M E M O R A N D U M

TO: **Marin County Planning Commission**

FROM: **Kathleen Kilgariff, Planner**

DATE: **August 17, 2020**

RE: **Planning Commission Hearing of August 24, 2020, Agenda Item 4, Farzin Faili et al Appeal of the Paradise Mar Development Company LP Design Review and Tree Removal Permit**

The Staff Report for the above noted project was distributed to the Planning Commission with the appeal materials that were provided at the time the filing of the appeal occurred. Upon review of these materials last week, the attorney for the appellants, Paul C. Smith found the appeal documents to be incomplete. As such, Mr. Smith provided staff with an updated set of appeal documents. This memorandum provides the additional documents to replace the materials in Attachment 2 of the previously distributed Staff Report. Please refer to this appeal document as you prepare for the Planning Commission hearing on August 24, 2020. .

Attachment:

1. Complete set of appeal materials, received August 13, 2020

COUNTY OF MARIN

COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

PETITION FOR APPEAL

PROJECT ID # P2383

TO: **THE MARIN COUNTY** PLANNING COMMISSION
3501 Civic Center Drive *(Planning Commission or Board of Supervisors)*
San Rafael, CA 94903-4157

1. The undersigned, FARZIN & JILA FAILI, hereby files an appeal
(Appellant/Petitioner)

of the decision issued by the PLANNING DEPARTMENT
(Director, or Deputy Zoning Administrator, or Planning Commission)

regarding the PROPOSED PLANS TO DEVELOP A VACANT LOT (P2383)

relating to property described and located as follows:

a) Assessor's Parcel Number 059-203-27

b) Street Address 2495 MAR EAST ST. (NEXT TO 2485 MAR EAST)

2. The basis of this appeal is:

PLEASE SEE ATTACHMENTS

(The pertinent facts and the basis for the appeal shall be provided to the Agency at the time the appeal is filed, but no later than the last date established for the appeal period – usually 10 days following the date of the decision. If more space is needed, please attach additional pages setting forth the bases for appeal.)

FROM FARZIN FAILI *(Print Name)* — Farzin Faili. *(Signature)*

225 MONTE VISTA AVE *(Address)* — (415) 305-5228 *(Telephone)*

LARKSPUR CA 94939 *(City/State/Zip Code)* — fxfa@aol.com *(Email)*

PC ATTACHMENT 2

Date: February 24, 2020

Subject: Paradise Mar Design Review (P2383)

Purpose: Opposition to submitted plans (P2383) to develop a vacant lot located at 2495 Mar East Street.

The following property owners who have signed this petition are opposed to the proposed plans to develop a vacant lot adjacent to 2485 Mar East (AKA 2495 Mar East), to construct a single dwelling house on the subject property.

We believe the proposed house does not fit the neighborhood and will significantly impact the lives of the adjacent affected neighbors.

	Property Address	Owner Name	Signature
1	2485 MAR EAST	JILA & FARZIN FAILI (415) 305-5228	Farzin Faili
2	2480 PARADISE	ROY & JOAN BURKETT (415) 435-0558	Burkett
3	5 SAME RENTED	BARNETT LIPTON DEBBIE DUNCAN (415) 435-1063	
4	2506 MAR EAST	STEPHEN LYNCH 415-435-5040	
5	(059-203-04) 2483 Mar East St	Chris Lee (415) 786-3697	Chris Lee
6	2460 Paradise Dr	Richard Harris 7073648683	Richard Harris
7			
8			
9			
10			
11			
12			
13			
14			
15			

Farzin & Jila Faili
225 Monte Vista Ave.
Larkspur, CA 94939
(415)305-5228
fxfa@aol.com

Date: March 7th, 2020

Subject: Paradise Mar Design Review (P2383)

Purpose: Appeal to the Planning Department decision regarding the proposed plans to develop a vacant lot located at 2495 Mar East Street.

Dear Ms. Kilgariff,

My name is Farzin Faili, and my wife Jila and I own the property at 2485 Mar East Street in the town of Tiburon, next to the vacant lot located at 2495 Mar East (AP # 059-203-27). Per our several previous discussions regarding development and construction of a single dwelling house on the subject property by a professional developer (DBA: Paradise Mar Development Company LP), we object and therefore appeal the Planning Department's decision for approving the subject project based on the following itemized facts and concerns:

Overall, we feel the proposed new house is not a good fit for a small irregular lot and should be reconsidered. Combined indoor and outdoor living area literally covers the entire lot. If you allow this project as proposed to go forward, it would have huge impact on the neighbors and their normal life.

Our general concerns and comments are summarized below:

1) Although the main house (indoor living space) without the detached garage is 2440 sq. ft (F.A.R. = 30%), the overall coverage area including the garage and outdoor living area (wrapped-around deck area, outside stairs, and pool area) literally covers the entire 8000 square feet lot.

2) Proposed development requires excessive earth work and soil disturbance. Considering close proximity to the neighboring property and location of the property at a horseshoe turn, it makes it very difficult to excavate, drill piers, and remove excess soil from the property without disturbing the neighbors and their normal life.

3) Neighboring setback to 2485 Mar East (South) is set at 9' but the outside staircase connecting the top and lower floors is almost at the property line. This staircase completely intrudes our privacy and looks directly into our bedrooms and therefore should be removed.

