





# Town of Tiburon

## STAFF REPORT

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The property at 12 Venado Drive presently contains seven skylights atop the roof and two clerestory windows below the elevated roofline facing uphill. Although questions have been posed concerning the number of skylights previously existing on the roof of the residence, the applicant has submitted plans illustrating four previously existing skylights. Each existing skylight was either relocated or substantially altered, therefore resulting in seven new skylights.

### ANALYSIS

#### Design Issues

The subject house is situated on Venado Drive, just below the shared driveway for 6, 8, 10, and 16 Venado Drive. The homes uphill from the site along the shared driveway have views over the subject property towards San Francisco Bay. The property located at 16 Venado Drive is directly adjacent to and slightly uphill from the subject property. The properties located at 6 and 8 Venado Drive are directly uphill from the 12 Venado Drive property. The residence at 16 Venado Drive is located uphill but toward the northwest corner of the subject property.

Staff has conducted several field investigations of the subject property including review of the application from the perspective of the subject property itself as well as from neighboring properties. The subject clerestory windows and all of the skylights are primarily oriented toward the rear of structure's roofline. The size and location of the subject skylights and windows are as follows:

- One skylight over a closet on the northwest corner, which is elevated to face east and measures 2' X 1.5';
- Both bathrooms have two skylights each. According to the plans, Bathroom One has a 2.5' X 3' skylight which is tilted up to face east, and one 3' X 3' skylight tilted up towards the rear (facing uphill);
- Bathroom Two has a 3' X 2' skylight and a 3' X 3' skylight, both which are tilted up towards the rear of the residence;
- One 4' X 4' skylight over the Family Room tilted up toward the rear as well;
- One 2.5' X 2.5' skylight over the kitchen on the Northeast corner tilted up to the west; and
- Two clerestory windows above the flat roof and below the elevated gabled roof facing towards the rear of the property,

All seven of the skylights are tilted up 18° and elevated with fixed metal. The subject skylights are mostly shielded to uphill neighbors by landscaping which includes two pine trees planted behind the existing residence. Upon the possible removal of the trees, the skylights would become more visible to uphill neighbors.

Several surrounding property owners are concerned about the light pollution resulting from the seven skylights and clerestory windows. The Design Review Board is encouraged to contact the neighboring property owners in order to evaluate the potential light pollution impacts. It is Town policy to ensure that skylights are conditioned to mitigate light pollution impacts; however the elevating of the skylights toward uphill residents may pose a unique issue. The clerestory



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windows may also emanate light which may be difficult to mitigate with the standard skylight conditions. The Design Review Board should evaluate whether the seven skylights and clerestory windows would result in unacceptable light pollution for uphill residents, or may be mitigated through standard conditions of approval requiring tinting of skylight glass and prohibiting lights within the skylight wells.

### **Zoning**

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 zone.

### **Public Comment**

Initially submitted as a Staff Level Site Plan and Architectural Review, courtesy notices were sent to property owners within 100' of the subject property on September 17, 2004. As noted previously, due to the number of written concerns regarding the application, Planning Division staff elected to forward the application to the Design Review Board for review.

Four letters were received concerning light pollution impacts from the seven skylights as well as the improper noticing of the prior staff level approval for the subject property. These issues have been previously discussed. Two other letters were also received requesting that the clerestory windows be considered during the review process. One letter was received from an adjacent property owner after conducting a light test with the applicant voicing no issues with the skylights.

### **RECOMMENDATION**

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles for Design Review) 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 wishes to approve the project, Staff would recommend that the attached conditions of approval be applied.

### **ATTACHMENTS**

1. Conditions of approval
2. Application and supplemental materials (current and previous project)
3. Submitted plans
4. Notice of Action dated March 11, 2004
5. Letter from James Lavelle, received September 3, 2004
6. Letter from Tom Gram, received September 21, 2004
7. Letter from Libby and Laurie Weisheit, received September 21, 2004
8. Letter from Janice Anderson Gram, received September 23, 2004
9. Letter from Barbara Lavelle, received September 23, 2004
10. Letter from Janice Anderson Gram received October 6, 2004.
11. Letter from Peter and Mary Wang received October 7, 2004.
12. Letter from James Lavelle, received October 13, 2004

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### CONDITIONS OF APPROVAL

**12 Venado Drive**

**FILE #704095**

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. The development of this project shall conform with the application dated by the Town of Tiburon on August 5, 2004, or as amended by these conditions of approval. Any modifications to the plans of August 5, 2004, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.