



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

Design Review Board Meeting  
December 6, 2007  
Agenda Item: **D1**

## **STAFF REPORT**

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

From: **Associate Planner Tyler**

Subject: **1601 Tiburon Boulevard; File No. 50711  
Sign Permit for Construction of an Internally-Illuminated  
Free Standing Monument Sign for Bank of America**

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

## **PROJECT DATA**

OWNER: BARBARA ABRAMS, TR  
APPLICANT/ARCHITECT: SIGN PRODUCTIONS  
ADDRESS: 1601 TIBURON BOULEVARD  
ASSESSOR'S PARCEL NUMBER: 058-171-47  
FILE NUMBER: 50711  
ZONING: NC/AHO (NEIGHBORHOOD  
COMMERCIAL/AFFORDABLE HOUSING OVERLAY)  
GENERAL PLAN: NC (NEIGHBORHOOD COMMERCIAL/AFFORDABLE  
HOUSING OVERLAY)  
FLOOD ZONE: C  
DATE COMPLETE: NOVEMBER 9, 2007  
APPLICABLE REGULATIONS: CHAPTER 16A (SIGN ORDINANCE) AND  
DOWNTOWN DESIGN HANDBOOK

## **PRELIMINARY ENVIRONMENTAL DETERMINATION**

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 15301.

## **PROPOSAL & BACKGROUND**

The applicant desires to construct a double-faced, 20 square foot internally-illuminated monument sign in front of the Bank of America building, located at 1601 Tiburon Boulevard. Currently, the business has wall signs, but no free-standing signage.

The proposed location of the sign would be on the south side of the building, along the Tiburon Boulevard frontage. The sign face would be constructed of acrylic while the sign cladding would be metal (aluminum). The name "Bank of America" and the company's "flagscape logo" would be the only illuminated components of the monument sign.

On February 3, 2000, the Design Review Board approved a sign area exception not to exceed 65.8 square feet of signage for this business, which is nearly double the 35 square feet allowed per the Sign Ordinance. However, as of the date of this report, Staff can only identify two wall signs on the building, totaling approximately 33 square feet in sign area. Staff is uncertain whether all the signs approved by the Board in 2000 were actually installed. The applicant is proposing to increase the existing sign area by an additional 20 square feet, for a total sign area of approximately 55 square feet.

## **ANALYSIS**

### **Sign Area/Sign Number**

The total sign area allowed for a business per Section 16A-5(b)(1) of the Sign Ordinance is one square foot of signage for each four linear feet of building frontage. The Bank of America building has approximately 140 linear feet of building frontage. Therefore, a maximum of 35 square feet of sign area is permitted for the business. The existing sign area for the business is approximately 33 square feet. The proposed sign would not exceed the number of signs allowed for this business per the Sign Ordinance.

### **Sign Design**

One intention of the Sign Ordinance is to ensure signs are appropriate and compatible with the environment and character of the community, while having the flexibility to encourage variety and good design. The Downtown Design Handbook provides guidance that signs in downtown Tiburon should be "classic" in nature, reflect timelessness, be durable, and should complement the architecture of the building. Businesses along Tiburon Boulevard are eligible for monument signs with minimal text and imagery, in order to identify the business for motorists passing through Town.

The double-faced monument sign face would be approximately 5' x 2' in area. The total sign height (base plus face) would be approximately 5 feet. The depth of the sign would be one foot to accommodate the internal illumination elements. The sign face would be approximately 17 square feet as calculated by Staff; application materials state the sign area as 20 square feet. The base of the monument sign would be beige in color, and the sign itself would have a red background with blue letters. The sign would read "Bank of America" with the flagscape logo located below the letters. Both the letters and the flagscape logo are proposed to be internally illuminated. The background face of the sign would not be illuminated.

The Sign Ordinance does not prohibit internal illumination; however, the Ordinance does state that the visual intensity of the illumination should be appropriate within the context of the size, location and surroundings of the sign. There are currently several monument signs along Tiburon Boulevard in the downtown area, which identify bank establishments, grocery stores and retail centers. These existing monument signs are either non-illuminated, or have low voltage

landscape lighting on the ground to minimally light the sign during the evening. The Downtown Design Handbook states that internally illuminated, metal frame “box” signs should be prohibited.