4) The front set back is zero at the garage edge with the driveway at the street pavement line and cars have to back out from the garage onto Paradise Drive. This makes going in and out of the garage very difficult and dangerous, considering garage is located right at the Mar East turn. There should be enough space for cars to make a "J" turn and approach Paradise heads on.

5) This is a small irregular lot which can be developed with garage at the Mar East side with two level house above that, or garage at the Paradise Drive with two level house beneath and below that, similar to other houses on the block.

6) Currently, garage finish floor is set at El. 196', main floor at 184' and lower floor at 176'. At the proposed garage elevation, there will be 14' high crawl space below garage which should be considered and added to the proposed living area square footage, since it can be developed and added to the house in future time.

If you have any questions or require more clarifications, please do not hesitate to contact me.

Sincerely yours,

Farzin Faili 3/7/2020

Farzin and Jila Faili

(415)305-5228
fxfa@aol.com

Farzin Faili

From: Farzin Faili [fxfa@aol.com]
Sent: Monday, December 02, 2019 11:58 AM
To: 'Kilgariff, Kathleen'
Subject: RE: 2495 Mar East Project - Paradise Mar Design Review P2383
Attachments: 2495 Mar East Proposed House (7-1-19).pdf

Dear Ms. Kilgariff,

This is a follow up of our meeting on November 21st 2019, regarding the vacant lot next to our property at 2485 Mar East (design review project number P2383).

As we agreed, there is not much changes on the revised plans and none of our comments and concerns have been addressed in the newly resubmitted plans. As such, unfortunately our feelings about this project still the same. We feel this is a wrong house for a relatively small irregular shape lot and owners and architects have no considerations about neighboring properties whatsoever.

Again, I have attached a copy of our concerns that I prepared and sent to you previously on July of this year.

Please let me know of any new development on this project. Thank you so much for your time and looking forward to hear back from you.

Happy Holidays with best regards,

Farzin and Jila Faili
(415) 305-5228

From: Farzin Faili [mailto:fxfa@aol.com]
Sent: Monday, July 01, 2019 4:02 PM
To: 'kkilgariff@marincounty.org'
Cc: 'Jila Bahadori'
Subject: 2495 Mar East Project - Paradise Mar Design Review P2383

Dear Ms. Kilgariff,

I spoke to you about two weeks ago regarding design review number P2383. This is a project to develop and construct a single family residence at 2495 Mar East Street in the Town of Tiburon. Our property at 2485 Mar East is adjacent to this vacant lot and consequently we will be significantly impacted by this project.

We have reviewed the proposed plans and have serious concerns about this project. Overall we feel this is a wrong house for a relatively small irregular shape lot and owners and architects have no considerations about neighboring properties whatsoever.

We have summarized our concerns in the attached documents. Please review them and arrange a time for us to have a meeting with you to go over our concerns.

Thank you in advanced for your time and looking forward to meeting with you.

With best regards,

Farzin and Jila Faili
(415) 305-5228

Farzin & Jila Faili
225 Monte Vista Ave.
Larkspur, CA 94939
(415)305-5228
fxfa@aol.com

Date: July 1, 2019

Subject: Paradise Mar Design Review (P2383)

Purpose: Concerns about Proposed plans to develop a vacant lot located at 2495 Mar East Street.

Dear Ms. Kilgariff,

My name is Farzin Faili and my wife and I own the property at 2485 Mar East Street in the town of Tiburon, next to the vacant lot located at 2495 Mar East (AP # 059-203-27). Recently, the owner of this vacant lot (DBA: Paradise Mar Development Company LP) has submitted a plan to develop and construct a single dwelling house on the subject property.

We have reviewed the proposed plans and have many concerns about this project which we would like to share with you.

First we would like to address our general comments as summarized below:

1) Although the main house without the detached garage is 2440 sq. ft (F.A.R. = 30%), the overall coverage area including the garage , wrapped around deck area, outside stairs, and pool area literally covers the entire 8000 square feet lot (see the blue shaded area on site plan).
2) Per proposed data sheet, front set back is zero at the garage edge with the driveway at the street pavement line and cars have to back out from garage onto Paradise Drive. This makes going in and out of the garage very difficult and dangerous, considering garage is located right at the Mar East turn. There should be enough space for cars to make a "J" turn and approach Paradise heads on.
3) Per data sheet, South or neighboring setback to 2485 Mar East is set at 9' but the outside staircase connecting the top and lower floors is almost at the property line.
4) Proposed development requires excessive earth work and soil disturbance. Considering close proximity to the neighboring property and location of the property at a horseshoe turn, makes it very difficult to excavate, drill piers, and remove excess soil from property without disturbing the neighbors and their normal life.
5) This is a small irregular lot which can be developed with garage at the Mar East side with two level house above that, or garage at the Paradise Drive with two level house beneath and below that, similar to other houses on the block.
6) Currently, garage finish floor is set at El. 196', main floor at 184' and lower floor at 176'. At the proposed garage elevation, there will be 14' high crawl space below garage which should be considered and added to the proposed living area square footage since it can be developed and added to the house in future time.

