



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
August 16, 2007
Agenda Item: **D1**

STAFF REPORT

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

From: **Associate Planner Tyler**

Subject: **1893 Centro West Street; File #20708
Site Plan and Architectural Review for Construction of a New Single-Family Dwelling With a Variance for Reduced Side Yard Setback and a Floor Area Exception
(Continued from April 19, 2007)**

Reviewed By: _____

BACKGROUND

On April 19, 2007 the Design Review Board reviewed revised plans for the construction of a new single-family dwelling with a variance for a reduced side yard setback and a floor area exception. The proposal had been modified to reflect a 42 inch shift in the second floor to the rear of the site (into the hillside) and 10 foot 8 inches to the west (toward the shared driveway). The pitch of the roof was also modified to address several of the adjacent neighbors concerns. Instead of an upward angled roofline, the pitch was changed to a traditional gable roofline, with a center section remaining pitched at an upward angle. Several windows were eliminated along the southern elevation, as well as exterior lighting to reduce the amount of light and glare on the residents below the subject site.

During the meeting, two of the adjacent neighbors raised concerns with the revised design of the home. The property owner of 1895 Centro West Street (east) expressed his concern with the potential for view blockage of downtown Tiburon, the harbor, Belvedere and portions of his water views. The previous proposal would have blocked these same views as well as portions of the Golden Gate Bridge and the bay.

The property owner of 160 Las Lomas Lane, below the subject site, still remained concerned that the home would appear massive. He indicated that he would feel more comfortable with the project being approved if the neighboring property owner at 1895 Centro West Street was satisfied with his viewshed from the lower level unit.

The applicant stated that they were intending to modify the pitch of the roof to a full gable style roofline, eliminating the center section of the roof that would have projected at an upward angle. The Board continued the project with the applicant advised to modify the roof and minimize the view impact for the adjacent neighbor at 1895 Centro West Street.

ANALYSIS

Design Issues

The applicant has submitted revised drawings of the proposed home, which indicate modifications from the previous review by the board.

The roof style has been modified from a Dutch hip to a traditional hip roof. There would still be a small angled lip over the bow window at the front of the structure; however this section of angled roof has been dropped roughly 3 feet from the previous proposal. The roof overhangs would also increase from 3 to 4 feet.

The previous proposal indicated that the second floor had been shifted 42 inches to the rear (towards the hillside) and 10 feet 8 inches to the west (toward the shared driveway). The second floor would remain in the same location as before, but shifted back to the east by roughly 1 foot 9 inches. Additionally, the second floor deck on the west side of the structure would be decreased in size, and the proposed kitchen would increase in size. The lower level would remain in the same location as previously proposed.

The floor area would increase a total of 11 square feet, from 3,746 to 3,757 square feet. The applicant would still need a floor area exception, as the maximum floor area ratio for the property is 3,260 square feet. The proposed lot coverage would decrease from 2,807 to 2,628 square feet (22% to 20.9%), which is still below the maximum permitted lot coverage in the R-2 zone (35%).

Exterior lighting in the form of sconces would be located only at the rear of the dwelling around the front entrance, facing the hillside. The sconces proposed on the sides of the dwelling have been eliminated. The south elevation would maintain lighting beneath the soffits.

In addition, the clerestory windows located beneath the roof edge of the bow window have been eliminated to reduce the amount of windows on the south elevation, which would have the potential to create glare issues for the neighbors below.

The lower level unit on the adjacent property at 1895 Centro West Street would maintain views of San Francisco and the Golden Gate Bridge; however, with the revised roofline, views of the harbor, water and a large portion of Belvedere would still be lost. The proposed fireplace on the east side of the structure would become a gas fireplace to eliminate the chimney, which would no longer impede on the views from the neighboring duplex. The upper level unit would remain unaffected by the proposal.

A full landscape plan was not submitted as part of the application. Staff has included a condition of approval requiring a landscape plan to be reviewed and approved by Staff, prior to issuance of building permits. A color/materials board will be available for review at the meeting.

Staff encourages the Board to visit the site and the surrounding properties to better understand the extent of this proposal.