Section 16A-6 of the Sign Ordinance states that the Design Review Board may grant exceptions to the signage requirements if it makes the following two findings:

1. Exceptional physical circumstances or conditions exist which apply to the site or location under consideration; and
2. The exception is not inconsistent with the purpose of this chapter.

The subject site is bordered by two street frontages but has visibility on all four sides of the building. Buildings that are visible by street traffic on all four sides may be allowed more signage than individual businesses within multi-tenant commercial areas. The proposed monument sign would be located on the south side of the building, visible from both directions on Tiburon Boulevard. Existing signage on the east and west sides of the building are already visible from both directions on Tiburon Boulevard. Therefore, the new sign would serve the same purpose as the existing signage, and is unnecessary for the reasonable visibility of the business. The addition of another 17 square feet of sign area would substantially exceed the maximum sign area for the business. Staff believes that no basis exists for granting the sign area exception.

## **CONCLUSION**

The addition of the proposed sign would increase the sign area for this business by approximately 17 square feet, as calculated by staff. The existing approved signage already approaches the maximum sign area allowance for the business.

The sign area issue is not Staff’s major concern with this application. Staff’s major objection to the proposal is that the sign is a free-standing monument sign that would be an internally-illuminated metal frame box-type sign. The Downtown Design Handbook states such signs should not be permitted on Tiburon Boulevard. It appears to Staff that the proposed sign permit application is therefore inconsistent with both the provision of the Sign Ordinance and guidelines of the Downtown Design Handbook.

Staff is of the opinion that the proposed monument sign is inappropriate in sign type for this area and is unnecessary for establishing visibility for the business, which is already well represented by two wall signs that maximize allowable sign area. Staff would be more supportive of an exception request for additional sign area if the proposed sign conformed to provisions of the Downtown Design Handbook.

## **Public Comment**

To date, no letters have been received regarding the subject application.

## **RECOMMENDATION**

Staff recommends that the Board:

1. Review this project with respect to the Sign Ordinance and the Downtown Design Handbook;
2. Indicate its intent to deny the application, and direct Staff to return with a resolution at the next meeting.
3. The Board should consider providing direction to the applicant as to acceptable alternatives to the monument sign, such as enlarging the existing wall sign facing Beach Road.

Exhibits:           **1        Application and Supplemental Materials**  
                          **2.        Submitted Plans**

Prepared By:       **Laurie Tyler, Associate Planner**



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

Design Review Board Meeting  
December 6, 2007  
Agenda Item: **E2**

## **STAFF REPORT**

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

**From: Community Development Department**

**Subject: 3 Southridge Drive; File #707135  
Site Plan and Architectural Review for the Construction of  
A New Single-Family Dwelling (Continued from November 1, 2007)**

## **BACKGROUND**

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 3 Southridge Drive. The subject property is currently vacant.

This application was reviewed at the November 1, 2007 Design Review Board meeting. At that meeting, objections were raised by several neighboring property owners regarding the height, roofing materials, parking, drainage and potential view impacts that could be caused by the proposed house. The Design Review Board recognized the difficulty of building on the last vacant lot in this subdivision and felt that the house should be lowered and possibly stepped down on the property. The application was continued to the December 56 meeting.

The applicant has now submitted plans which include the following modifications to the design of the proposed house:

- The rear of the house has been lowered 15 inches from the level of the garage and entry, and the house would be built on a slab. The roof height has also been lowered, resulting in a maximum building height of 25 feet, 10 inches, and an overall reduction in the ridgeline elevation of 4 feet, 5 inches.
- The lowered house would be partially achieved by grading down into the site, with the graded materials placed to the rear of the house (indicated on the site plan as “new turf” area).
- The trellis would be moved to the center of the rear of the house.
- Additional shrubs would be planted along the southern property line facing the homes at 1 & 3 Cayford Drive.

The footprint, floor area and exterior colors and materials of the house would remain the same as the previously submitted plans. Although not required as part of this application, a conceptual drainage and grading plan has also been submitted.

## **ANALYSIS**

### **Zoning**

Staff has reviewed the revised proposal and finds it to be in conformance with the development standards for the Tiburon Highlands Precise Development Plan.