Followings are specific considerations and concerns affecting our property (2485 Mar East). Please refer to itemized numbers on the attached Figures for location of the issues:

7) Item 1: The entire Pool area should be eliminated. It is too close to our property with privacy, noise, and soil disturbance concerns.
8) Item 2: Secondary side stairway should be eliminated. It is very close to the property line with strong privacy concerns (looking into master bathroom, bedrooms, and yard sitting area). Besides, it is not necessary to have a secondary stairway or it can be moved to the other side.
9) Item 3: Windows and a door on the upper floor South side of the house facing 2485 should be moved/replaced above eye level to maintain privacy.
10) Item 4: Portion of the proposed upper floor deck area to be eliminated to maintain privacy and noise.
11) Item 5: Portion of the proposed lower floor deck area to be eliminated to maintain privacy and noise.
12) Item 6: Pool equipment room should be eliminated due to high noise (it is literally at the property line next to our bedroom).
13) Item 7: Window and a door on South side of the lower floor of the house facing 2485 should be moved/replaced above eye level to maintain privacy.

If you have any questions or require more clarifications, please do not hesitate to contact me at

(415) 305-5228.

Sincerely yours,

Farzin Faili

PROJECT DATA

PROJECT DATA

1. **LOT SIZE =**
   8,126 SQ. FT.

2. **BUILDING AREA**

   EXISTING BUILDING AREA = 0
   ALLOWABLE BUILDING AREA = 30% OF 8,126
   OR
   2,437.80 SQ. FT.
   + 540 GARAGE (NET 0)

   PROPOSED BUILDING AREA =
   PROSED ENTRY LEVEL = 1,140 SQ. FT.
   PROPOSED LOWER LEVEL = 1,294 SQ. FT.

   PROPOSED GARAGE = 540 SQ. FT.
   (NET = 0 FOR GARAGE)

   TOTAL PROPOSED BUILDING AREA = 2,434 SQ. FT.
   + 540 SQ . FT. GARAGE

3. **FLOOR AREA**
   EXISTING FLOOR AREA = **0**
   PROPOSED TOTAL FLOOR AREA = = **2,434 SQ. FT.**

4. **FLOOR AREA RATIO**
   EXISTING FLOOR AREA = **0**
   ALLOWABLE = 30%
   PROPOSED FLOOR AREA RATIO = 2,434/ 8,126 = **29.9%**

5. **AREA OF DISTURBANCE =**
   SEE CIVIL AND LANDSCAPE DRAWINGS

7. **LOT COVERAGE :**
   EXISTING LOT COVERAGE = 0
   PROPOSED LOT COVERAGE = 4,903 AQ. FT.
   = 60.03%

8. **GRADING CALCULATIONS =**
   SEE CIVIL DRAWINGS FOR CALCULATIONS

9. **PARKING =**
   EXISTING PARKING = 0
   PROPOSED PARKING = 2 COVERED, 2 ON SITE
   (DRIVEWAY OFF STREET)

ZONING
R2

SLOPE
30.8%
GREATER THAN 30%, SEE SURVEY

10. **MINIMUM SETBACKS FOR EXTERIOR WALLS OF PROPOSED BUILDINGS**

    ALLOWABLE MINIMUM SETBACKS = 0'-0"
    PER CODE : MARIN COUNTY TITLE 22, DESIGN REVIEW ; 22.42.020 D.
    VACANT LOT SUBSTANDARD

    PROPOSED SETBACKS:
    FRONT YARD SETBACK AT PARADISE DRIVE:
    1" AT GARAGE
    9'-9" AT ENTRY LEVEL BUILDING

    SIDE YARD SETBACK AT NEIGHBOR PROPERTY SIDE:
    9'-9"