Tiburon Hillside Design Guidelines

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

- *Goal 1, Principle 1 of the Hillside Design Guidelines states that “to reduce effective visual bulk, cut the building into the hillside”.* Further stepping the home into the hillside would reduce the appearance of the home from below the site. However, homes located on steep hillsides typically appear massive from below, due to the steepness of slopes, which creates difficult sites upon which to build.
- *Goal 2, Principle 6 (a) of the Hillside Design Guidelines encourages “avoiding large expanses of floor to ceiling glass and ‘picture windows’”.* The applicant has reduced the amount of windows on the southern elevation, which was of concern at the previous two meetings; however, there would still be floor to ceiling windows on the southern elevation at the second floor, along the entire length of the home.
- *Goal 2, Principle 6 (b) of the Hillside Design Guidelines states “views should be framed with carefully thought out windows”.* The modification to the roofline eliminates the previously proposed clerestory windows at the front of the home. By dropping the roofline, views toward San Francisco and the bay would be framed, resulting in a more than adequate viewshed for the residents.
- *Goal 3, Principle 7 (a) of the Hillside Design Guidelines states that “view protection is more important for the primary living areas of a dwelling than for less actively used areas of a dwelling”.* Due to a shift of the second floor of the proposed dwelling 42 inches back toward the hillside, the lower level unit at 1895 Centro West Street would maintain views across the Bay of Angel Island, San Francisco, the Presidio and the Golden Gate Bridge from within the living room. However, views of the Tiburon Harbor, portions of Belvedere and the water would be lost from within the living room.
- *Goal 2, Principle 7 (c) of the Hillside Design Guidelines states that “blockage of the center of the view is more damaging than blockage of the side view”.* The proposed structure would impact the right side of the view from within the family room of the lower level unit at 1895 Centro West Street.
- *Goal 2, Principle 7 (d) of the Hillside Design Guidelines states that “blockage of important objects in the view is more difficult to accept than blockage of other, less well-known landmarks”.* The lower level unit at 1895 Centro West Street would lose a view of the Tiburon Harbor, portions of Belvedere and water views.

Zoning

With the exception of the requested floor area exception and side yard setback variance, the project appears to be in conformance with the development regulations of the R-2 zone.

Variance

In order to grant the requested variance, 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.**

The site is steeply sloped from north to south creating a very difficult site to build upon. Most of the homes within the vicinity are also constructed on steep portions of the hillside, many of which encroach into their side yard setbacks instead of further excavating into the hillside. This is a special circumstance applicable to the property.

- 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 within the R-2 zoning district have received side yard setback variances.

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

If the entire home were shifted two feet to the west, resulting in the minimum eight foot side yard setback, the home would encroach into the shared driveway with 1891 Centro West Street. The existing shared driveway is only ten feet wide. Reducing the width would certainly create maneuverability issues for both residents when trying to access their carport/garage.

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

The previously existing duplex was located two feet within the same side yard setback, which did not seem to create any problems for the adjacent properties.

Floor Area Exception

As previously mentioned, the proposed dwelling would not comply with the floor area regulations for a lot of this size. In order to grant the requested floor area exception, the Board must make the following findings as required by Section 16-4.2.8 of the Tiburon Zoning Ordinance.

- 1. The applicant has demonstrated that the visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood.**

The majority of homes surrounding the subject site are two and three story structures due to the steep topography of the hillside. Most of the parcels along Centro West Street contain areas in which are not build able because the hillside is so steep. Many homes in the vicinity have requested floor area exceptions for this reason.

- 2. The applicant has demonstrated that the proposed structure is compatible with the physical characteristics of the site. The characteristics include, but are not limited to, the scale of trees, rock outcroppings, stream courses, land forms, and the dimensions of the lot.**

The topography of the site slopes steeply upward (north) from Centro West Street, creating a difficult site to build upon. The hillside behind the pre-existing structure is extremely steep and contains several mature trees which aid in maintaining privacy between the residence to the north (uphill) and the proposed dwelling.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the side yard setback variance and floor area exception.

Public Comment

As of the date of this report, no additional letters have been received regarding the project from the previous Design Review Board meetings.

RECOMMENDATION

It is recommended that the Board review the proposed project with respect to Zoning Ordinance Sections 16-4.2.7(Guiding Principles), 16-4.2.8 (Floor Area Ratio Guidelines), 16-4.3 (Variances) and the Tiburon Hillside Design Guidelines, and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303.

If the Board agrees with Staff's conclusions, Staff recommends that the attached conditions of approval be applied.

Exhibits:

1. Conditions of Approval
2. Application and supplemental materials
3. Goal 1, Principle 1; Goal 2, Principle 6 (a, b); and Goal 3, Principle 7 (a, c, d) of the Hillside Design Guidelines
4. Staff Report from the April 19, 2007 Design Review Board meeting
5. Minutes from the April 19, 2007 Design Review Board meeting
6. Submitted plans dated August 7, 2007

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

EXHIBIT 1

**CONDITIONS OF APPROVAL
1893 CENTRO WEST STREET
FILE # 20708**

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 July 23, 2007, or as amended by these conditions of approval. Any modifications to the plans of August 7, 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. 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.
 - e. There shall be a minimum of three feet of clear space from the eastern property line towards the dwelling per the Uniform Fire Code.
 - f. An access stairway shall be constructed from the street level, up towards the lower level deck, for access to the electrical utility box.
12. 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.
13. All requirements of the Town Engineer shall be met.
14. A landscaping plan shall be submitted to the Planning Division for review and approval by Staff, prior to issuance of Building permits.
15. Guardrails approved as part of this application shall contain no horizontal elements other

than the top and bottom rails.