### **Design Issues**

The changes to the height and design of the house would address the concerns raised by the Design Review Board at the previous meeting. The overall height reduction would make the house more consistent with the heights of other homes in the vicinity. The visual prominence of the house would be lessened by reducing the grade on the site. Although the design would only slightly step the house into the lot, this would be more consistent with the relatively level grade of this vacant property.

At the previous meeting, several of the surrounding neighbors each requested that the house be moved further from their respective homes. It was the consensus of the Board that the proposed siting of the house was appropriate, as any shifting of the house which could help one neighbor would likely result in objections from another.

The potential view impacts on the adjacent residence to the south at 1 Southridge Drive were summarized in the previous staff report. The trellis at the rear of the proposed house would no longer extend into these views. The Design Review Board is again encouraged to view the story poles from this neighboring home to more fully evaluate these view issues. The owner of the adjacent home at 3 Cayford Drive has also requested that the Board view the story poles from her home.

### **Public Comment**

As of the date of this report, one letter has been received since the previous meeting from the owner of 3 Cayford Drive.

## **RECOMMENDATION**

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (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 Design Review Board wishes to approve the project, Staff would recommend that the attached conditions of approval be applied.

## **ATTACHMENTS**

1. Conditions of approval

2. Design Review Board Staff Report dated November 1, 2007
3. Minutes of the November 1, 2007 Design Review Board meeting
4. Letter from Barbara Linn, dated November 18, 2007
5. Submitted plans

Prepared by: **Daniel M. Watrous, Planning Manager**

## CONDITIONS OF APPROVAL

### 3 SOUTHRIDGE DRIVE

#### FILE #707135

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 September 24, 2007, or as amended by these conditions of approval. Any modifications to the plans of November 19, 2007 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. 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.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
8. Prior to the issuance of building permits, the applicant shall submit verification from a licensed landscape architect that the proposed landscape plan conforms to M.M.W.D. landscape regulations, as required by Town Council Ordinance.
9. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.

10. Prior to underfloor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference points as appropriate, and elevations relative to sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.
11. 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.
12. The project shall comply with all requirements of the Southern Marin Fire Protection District.
13. The following requirements of the Marin Municipal Water District shall be met:
  - a. A High Water Pressure Water Service application shall be completed.
  - b. A copy of the building permit shall be submitted.
  - c. Appropriate fees shall be paid.
  - d. The structure's foundation shall be completed within 120 days of the date of application.
  - e. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
14. The applicants shall obtain a sewer permit from the Richardson Bay Sanitary District and pay all applicable fees prior to construction of a side sewer and connection to the sewer main. After connection to the sewer main but prior to commencement of discharge and prior to covering of the pipe, the District shall be contacted and allowed to inspect the connection for conformance to standards.
15. All requirements of the Town Engineer shall be met.



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
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Design Review Board  
December 6, 2007  
Agenda Item: **F3**

## **STAFF REPORT**

To: **Design Review Board**

From: **Community Development Department**

Subject: **13 Roseville Court; File #20732  
Site Plan and Architectural Review to the Construction of a Pool  
Cabana and the Relocation of the Pool and Spa, with a Variance for  
Reduced Rear Yard Setback**

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

## **PROJECT DATA**

**ADDRESS: 13 ROSEVILLE COURT**  
**OWNER: STEPHEN & KATHERINE VAN DUSEN**  
**APPLICANT: JAMES BRADINI (ARCHITECT)**  
**ASSESSOR'S PARCEL: 039-212-07**  
**FILE NUMBER: 20732**  
**LOT SIZE: 57,344 SQUARE FEET**  
**ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL OPEN)**  
**GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL**  
**FLOOD ZONE: C**  
**DATE COMPLETE: NOVEMBER 9, 2007**

## **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.

## **PROPOSAL**

The applicant is requesting Design Review approval for the construction of a pool cabana and the relocation of the pool and spa at an existing single-family dwelling located at 13 Roseville Court. The addition would include a vine trellis and fire pit between the new location of the spa and the proposed cabana. The existing fence along the eastern property line would be relocated as well.

An existing wall would be reconfigured on the side of the pool in order to accommodate an infinity edge to the pool. Landscaping would be added between the previously approved lower walls and along the eastern property line.