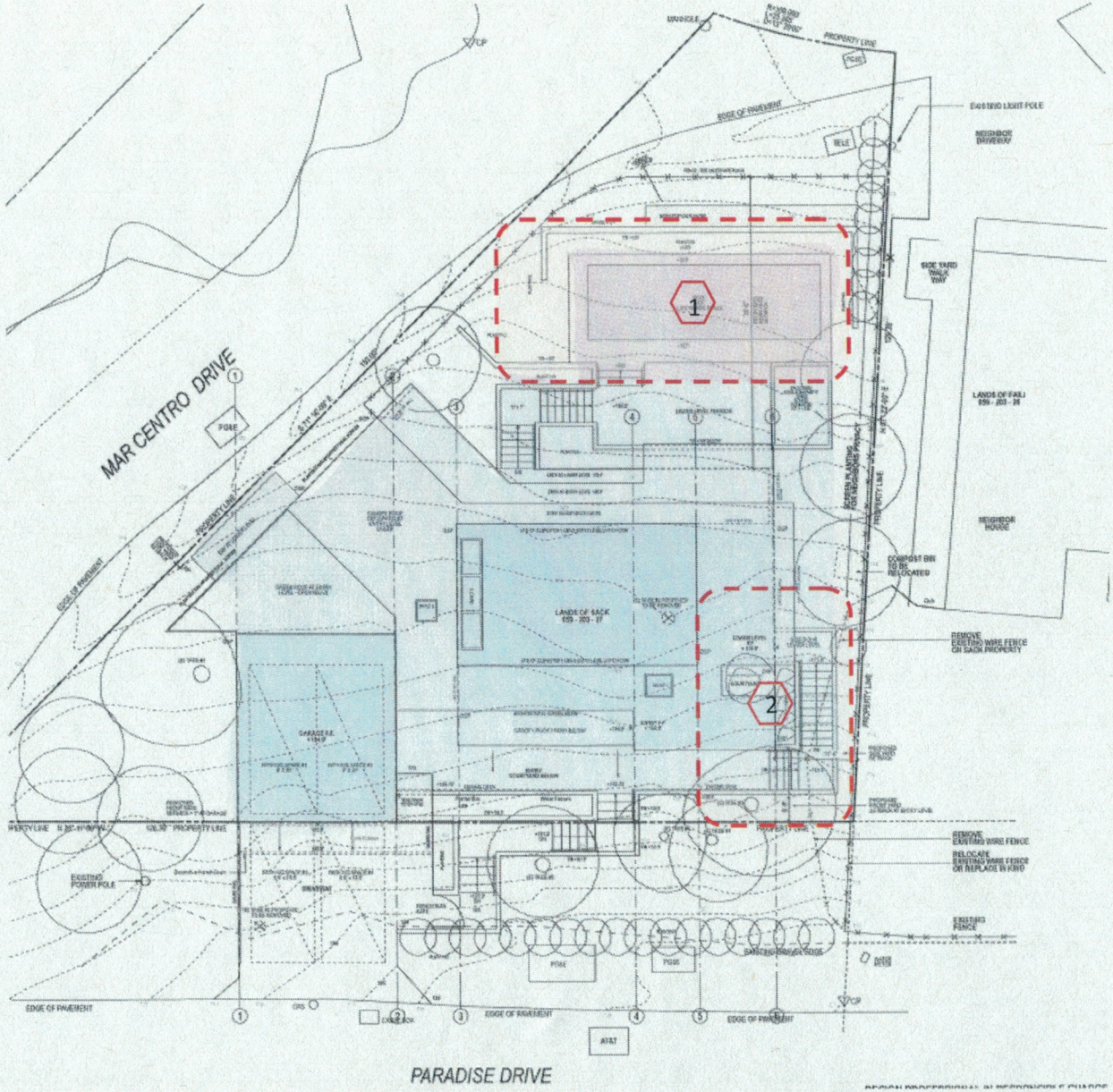
    SIDE YARD SETBACK AT MAR CENTRO:
    10" AT BAY
    4'-10" AT BUILDING

    REAR YARD SETBACK AT MAR EAST:
    39'-0"

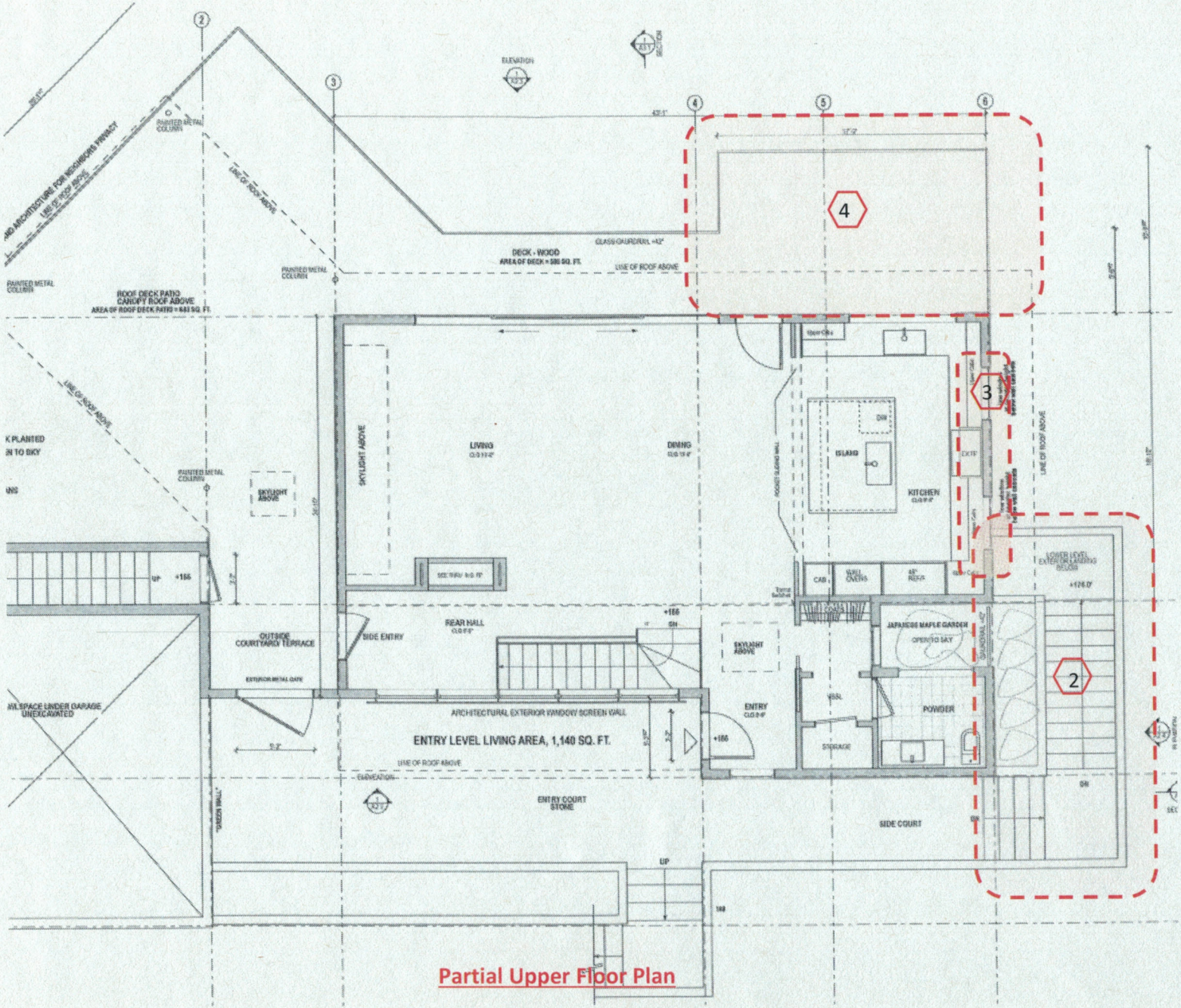
11. **MAXIMUM HEIGHT OF PROPOSED BUILDING AREA :**
    ALLOWABLE = 30'-0"