TOWN OF TIBURON
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Design Review Board Meeting
August 16, 2007
Agenda Item: **D2**

STAFF REPORT

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

From: **Community Development Department**

Subject: **NOTICE OF CONTINUANCE**
23 Old Landing Road; File #707068
Site Plan and Architectural Review for the Construction of
A New Single-Family Dwelling

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: September 6, 2007
- Other:

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



TOWN OF TIBURON
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Design Review Board Meeting
August 16, 2007
Agenda Item: **E3**

STAFF REPORT

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

From: **Associate Planner Tyler**

Subject: **42 Claire Way; File #707043**
Site Plan and Architectural Review for Construction of a New Single-Family Dwelling

Reviewed By: _____

PROJECT DATA:

OWNER: HELEN CLAWSON
APPLICANT/ARCHITECT: MOHAMAD SADRIEH
ADDRESS: 42 CLAIRE WAY
ASSESSOR PARCEL NUMBER: 034-172-07
FILE NUMBER: 707043
LOT SIZE: 9,581 SQUARE FEET
ZONING: R-1-B-A (SINGLE-FAMILY RESIDENTIAL- BEL AIRE)
GENERAL PLAN: MH (MEDIUM HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: C
DATE COMPLETE: JULY 12, 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 has submitted a request for construction of a new single-family dwelling on the property located at 42 Claire Way. Currently the property is improved with a single-family dwelling. The applicant is requesting to demolish over 50% of the existing walls of the structure. By demolishing more than 50% of the structure, the project is therefore classified as “new construction.”

The project proposed would maintain a single-story design. The existing structure is comprised of three bedrooms, a great room, kitchen and a one-car garage. The proposal intends to expand

the home at the rear, to include a master bedroom suite, study, a new dining room, and expansion of the existing great room.

The proposed structure would create a lot coverage of 2,555 square feet (26.6%) which is below the maximum permitted lot coverage in the R-1-B-A zoning district (30%). The proposed structure would create a gross floor area of 2,275 square feet, which is also below the maximum permitted floor area for a parcel of this size (2,958 sq. ft.).

The façade of the home would include stucco siding and a composition shingle roof. A color/materials board will be available at the meeting for review.

ANALYSIS:

Zoning

The project appears to be in conformance with the remaining development regulations of the R-1-B-A zoning district.

Design Issues

The subject site is located within the Bel Aire Subdivision, and is surrounded by single-family dwellings which are single-story.

The proposed additions would not substantially increase the mass and bulk of the existing structure. The proposal seeks to expand the home at the rear, which would not be visible from Claire Way. Residents directly behind the subject property would see the addition, but it would not likely impact privacy or viewsheds for these properties.

The interior of the home would be modified to accommodate the new addition and to create a more functional home. The bedroom windows at the front of the home would pop out to create a more architecturally pleasing façade. The existing fireplace would be relocated to the proposed dining room on the left side of the dwelling, and a new fireplace would be located in the proposed master bedroom on the right side of the dwelling.

Exterior improvements include new stucco siding, new composition shingle roofing, new windows and new garage doors.

Public Comment

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

RECOMMENDATION

It is recommended that the Board review this project with respect to Zoning Ordinance Section 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 Board agrees with Staff's conclusions, Staff would recommend that the attached conditions of approval be applied.

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

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

EXHIBIT 1

CONDITIONS OF APPROVAL

42 CLAIRE WAY

FILE #707043

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 April 12, 2007, or as amended by these conditions of approval. Any modifications to the plans of July 12, 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. 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.
12. 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.
13. All requirements of the Town Engineer shall be met.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
August 16, 2007

Agenda Item: **E4**

STAFF REPORT

To: Members of the Design Review Board

From: Community Development Department

Subject: 279 Cecilia Way; File #20726
Site Plan and Architectural Review for the Construction of
Additions to an Existing Single-Family Dwelling, With Variances for
Reduced Front and Side Yard Setbacks

PROJECT DATA

ADDRESS: 279 CECILIA WAY

ASSESSOR'S PARCEL: 034-174-10

FILE NUMBER: 20726

PROPERTY OWNERS: CAROLYN AND KAMRAN SHADAN

APPLICANT: SAME

LOT SIZE: 7,503 SQUARE FEET

ZONING: R1-BA (SINGLE-FAMILY RESIDENTIAL-BEL AIRE)

GENERAL PLAN: MEDIUM HIGH DENSITY RESIDENTIAL

FLOOD ZONE: C

DATE COMPLETE: JULY 25, 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 15301.