The lot coverage on the site would increase by 720 square feet (1.3%) to a total of 4,410 square feet (7.7%), which is 7.3% less than the 15.0% maximum lot coverage permitted in the RO-2 zone. The proposed increase in lot coverage does not exceed the maximum allowed lot coverage therefore; a variance for excess lot coverage is not required. The floor area on the site would increase by 720 square feet to a total of 6,465 square feet. The maximum allowed floor area is 7,734 square feet. The proposed total square footage does not exceed the maximum allowed floor area therefore; a floor area exception is not required.

The proposed detached pool cabana would extend to within 15 feet of the rear property line, in lieu of the 25-foot rear yard setback required in the RO-2 zone. Therefore, a variance is requested for a reduced rear yard setback.

## **ANALYSIS**

### **Design Issues**

The subject home is located on a flag shaped lot that is surrounded by neighboring properties. The lot is on a varying slope with mature landscaping along the property lines.

The proposed detached pool cabana is in a location where a substantial cut has been made to the hillside. The proposed detached structure would match the existing rear yard setback of the primary structure. The cabana would be screened by existing landscaping and the topography. The roof height of the proposed pool cabana would be at least 10 feet lower than the existing roof of the primary structure. Therefore, the cabana does not appear to impact the views of any of the surrounding neighbors.

The proposed new location of the pool would be approximately 10 feet further out on the existing pool deck than the current location of the pool. The new location would allow for the infinity edge element of the pool. The pool would also be relocated 10 feet further away from the eastern property line. By relocating the pool, the adjacent property owners at 33 Mark Terrace would have an increased potential to see more of the pool from their property than what they currently can see. However, the pool would be relocated further away from the neighboring residence. Plans indicate that additional landscaping would be planted along the property line between the subject property and 33 Mark Terrace for screening of the pool area.

The existing 6 foot fence along the eastern property line would be relocated. Currently, the fence encroaches into the property at 33 Mark Terrace. The fence would be pulled back to the property line thereby eliminating the encroachment. Additional landscaping would be added along the fence line.

The Design Review Board is encouraged to view the project from the home at 33 Mark Terrace.

## **Zoning**

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone with the exception of the previously noted variance for reduced rear yard setback.

In order to grant the requested variance, the Board must make all of the following findings required by Section 4.03.05 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 overall topography of the subject property eliminates much of the lot for expansion. The topography is a special circumstance that 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 limitation upon other properties in the vicinity and in the same or similar zones.***

Numerous other properties in the RO-2 or similar zones with similar site characteristics have been granted variances for reduced rear yard setback in order to accommodate the most appropriate home design on the property.

- 3. The strict application of this Ordinance would result in practical difficulty or unnecessary hardship.***

The strict application of the rear yard setback requirement would force the location of the detached pool cabana to be in an area that would not match the setback of the existing primary structure.

- 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 detached pool cabana does not appear to result in substantial view or privacy impacts on the primary living space from neighboring homes.

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 submitted to Staff from the residents at 33 Mark Terrace concerning potential privacy impacts from the proposed addition and the relocation of the spa and pool.

## **RECOMMENDATION**

The Board should review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles) , 16-4.3 (Variances) 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 finds the design to be acceptable and in conformance with the Town's Design Guidelines, Staff recommends that the attached conditions of approval be applied.

## **ATTACHMENTS:**

1. Conditions of approval
2. Application and supplemental material
3. Letter from Barry Thornton & Karen Land, dated November 26, 2007
4. Submitted plans

Prepared By: **Scott Phillips, Assistant Planner**

**EXHIBIT 1**

**CONDITIONS OF APPROVAL**

**13 ROSEVILLE COURT**

**FILE #20732**

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 and plans dated by the Town of Tiburon on August 21, 2007, or as amended by these conditions of approval and plans of October 31, 2007. Any modifications to the plans must receive Design Review approval.
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. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
8. 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.



