





# Town of Tiburon

## STAFF REPORT

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side of business frontage are allowed per business. Since the subject building fronts on two streets, Lyford Drive and Kleinert Drive, a maximum of four signs would be allowed for the subject building. The three proposed signs would be in conformance with this section of the Sign Ordinance.

Although the number of signs would be in conformance with the Sign Ordinance, the combined area of the three signs would be in excess of the maximum sign area allowed. The sign area for any business is limited to one square foot of sign area for each four linear feet of business frontage. As mentioned above, the subject building has frontage on both Kleinert Drive and Tiburon Boulevard. Adding these two frontages together, which are the longest sides of the building, equals 140 linear feet. Therefore, the maximum sign area for the building would be 35 square feet. The combined area of the three proposed signs would be 72 square feet, which is well in excess of the maximum allowed sign area. Staff determined that the area of the proposed signs would have to be reduced.

In addition to reviewing the proposed signs' compliance with the Sign Ordinance, staff sent public courtesy notices regarding the project to adjacent property owners. In response to the courtesy notices, Staff received several form letters from homeowners within the Chandler's Gate Homeowners Association. The letters indicated that most members of the HOA had strong objections to the proposed signs. The HOA's main objections were to the size and location of the proposed signs, since many of the primary views from the residences face in the direction of the BTCCC building.

During the review of the application, Staff contacted a representative from the HOA, and the project applicant, to discuss the project in greater detail. Staff was informed by the HOA that the most objectionable signs would be the signs proposed to be located on the east and north sides of the building. Staff was informed by the applicant that the most crucial signs would be the signs proposed to be located on the east and south sides of the building. Staff took this information into consideration before making a balanced decision on the project.

As discussed above, the proposed sign area would not meet the maximum allowable area under the Sign Ordinance, in fact the total sign area would have to be reduced by approximately one-half. Since the concern from the Chandler's Gate HOA was primarily regarding the signs on the east and north sides, Staff determined that there should be no sign on the north side of the building. Since the applicant stated that the signs on the south and east side were most crucial, and the south facing side of the building is the greatest distance away from a public street, staff determined that one full-sized sign should be located on the south side. And finally, in order to comply with the Sign Ordinance, respect the concerns of the Chandler's Gate HOA, and respect the needs of the applicant, Staff concluded that the area of the sign on the east side of the building should be reduced by one-half.

Planning Division Staff completed the review of the application and made its decision on March 23, 2004. In summary, the approved Sign Permit Application allows two (2) signs on the subject building; one sign shall be 24 square feet in size (as proposed), and the other sign shall not exceed 11 square feet. The combined square footage shall not exceed 35 square feet (maximum sign area per Sign Ordinance). The location of the 24 square foot sign shall be on



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the south side (facing Lyford Drive) of the subject building. The smaller sign shall be located on the east side (facing Kleinert Drive), near the entrance to the building. No sign shall be located on the north (facing the Tiburon Police Station) or west side (facing Tiburon Boulevard) of the subject building. The applicant filed a timely appeal of this decision on March 30, 2004.

### **BASIS FOR THE APPEAL:**

The applicant's grounds for appeal are summarized below. Please also refer to the notice of appeal filed March 30, 2004 (Exhibit #1):

#### **Grounds for appeal**

The Planning Division has approved two signs totaling 35 square feet. It is requested that the allowed 35 square feet be evenly distributed among the two signs, rather than having one sign at 24 square feet, and one sign at 11 square feet. This would result in each sign being 17.5 square feet, which is 37% smaller than the each of the initially proposed signs. This proposal would conform to the provisions of the Tiburon Sign Ordinance.

#### **Staff Response**

The allocation of the allowable square footage was an attempt to balance the concerns of the adjacent property owners and needs of the applicant. As discussed above, the Chandler's Gate HOA had a concern about the size of the proposed signs on the east and north sides of the subject building. The applicant stated that the most crucial locations for the signs would be on the east and south sides of the building. In addition, the south facing side of the building is the furthest away from any public street. Therefore, Staff's conclusion was to allow a full-sized (4' X 6') sign on the south side of the building. The reduction in size of the sign on the east side of the building would address the concern of the Chandler's Gate HOA, and would also allow the applicant to have a business sign near the entrance to the subject building.

### **PUBLIC COMMENT:**

The Planning Division has received two letters regarding the subject appeal from owners of Chandler's Gate residences. The owners of 12 Neds Way, and 26 Neds Way have voiced their opposition to the appeal.

### **RECOMMENDATION:**

It is recommended that the Design Review Board hold a public hearing, consider testimony from interested parties, and review the administrative record summarized in this staff report. It is recommended that the Board uphold the decision of Planning Division Staff and direct Staff to return with a resolution denying the appeal.

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### EXHIBITS:

1. Notice of Appeal filed by Vickie Rath c/o BTCCC
2. Notice of Planning Division Staff Action, dated March 23, 2004
3. Letter from Kay Pellicciarini, 70 Neds Way, regarding sign permit application
4. Letters from Chandler's Gate HOA, regarding sign permit application
5. Letter from owner of 12 Neds Way, regarding the subject appeal
6. Letter from owner of 26 Neds Way, regarding the subject appeal
7. Plans and supplemental materials for the sign permit application.