    MAXIMUM PROPOSED HEIGHT = 29'-4"

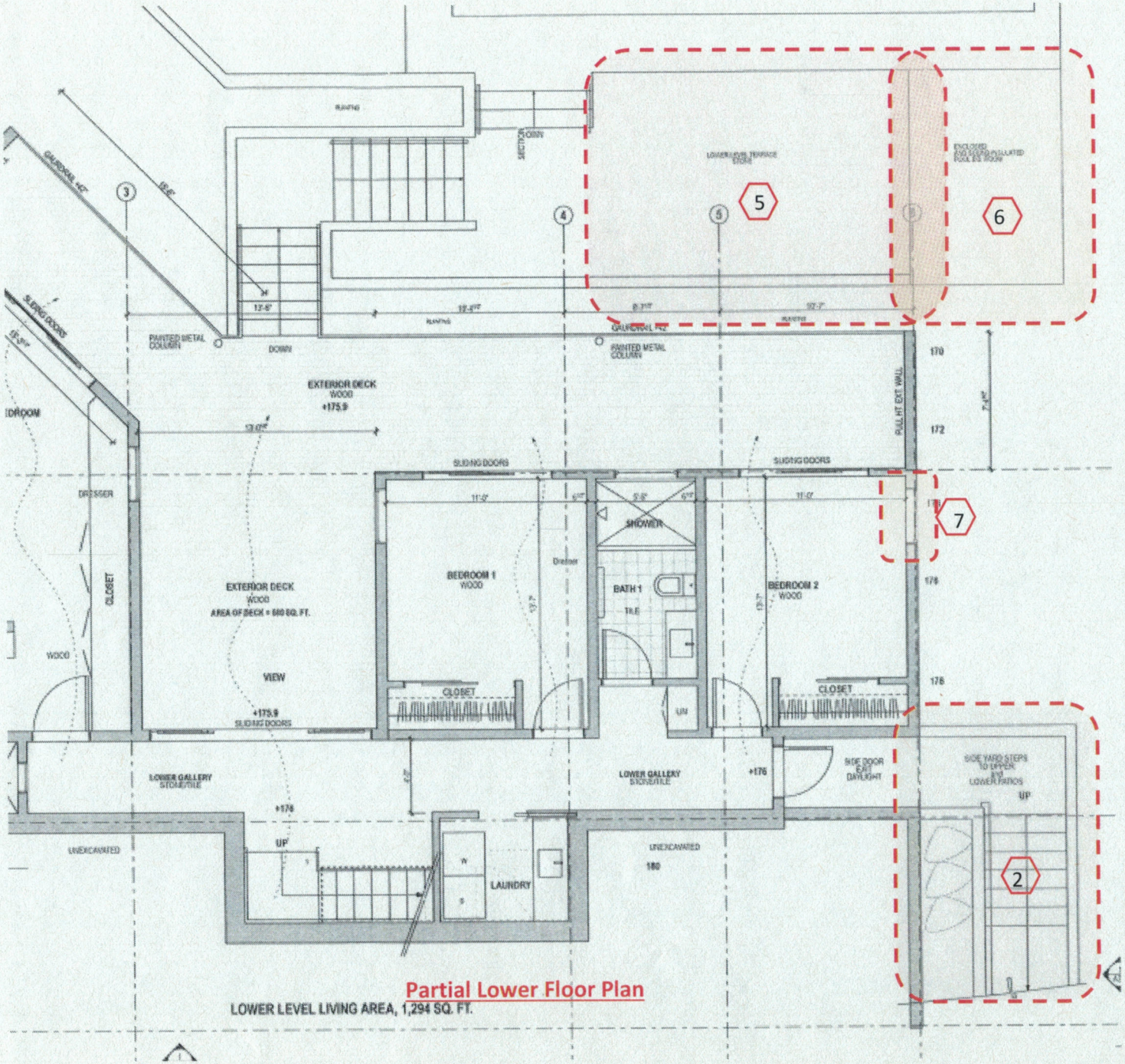
12. **PROPOSED DECK AREA:**
    DECK AT ENTRY LEVEL NOT ABOVE BUILDING = 434 SQ. FT.
    ROOF DECK PATIO ABOVE LOWER LEVEL = 643 SQ. FT.
    DECK AT LOWER LEVEL NOT ABOVE BUILDING = 580 SQ. FT.