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
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Design Review Board Meeting  
December 6, 2007  
Agenda Item: **F4**

**STAFF REPORT**

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

From: **Associate Planner, Laurie Tyler**

Subject: **NOTICE OF CONTINUANCE**  
**132 HACIENDA DRIVE DRIVE; FILE NO. 20741**  
**Site Plan and Architectural Review for Construction of an**  
**Addition to a Single-Family Dwelling with a Variance for Reduced**  
**Side Yard Setback**

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

Staff recommends that this item be continued for the following reason(s):

- No story poles have been erected/no certification received
- Requested information has not been received
- Item not properly advertised
- The applicant has requested a continuance to: **December 20, 2007**
- Other:

Prepared By: **Laurie Tyler, Associate Planner**



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
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Design Review Board  
December 6, 2007  
Agenda Item: **F5**

## **STAFF REPORT**

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

From: **Community Development Department**

Subject: **17 Venado Drive; File #20739  
Site Plan and Architectural Review to Construct Exterior  
Alterations and Additions to an Existing Single-Family Dwelling,  
with a Variance for Excess Lot Coverage**

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

## **PROJECT DATA**

**ADDRESS: 17 VENADO DRIVE**  
**OWNER/APPLICANT: WILLIAM & LUCRECIA COOMBER**  
**ASSESSOR'S PARCEL: 058-321-14**  
**FILE NUMBER: 20739**  
**LOT SIZE: 15,765 SQUARE FEET**  
**ZONING: R0-2 (SINGLE FAMILY RESIDENTIAL-OPEN)**  
**GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL**  
**FLOOD ZONE: C**  
**DATE COMPLETE: NOVEMBER 9, 2007**

## **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.

## **PROPOSAL**

The applicant is requesting Design Review approval to construct additions to an existing single-family home located at 17 Venado Drive. The additions would include a new laundry room and the enclosure of an existing breeze way into living space. An exterior stairway would be added from the existing roof deck to the ground level. A series of attached shade structures would be added along the side of the home. The existing home exceeds the maximum allowed lot coverage.

The lot coverage on the site would increase by 343 square feet (2.2%) to a total of 2,786 square feet (17.7%), which is 2.7% greater than the 15.0% maximum lot coverage permitted in the RO-2

zone. In order to expand a non-conforming condition, a variance is required. The floor area on the site would increase by 266 square feet to a total of 3,246 square feet. The maximum allowed floor area is 3,576.5 square feet. The proposed total square footage does not exceed the maximum allowed floor area therefore; a floor area exception is not required.

## ANALYSIS

### Design Issues

The two story subject home is located on a rectangular shaped lot served by an access easement off of Venado Drive. Mature landscaping exists along the property lines.

The proposed expansion is in an area that would not be visible from any of the surrounding properties. Mature landscaping screens the area where the laundry room expansion and the exterior stairway are proposed. The breezeway conversion would also be sufficiently screened by the existing structure and landscaping. Additional French doors would be added within the outward facing walls of the breezeway conversion. The proposed expansion does not appear to result in substantial view or privacy impacts from neighboring homes.

A number of alterations are proposed for the outward facing south side of the existing home. A series of attached wood trellises would be added. Additional French doors and windows would also be added within this area on the existing residence. The proposed alterations do not appear to impact any surrounding neighboring properties.

### Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone with the exception of the previously noted variance for excess lot coverage.

### Variance

In order to grant the requested variances, the Board must make all of the following findings required by Section 4.03.05 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 15,765 square foot lot size is substantially smaller than the 20,000 square foot minimum lot size for the RO-2 zone. The property size is a special circumstance that 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 limitation upon other properties in the vicinity and in the same or similar zones.***

Numerous other properties in the RO-2 or similar zones with similar site characteristics have been granted variances for excess lot coverage in order to accommodate the most appropriate project design on the property.

3. ***The strict application of this Ordinance would result in practical difficulty or unnecessary hardship.***

The strict application of the lot coverage requirement would not allow the construction of the proposed exterior stairway and laundry room expansion. The strict application of the zoning ordinance would force the owners to expand vertically on the second story thereby creating a practical difficulty on neighboring properties. An unnecessary hardship would be created by not allowing the variance for the exterior stairway and laundry room expansion.

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 exterior stairway and laundry room expansion would not be visible from the adjacent property and does not appear to result in substantial view or privacy impacts from neighboring homes.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance for excess lot coverage.

### **Public Comment**

To date, no public comments have been received regarding this project.

### **RECOMMENDATION**

The Board should review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles), 16-4.3 (Variances) 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 finds the design to be acceptable and in conformance with the Town's Design Guidelines, Staff recommends that the attached conditions of approval be applied.

