"/> Rezoning or Prezoning | <input type="checkbox"/> Tidelands Permit | <input type="checkbox"/> Condominium Use Permit |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Sign Permit | <input type="checkbox"/> Seasonal Rental Unit Permit |
| <input type="checkbox"/> Temporary Use Permit | <input checked="" type="checkbox"/> Tree Permit | <input type="checkbox"/> Other _____ |

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 8 APOLLO RD. PROPERTY SIZE: 6995 sf
 PARCEL NUMBER: 034-271-04 ZONING: RM-1

PROPERTY OWNER: CEDRIC BARRINGER
 MAILING ADDRESS: 17 GREENWOOD COVE DR.
TIBURON, CA 94920

PHONE/FAX NUMBER: 415-971-7871 * E-MAIL: *cedric.barringer@gmail.com

APPLICANT (Other than Property Owner): Same as above.
 MAILING ADDRESS: _____

PHONE/FAX NUMBER: _____ E-MAIL: _____

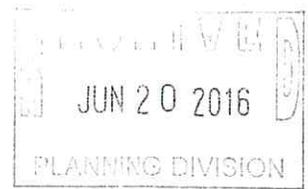
ARCHITECT/DESIGNER/ENGINEER DAVID ARMOUR ARCHITECTURE
 MAILING ADDRESS: 3350 STEINER ST.
SAN FRANCISCO, CA 94123

PHONE/FAX NUMBER: 415-440-2880 E-MAIL: cedric@armourarchitecture.com

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

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

Complete remodel of Existing single Family residence. Existing slab to remain, and be added to in designated areas. Addition of 330 sf. of conditioned space, and a 396 sf unconditioned garage. Proposed total gross area: 2471 sf.



DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

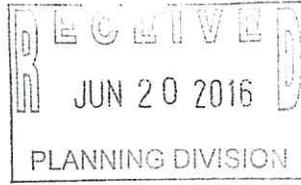
Please fill in the information requested below (attach separate sheet as needed):

1. Briefly describe the proposed project: Complete Remodel of Existing Single-story Residence. Existing slab to remain, and be added to in designated areas. Addition of 330 sf of conditioned space and a 396 sf. unconditioned Garage. Proposed total Gross area: 2471 sf.

2. Lot area in square feet (Section 16-100.020(L)): 6995 sq.ft.
3. Square footage of Landscape Area: 4275 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.
Proposed design adds one covered garage space.

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	25'-6"	10'-5" ft.	15'-1" ft.	ft.	ft.
Rear	38'-4"	13'-2" ft.	25'-2" ft.	ft.	ft.
Right Side (E)	8'-6 ft.	0'-5" ft.	8'-1" ft.	ft.	ft.
Left Side (W)	6'-8 ft.	-1'-5" ft.	8'-1" ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	14'-6"	1'-6" ft.	16'-0" ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B))*	1745 sq.ft.	726 sq.ft.	2471 sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	24.9 %	10.4 %	35.3 %	%	%
Gross Floor Area (Section 16-100.020(F))*	1745 sq.ft.	726 sq.ft.	2471 sq.ft.	sq.ft.	sq.ft.

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



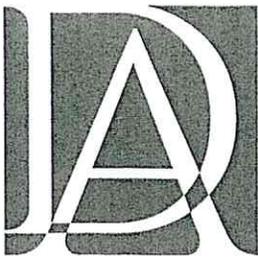
COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Division (415)-435-7390
www.ci.tiburon.ca.us

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	_____	_____	_____	_____
Lot Coverage	<u>30%</u>	<u>24.9%</u>	<u>35%</u>	10% <u>5'</u>
Height	_____	_____	_____	_____
Parcel Area Per Dwelling Unit	_____	_____	_____	_____
Usable Open Space	_____	_____	_____	_____
Parking	_____	_____	_____	_____
Expansion of Nonconformity	_____	_____	_____	_____
Other (Please describe):	_____			



DAVID ARMOUR
ARCHITECTURE

PHONE
415.440.2880

WEBSITE
DavidArmourArchitecture.com

OFFICE
3350 Steiner Street
San Francisco, CA 94123

June 30th, 2016

DESIGN REVIEW, Revised SUBMITTAL
8 Apollo Road, Tiburon, CA
Application # DR2016080 & VAR2016021

VARAINCE FINDINGS

Submitted by:
Cedric Barringer, Owner
cedricb@armourarchitecture.com
cedricbarringer@gmail.com
mobile: 415.971.7871



Variance sought for Lot Coverage

Description of Current Regulations

The R-1 Zoning of the subject property allows for a FAR of 35% of the lot area, plus 600 sq.ft. of unconditioned garage. For the subject lot, with an area of 6995 sq.ft, this calculates to be 2445 sq.ft of conditioned space, plus 600 sq.ft of Garage, for a total Gross Floor Area of 3045 sq.ft. The Lot Coverage for this property is 30% of the lot area, which calculated out to be 2099 sq.ft. The current residence, which had the original garage infilled, is currently 1745 sq.ft., 24.9% of the lot area.