Partial Site Plane

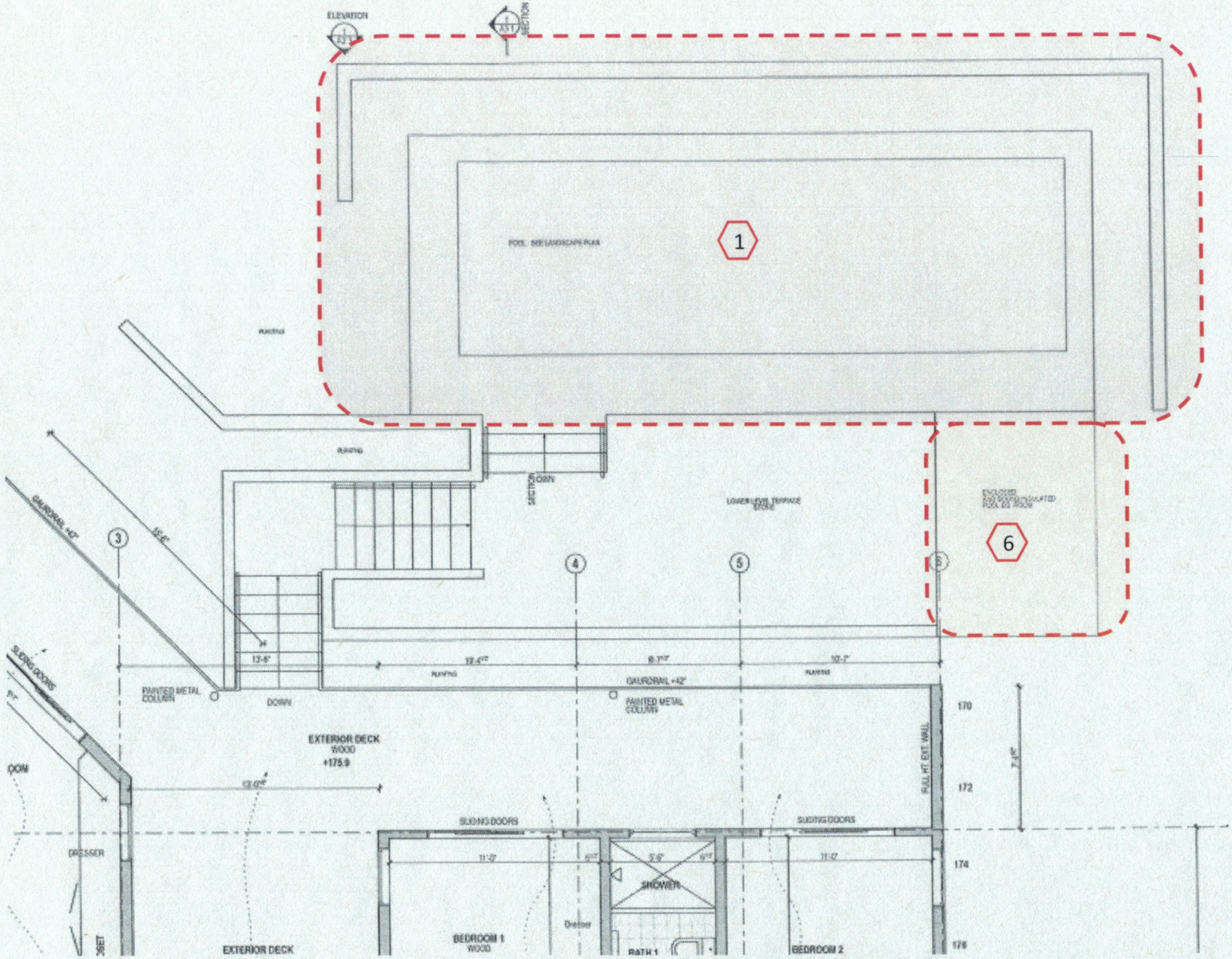


Partial Upper Floor Plan

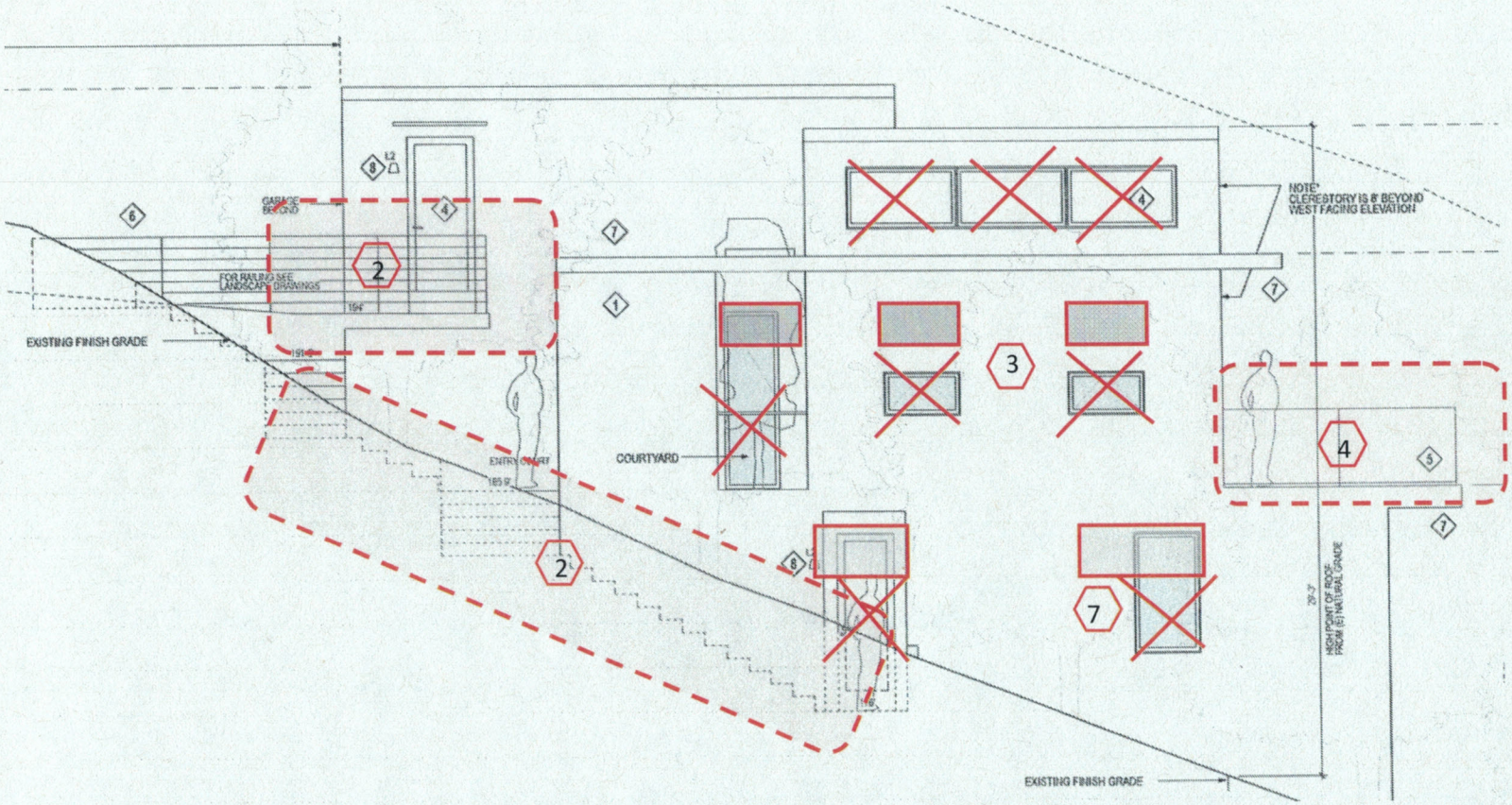


Partial Lower Floor Plan

LOWER LEVEL LIVING AREA, 1,294 SQ. FT.



Partial Lower Floor Deck and Pool area



Partial South Elevation adjacent to 2485 Mar East

ROY W. AND JOAN P. BURKETT
2480 PARADISE DR. (P.O. BOX 1023)

TIBURON, CA 94920

415-435-0558

DATE: FEBRUARY 26, 2020

SUBJECT: PARADISE MAR DESIGN REVIEW (P2383)

PURPOSE: OPPOSITION TO SUBMITTED PLANS (P2383)

We are the owners of the property at 2480 Paradise Drive, next to the Farzin Faili's property at 2485 Mar East Street. We are joining with the neighbors opposing the subject Plan (P2383)

The neighborhood is made up of many small & medium sized lots. Traditionally, the lots that have access at the top and bottom of the lots, with construction entrance at the top, construct the garage and use the large space under the garage for the living space to best utilize the foot print of the project.

In this Plan with the Living Space construction side by side with garage uses too much of the footprint allowed for the subject lot size with proper setbacks. Solution is to allow only the living space to start by utilizing the large space under the garage.

In 1995 we remodeled our small 800 SQFT one-bedroom house at 2480 Paradise Drive. The Planning Department allowed us to construct the space under the garage and space under the house structure. We could not increase the allowed footprint for the small lot. We now have three bedrooms, 2 ½ bathrooms & utility room with 1990 SQ FT.

There is still a great concern about the removal of Historic Age-Old Trees, small and large greenery that provided seclusion to the side of 2485 Mar East.

The Property Owner of lot 2495 Mar East and the architect never contacted the neighbors to acquaint them as to what plans they had to fit into the existing neighborhood. Not very respectful!

The only idea of anything happening was when a crew started taking out Brush, then Trees. Mr. Faili asked the crew to see the Marin County Permit to cut out the Trees. He was told that the Owner had the Permits. (which were never permitted) Also, it was our understanding that if you cut out Historic Trees and others without a permit, there would be severe fines to pay. It appears that no fines have been charged to the owner.

The small lot with the plan as is, is too much out of character in our neighborhood. This is not respectful for the individual neighbors. It is like a Monster size house on a small three-sided lot. It would be appropriate on a large lot surrounded with large trees and greenery.