### **ATTACHMENTS:**

1. Conditions of approval
2. Application and supplemental material
3. Submitted plans

Prepared By: **Scott Phillips, Assistant Planner**  
**EXHIBIT 1**

**CONDITIONS OF APPROVAL**

**17 VENADO DRIVE**

**FILE #20739**

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 and plans dated by the Town of Tiburon on October 18, 2007, or as amended by these conditions of approval and plans of October 18, 2007. Any modifications to the plans must receive Design Review approval.
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. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
8. 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.



**TOWN OF TIBURON**  
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Tiburon, CA 94920

Design Review Board Meeting  
December 6, 2007  
Agenda Item: **F6**

## **STAFF REPORT**

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

From: **Associate Planner Tyler**

Subject: **3 Parente Road; File No. 20740  
Site Plan and Architectural Review for Construction of a New  
Single-Family Dwelling with Variances Requested for Reduced Front  
Yard Setback and Excess Wall Height**

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

## **PROJECT DATA**

OWNER: JENNIFER CHU & JOHN PARK  
APPLICANT/ARCHITECT: HUNT HALE JONES ARCHITECTS  
ADDRESS: 3 PARENTE ROAD  
ASSESSOR'S PARCEL NUMBER: 038-091-09  
FILE NUMBER: 20740  
LOT SIZE: 43,335 SQUARE FEET  
ZONING: RO-1 (SINGLE-FAMILY RESIDENTIAL OPEN)  
GENERAL PLAN: ML (MEDIUM LOW DENSITY RESIDENTIAL)  
FLOOD ZONE: C  
DATE COMPLETE: NOVEMBER 9, 2007

## **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.

## **PROPOSAL**

The applicant is submitting a request for construction of a new single-family dwelling and appurtenant outdoor improvements, with variances requested for reduced front yard setback and excess wall height. The property is currently improved with a single-family dwelling that would be demolished as part of the project. The footprint of the existing single-story residence is shown on the site plan. The new residence is in the same general location on the lot, but is taller, larger, and extends closer to Paradise Drive.

The project proposes a two-story structure with an additional basement level. The basement would include an office, a media/exercise room and storage/mechanical rooms. The main level of the home would include a three car garage, living and dining rooms, kitchen, nook, family room, laundry room, an office and a guest suite. A patio would extend the length of the home at the rear, with access from both the family room and living room. A terrace would extend off the living room to connect with the proposed pool house. Substantial grading will be required to construct the project.

The pool house would include a bathroom, laundry room and covered loggia. The upper level of the home would include the master bedroom suite, three bedrooms and corresponding bathrooms, a laundry room and a tech area. An interior elevator and stairway would service all three floors of the home.

The proposed dwelling would result in a gross floor area of 6,194 square feet, which is slightly below the maximum floor area ratio permitted for a property of this size (6,334 sq. ft.). The proposed dwelling would result in a lot coverage of 4,884 square feet (11%), which is below the maximum permitted lot coverage for the RO-1 zone (15%).

The required front yard setback in the RO-1 zone is thirty feet (30'). The subject property has frontage on Parente Road, which is a privately-maintained roadway open to public use. It consists of two twenty (20) foot wide roadway easements over the parcels on either side, with the property lines for those parcels forming the center line of the 40 foot wide easement. In this instance, the paved surface of Parente Road is located entirely outside the subject parcel and on the opposing parcel. This unusual physical situation creates a de facto 50-foot front yard setback for the subject property, since the Town measures its front yard setbacks from the roadway easement line and not the property line. The proposed project shows a small portion of the home encroaching within this larger-than normal front setback area, although the house would be approximately 37 feet from the paved Parente Road travelway. The proposed project also shows a thirteen foot, six inch (13'6") high auto court wall located in the front yard setback, coming to within fifteen (15) feet of the Parente Road travelway. This auto court wall would require a front yard setback variance and a height variance, as any wall over six (6) feet is not permitted in a yard setback area without a variance.

The façade of the home proposes a gray slate roof, shades of beige stucco with darker accent colors for trim, and a grey stone veneer. A color/materials board will be available for review at the meeting.