Variance Background

Through discussions with many of my neighbors, and research with the Town of Tiburon, it has been discovered that despite their being some existing precedent, second stories are not well received in the Belveron East neighborhood. The desire for a family-sized house, with a garage, have led to this request for variance.

Variance Description

Wanting to respect the scale and fabric of the residential neighborhood, fitting my program into the Existing lot coverage is near impossible without the addition of a second story. The proposed residence is a total of 2075 sq.ft, with a 330 sq.ft single- car garage, for a total gross square footage of 2471 sq.ft. The proposed lot coverage is 35.3% of the lot area, 5.3% over the allowable limit. I feel like it should be noted that counting only conditioned area of the residence (2075 sq.ft.) the lot coverage would be 29.7%, under the lot coverage requirement for conditioned space. The proposed gross area is still 574 sq.ft. under the allowable Gross Floor area if a second story were to be a possibility.

I believe the proposed residence is a friendly and fair approach to the neighborhood and its fabric.

All my best,

Cedric Barringer
Owner, 8 Apollo Road, Tiburon

Dan Watrous

From: Charles Cathey [charlie96271@gmail.com]
Sent: Sunday, August 07, 2016 8:49 PM
To: Dan Watrous
Cc: Felicia Wolford
Subject: Written Comments Re Notice of Public Hearing for 8 Apollo

Dear Mr. Dan Watrous,

Our names are Felicia Wolford and Charles Cathey, we are the owners and residents of 13 Juno Road in Belveron East. A substantial portion of our backyard shares a border with a property on 8 Apollo owned by Cedric Barringer. It is our understanding that Mr. Barringer has submitted plans to the Town of Tiburon (Town) to construct a new single-family dwelling located at the 8 Apollo property.

We have serious concerns for loss of view, loss of privacy, light pollution in our backyard, drainage onto our property, and loss of value that would be caused by the new construction at 8 Apollo.

Loss of view: The 8 Apollo lot sits approximately three feet higher than our lot. The size of the proposed construction and proximity to the rear fence blocks our open view to the north/northwest. Please note that the plans call for a maximum height of approximately 17' 8" for the portion of the remodel that would be visible from our house. But, what is not apparent from the plans is that because of the difference in lot height, the maximum height of the remodel from our perspective is closer to approximately 20 feet. To put this in perspective, the fence shown in the images is about 6 feet high, and from our kitchen, dining room, and backyard, the story poles on 8 Apollo appear much higher than the noted feet above grade. Another perspective shown in the picture is the figure standing at 5'9" that appears dwarfed by the fence (top of the ivy is the top of the fence mark) and would be significantly shadowed by the proposed construction.

Loss of privacy and light pollution: The plans for the 8 Apollo construction are such that the windows/doors in the proposed home would look directly into our back yard - contributing to potential light pollution at night and a loss of privacy in our back yard (and back rooms of our home when our window coverings are open).

Drainage onto our property: One of the lower point on our lot is the corner of our lot that borders with 8 Apollo. We're concerned the change in grade towards the back of the lot of the proposed construction site will exacerbate the pooling of water in the back of our yard during the rainy seasons.

Loss of value: Imagining a solid building where the story poles now stand will also bring a claustrophobic feel to our property thereby reducing the value.

Accordingly, we respectfully ask that (1) the Town not approve the excess lot coverage requested by Mr. Barringer of 8 Apollo, and (2) that the Town not approve the current plans for what is in effect a 20 foot roofline. Instead, we ask the Town to reject the plans/deny the request for excess lot coverage and advise Mr. Barringer to reduce the roofline height and scale of the proposed construction for the new single-family dwelling.

Please let us know if this email constitutes "delivered to the Town" as detailed in the Notice.