Respectively yours,

Roy W. Burkett Joan P. Burkett

Lorraine Weiss
DESIGN AND DEVELOPMENT REVIEW

September 2, 2019

Kathleen Kilgariff, Planner
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

RE: Paradise Mar Development Company LP Design Review (APN# 059-203-27)
Project ID P2383

Dear Kathleen:

I am writing you on behalf of Barnett Lipton and Debbie Duncan, property owners of 5 Mar Centro Drive in Tiburon, who are away on vacation. As you know Barnett and Debbie submitted a letter to you, dated April 10, 2019, which provides comments on the first submittal of Project ID P2383. The letter expressed concern about some incomplete items that were missing from the project plans, how the design of the residence does not appropriately sit well on this hillside lot, and impacts upon the neighboring properties.

Having reviewed the revised August 2019 submittal, it appears that the plans show more detail, though, have not changed much since the previous proposal in March 2019. I understand that the 30-day completeness review for this project is underway. I would encourage you to consider the following points about the proposed project:

Site Plan

1. The sideyard setback along Mar Centro has increased from the building to the Mar Centro property-line from 4'-10" to 5'-4" for a total of 6". This is nominal given that the amount of house size, and dark color of proposed structure, both of which have not been modified. No real change has occurred to the design of the north elevation @ Mar Centro. Much more needs to be done to lessen the visual and privacy impacts that result from this house design.
2. Vehicular access to the property remains in the same location as in the previous plans. The room for vehicles to turn around such that drivers can safely maneuver to avoid backing out onto this busy narrow street seems inadequate. A back-out maneuver turning radius diagram should be shown on the site plan to appropriately demonstrate that the vehicular maneuverability from the site will not interfere with traffic along Paradise Drive.
3. The project description indicates proposed public improvements along Mar Centro and Paradise Drive, though, does not describe what they are in detail. A number of improvements continue to be located within the public right-of-way for this private residence. The public right-of-way should be solely used for public means and provide appropriate space for pedestrian sidewalk. With private features located in the public right-of-way, less room and adequate space would be provided for pedestrians. Perhaps, the residence should be redesigned to provide more of these elements on the private property rather than in the public right-of-way.

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lorraine@lorraine-weiss.com
www.lorraine-weiss.com

4. The lot is 8,126 square feet in size; not very large. However, the amount of total impervious surface totals 4,882 square feet or 60 percent of the site. This is a large amount of impervious surface for a lot that it is constrained, irregular shaped, and a steep hillside.

5. Has the slope of the property verified? The plans continue to show a 30.8 percent slope, while County records indicate a 38 percent slope.

House Size:

6. Please ask for clarification of how floor area was calculated. Diagrams for each floor plan with the scaled dimensions shown along with the total square footage for each floor plan.

7. The proposed residence continues to loom over the property with a large amount of bulk and mass, and an excessive understory on this irregularly shaped hillside parcel. The home is oversized proportionately to the parcel, should be designed to better lay with the terrain of the lot, and respect adjacent properties and the public right-of-way.

8. The floor area, floor area ratio and lot coverage is just about the same. The floor area actually increased in size by 3 square feet, rather than reduced in the revised plans. This does nothing to reduce the amount of mass and bulk and understory to the overall structure. The house continues to be oversized for the subject parcel on this hillside lot.

Grading Plan

9. How much cut, fill, and off-haul are proposed? It would be appear that a large amount of grading would be necessary for this house design.

10. What is the area (size) of disturbance?

Drainage

11. Does the Drainage Plan meet all of the County's requirements? Drainage changes as a result of this development proposal should be carefully considered. Winter flows can be high in the drainageway that crosses this site, with occasional extreme winter storm events on the Tiburon peninsula causing damage to public and private improvements. The drainage needs to be properly engineered for all of the increased runoff as a result of more impervious surface and not worsen existing drainage conditions by having adequate sized drainage intake to handle the projected peak flows and to prevent debris blockage of the inlet.

Construction Management

12. Construction management on this tight, narrow and busy street will be a challenge and will heavily impact neighboring properties. What will be the hours of construction, estimated number of construction trips, size of vehicles utilized, location of staging area, and location of parking area for construction workers and employees?

Trees

13. Please continue to require special tree protection measures for the mature Coast Live Oak trees on the property now through-out the planning application process and, for a future project approval, the eventual building permit phase.

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Lighting

14. The proposed light bollards facing Mar Centro may spillover light and glare beyond the property. Please request a light bollard that is downlit and directed *which does not spillover light and glare beyond the property.*

Materials

15. There continues to be a large amount of concrete and plaster used for retaining walls and decks. Anything that can be done to soften the appearance of the retaining walls and decks will help. Require vines, shrubs and plantings to cover the large expanse of wall, additional shrubbery and new trees to provide the necessary softening.

Noise Generators:

16. Please be sure all noise generating equipment for the swimming pool is specified and anticipated noise levels are provided that complies with the County's Noise Ordinance.

We look forward to a new residence that complies with the Single Family Residential Design Guidelines, Countywide Plan's Environmental Quality Element, and all pertinent County regulations, does not loom over the property, and is aesthetically pleasing within the context of the existing neighborhood character.

I would appreciate your keeping my client and I updated on the progress of this project, and any additional revised submittals. Please copy me on any correspondence regarding the development process. When are you expected to make a decision about this proposal?

Sincerely,
Lorraine Weiss
LORRAINE WEISS DESIGN & DEVELOPMENT REVIEW

cc: Barnett Lipton & Debbie Lipton, 5 Mar Centro, property owners

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