## **ANALYSIS**

### **Design Issues**

The existing dwelling is single-story and is designed to take advantage of views to the North Bay and to the southeast, towards the East Bay. The subject site is one of two parcels with addresses on Parente Road, before the road dead-ends and becomes Antonette Drive. There are no immediate plans to connect the two roads, except for emergency vehicle purposes.

Homes below the subject site along Paradise Drive (east) are situated well below and are screened by several existing oak trees along the rear property line. Homes uphill of the site (west) are

located a considerable distance away and are screened by existing mature vegetation. The adjacent property to the south (on Antonette Drive) is also screened by existing vegetation.

The proposed project would not appear to block any of the surrounding properties' viewsheds. In particular, the adjacent residence to the south on Antonette Drive is at a slightly higher elevation and is oriented to take advantage of views to the southeast. The homes along Paradise Drive below the subject site may be concerned with the proposed dwelling having a "looming" effect over their homes, which could result in privacy impacts. The landscape plan indicates additional planting of oak trees along the rear property line to increase the amount of natural landscape screening between the adjoining properties in order to maintain a privacy buffer between the subject dwelling and these residences.

The basement level of the home would be excavated into the hillside. However, the main two levels of the dwelling are proposed to be stacked on top of one another, which appears as substantial mass and bulk from directly below the subject site. Staff recommends that the Board visit the site and surrounding properties to determine whether the apparent mass and bulk is a significant issue.

### **Hillside Design Guidelines**

The following portions of the Hillside Design Guidelines should be used to evaluate the hillside design of the house as proposed:

- *Goal 1, Principle 1 states to cut buildings into the hillside to reduce effective visual bulk.* The two main levels of the home are proposed to be stacked on top of each other when viewed from below the subject site. Stepping or staggering these floors could reduce apparent mass and bulk.
- *Goal 1, Principle 9 states that excavation of underground or below grade rooms will dramatically reduce effective bulk, provide energy efficient and environmentally desirable spaces.* The proposal indicates that storage areas, office space and media/exercise rooms would be excavated below grade.

### **Zoning**

The project conforms to the remaining development regulations pertaining to the RO-1 zoning district with the exception of the requested variances for reduced front yard setback and excess wall height.

### **Variances**

In order to grant the requested variance for reduced front yard setback for the residence and auto court wall, the Board must make all of the following findings required by Section 16-4.3 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.**

As described above, the unusual physical situation (a de facto 50' front yard setback from the front property line located at the improved Parente Road street frontage) constitutes a special circumstance not generally applicable to other properties in the vicinity or zone and which serves to create a hardship for this property. The standard setback is only 30 feet. Since the proposed residence would be placed approximately 37 feet from the Parente Road travelway, and the travelway is unlikely to be significantly widened in the future as only one vacant single-family lot remains that could be accessed by it, Staff believes there is ample justification for the approximately thirteen (13) foot encroachment by the residence into the front yard setback. However, the proposed auto court wall would encroach to within approximately fifteen (15) feet of the front property line, and staff concludes that the variance finding cannot be granted for this wall as proposed. Staff notes that a six (6) foot high wall would not require either a front yard variance or a height variance.

**2. The variance will not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and in the same or similar zones.**

Few, if any, other properties in the vicinity or zone have this unusual physical situation where a de-facto fifty (50) foot front setback is required. The grant of variance for the residence, which would still preserve a thirty-seven (37) foot setback from the street frontage, would therefore not constitute a grant of special privilege. Approval of the proposed auto court wall to extend within fifteen (15) feet of the street would constitute a special privilege in the opinion of Staff.

**3. The strict application of this Ordinance would result in practical difficulty or unnecessary hardship.**

A strict application of the Ordinance would result in a practical hardship for this property in that a de facto fifty (50) foot front year setback would be required instead of the typical thirty (30) foot setback that is standard in this zone. Allowing the residence to encroach to within thirty-seven (37) feet of the front property line appears to be a reasonable accommodation of this hardship.

**4. The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.**

The proposed location of the residence would result in a thirty-seven (37) foot setback from the Parente Road travelway. By the standards of the zone and the typical development pattern in the RO-1 zone, this distance is more than adequate and would not therefore be detrimental to the public or to other properties in the vicinity.