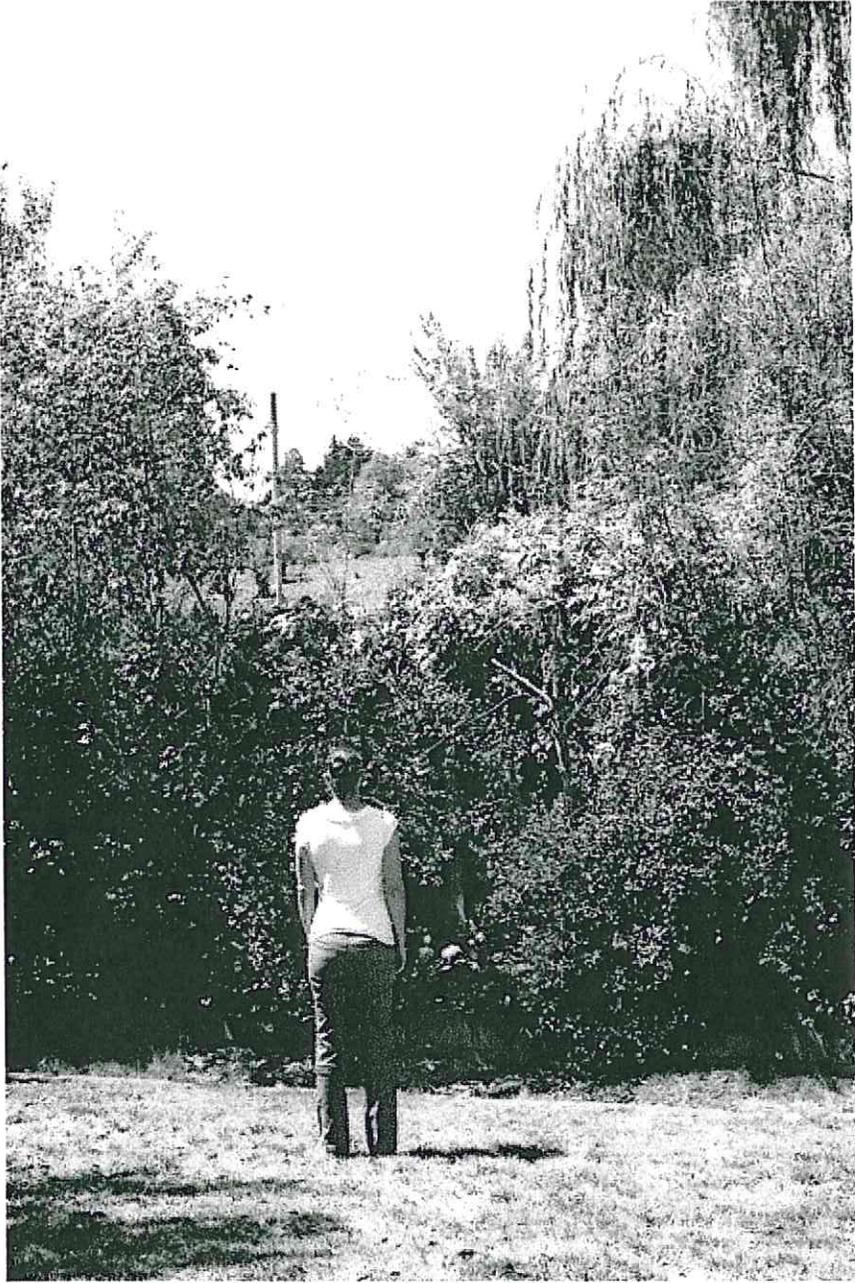
Kindly acknowledge receipt via return email.

Best regards,

Felicia Wolford & Charles Cathey
415-789-5806







Dan Watrous

From: Charles Cathey [charlie96271@gmail.com]
Sent: Wednesday, August 10, 2016 7:23 PM
To: Dan Watrous
Cc: Felicia Wolford
Subject: Re: Written Comments Re Notice of Public Hearing for 8 Apollo

Hi Dan,

The willow tree that was masking a lot of the addition to 8 Apollo was trimmed since you came out here on Monday. Attached are some new pictures to show the differences.

Please pass these along to the Design Review Board. I included the last picture to give you an idea of how much higher the addition will be relative to the neighboring house.

Have a good night,
Charlie





On Aug 8, 2016, at 9:35 AM, Charlie Cathey <charlie96271@gmail.com> wrote:

Thanks Dan. I am home today if you would like to come by.

Best regards,
Charlie

Sent from my iPhone

On Aug 8, 2016, at 8:38 AM, Dan Watrous <dwatrous@townoftiburon.org> wrote:

Dear Ms. Wolford and Mr. Cathey,

Thank you for your message, which will be forwarded to the Design Review Board. I will try to come by your property today or tomorrow to look at the story poles from your perspective.

Sincerely,

Dan Watrous

*Daniel M. Watrous
Planning Manager
Town of Tiburon
(415) 435-7393*

From: Charles Cathey [<mailto:charlie96271@gmail.com>]
Sent: Sunday, August 07, 2016 8:49 PM