In conclusion, staff believes there is sufficient evidence to support the findings for the requested variance for reduced front yard setback for the residence, but not for the auto court wall.

In order to grant the requested variance for excess wall height for the auto court wall, the Board must make all four of the findings listed above. Staff concludes that there is insufficient evidence to support any of the findings necessary to grant the height variance for the thirteen foot, six inch (13'6") auto court wall. Staff believes that the excess wall height would serve to buffer a future potential residence on the vacant lot across Parente Road from visual and noise impacts of the auto court, and establish increased privacy for the proposed residence. While these are laudable goals, they are not sufficient grounds for the granting of a variance. A six (6) foot high auto court wall would not require any variances. The auto court wall appears to Staff as an architectural extension of the residence that does not serve to retain a steep hillside and does not appear to be justified by a physical hardship or special circumstance applicable to the property.

### **Public Comment**

As of the date of this report, no letters have been received regarding the subject application.

### **CONCLUSION**

Staff has determined that architectural modifications could be made to the proposal to better comply with the Hillside Design Guidelines and Guidelines for Site Plan and Architectural Review. If the main two floors of the home were stepped or staggered on the east elevation, there would be an apparent reduction of mass and bulk of the structure when viewed from below the subject site and from further away. In addition, the excess wall height on the proposed auto court wall only serves as an extension of the architectural design of the home, and has no practical purpose besides buffering potential noise and aesthetics of the auto court for a vacant parcel across the road, and is therefore unnecessary.

Staff would recommend that the Board consider the following before making a decision on this project:

1. Give specific direction to the applicant regarding the need for architectural modifications to the proposed dwelling to better comply with the Hillside Design Guidelines regarding mass and bulk; and
2. Deny the request for excess wall height for the proposed auto court wall or require a reduction in the wall height, to comply with the Zoning Ordinance.

If the Board disagrees with Staff's conclusions, and determines that the project as proposed should be approved, then findings should be articulated for the requested variance for excess wall height, and Staff would recommend that the attached conditions of approval be applied.

### **RECOMMENDATION**

Staff recommends that the Board:

1. Review this project with respect to Municipal Code Section 16-4.2.7 (Guiding Principles), Section 16-4.3 (Variances) and the Hillside Design Guidelines;

2. Determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303; and
3. Continue the project with direction given to the applicant regarding necessary modifications.

- Exhibits:
1. Conditions of Approval
  2. Application and Supplemental Materials
  3. Submitted Plans

Prepared By: Associate Planner Tyler

**Exhibit 1**

**CONDITIONS OF APPROVAL  
3 PARENTE ROAD  
FILE NO. 20740**

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 and plans dated by the Town of Tiburon on October 22, 2007, as amended by these conditions of approval. Any modifications to the plans must receive Design Review approval.
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. 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.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the skylight wells.
7. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.
8. All exterior lighting fixtures other than those expressly approved otherwise herein must be down light type fixtures.
9. Prior to the issuance of building permits, the applicant shall submit verification from a licensed landscape architect that the proposed landscape plan conforms to M.M.W.D. landscape regulations.

10. Prior to the issuance of a Certificate of Occupancy, all landscaping and irrigation shall be installed in accordance with approved plans and field verified by a Planning Division inspection.
11. Prior to under-floor inspection, a certified survey of the structure foundation will be required to verify horizontal and vertical accuracy of foundations construction. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference points as appropriate, and elevations relative to sea level, of the foundation walls and/or slabs. No additional inspections will be provided until the survey results have been verified.
12. The project shall comply with the following requirements of the Tiburon Fire Protection District:
  - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-D. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (UFC 1003).
  - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 310).
  - c. Approved spark arresters shall be installed on chimneys (UFC 1109).
  - d. All vegetation, existing and new, shall comply with the recommendations of Fire Safe Marin, and the requirements of UFC 1103.
13. Prior to issuance of a building permit, the permit holder shall provide written verification from Marin Municipal Water District to the Building Division indicating that the project is in compliance with the District's rules and regulations.
14. 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.
15. All requirements of the Director of Public Works/Town Engineer shall be met.
16. Prior to issuance of a building permit, the permit holder shall provide written verification from Sanitary District No. 2 to the Building Division indicating that the project is in compliance with the District's rules and regulations.