PROPOSAL

The applicant is requesting Design Review approval for the construction of additions to an existing single-family dwelling on property located at 279 Cecilia Way. The living room would be expanded to the rear of the house, and two bedrooms would be expanded to the front of the house. An existing one-car garage would be expanded into a two-car garage. A new front entry would also be established. Several existing skylights would be realigned on the roof to conform to the location of the proposed additions.

The proposed addition would add 227.5 square feet of floor area to the house, resulting in a total floor area of 1,955 square feet, which is less than the floor area ratio for a lot of this size. The

proposed project would also add 495 square feet of lot coverage to the site, resulting in total lot coverage of 28.8%, which is less than the 30.0% maximum lot coverage permitted in the R-1-BA zone.

The proposed additions would extend to within 11 feet, 6 inches of the front property line and within 4 feet of the western (left) side property line. As a 20 foot front yard setback and a 6 foot side yard setback are required in the R-1-BA zone, variances are requested for reduced front and side yard setbacks.

A color and materials board has not been submitted, as the proposed addition would match the exterior of the existing house.

ANALYSIS

Design Issues

The subject residence is a one-story structure similar to most other homes in the Bel Aire neighborhood. The proposed additions would retain the one-story design and would not raise the roofline of the house.

The house is currently situated within 4 feet of the western side property line. The proposed garage addition would follow this existing building alignment and would be the only portion of the addition which would extend into the required front yard setback.

The front of the extended garage would be situated 17 feet from the edge of the sidewalk and 21 feet from the edge of the roadway. These setbacks would be consistent with Town policy to require a space of at least 15 feet in front of garages and driveway gates for off-street vehicle parking.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1-BA zone with the exception of the previously noted variances for reduced front and side yard setbacks.

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 subject property is substantially smaller than the 10,000 square foot minimum lot size required in the R-1-BA zone. This physical characteristic limits the location of potential one-story building additions and is a special circumstance that would deprive the owners of this property of privileges enjoyed by other

properties in the vicinity if the subject variances are not granted.

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 Bel Aire neighborhood have received variances for reduced setbacks, particularly in order to construct building additions which would maintain a one-story house design.

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

The strict application of the front and side yard setback requirements would not allow the addition to conform to the alignment of the existing house and would preclude the ability to construct a two-car garage on the site. The imposition of these requirements would severely limit the size and placement of improvements on the site, creating a practical difficulty and an unnecessary hardship on the applicants.

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

The proposed additions would alter the one-story design of the existing house and therefore would not result in substantial view or other impacts on homes in the vicinity.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variances.

Public Comment

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

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 15301. 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
3. Submitted plans

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

CONDITIONS OF APPROVAL

279 CECILIA WAY

FILE #20726

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 July 20, 2007, or as amended by these conditions of approval. Any modifications to the plans of July 20, 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 exterior lighting fixtures must be downlight type fixtures.
7. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
8. All requirements of the Town Engineer shall be met.
9. All requirements of the Southern Marin Fire Protection District shall be met.



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Design Review Board Meeting
August 16, 2007
Agenda Item: **E5**

STAFF REPORT

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

From: **Associate Planner Tyler**

Subject: **2 Bartel Court; File No. 20723
Site Plan and Architectural Review for Additions to an Existing
Single-Family Dwelling with a Variance for Excess Lot Coverage
And a Floor Area Exception**

Reviewed By: _____

PROJECT DATA

ADDRESS: 2 BARTEL COURT
OWNER: DON BAUM
APPLICANT: CHRIS MCMAHON, AIA
ASSESSOR'S PARCEL: 058-271-08
FILE NUMBER: 20723
LOT SIZE: 13,434 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL – OPEN)
GENERAL PLAN: M (MEDIUM DENSITY RESIDENTIAL)
FLOOD ZONE: C
DATE COMPLETE: JULY, 25 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 15301.

PROPOSAL

The applicant has submitted a request for additions to an existing single-family dwelling with a variance for excess lot coverage and a floor area exception. Currently the property is improved with a single-family dwelling.

The proposal includes a small expansion and addition to the entry foyer, addition of a fifth bedroom, hobby room and wine room in the existing crawlspace beneath the entry, and an overall increase in the height of the structure. The existing trusses would be replaced to modify the

appearance of the roof, and to increase the ceiling height within the home. Currently the dwelling has a mansard style roof. The replaced trusses would result in a conventional style roof.

The proposed structure would result in lot coverage of 2,623 square feet (19.5%) which exceeds the maximum permitted lot coverage in the RO-2 zone (15%). The proposed structure would result in a gross floor area of 3,989 square feet, which exceeds the maximum permitted floor area ratio for a property of this size (3,343 sq. ft.). The applicant has requested both a variance for excess lot coverage and a floor area exception.

The façade of the home would be updated with new stucco siding. New roofing material includes Spanish barrel roof tiles. A color/materials board will be available for review at the meeting.

ANALYSIS

The subject property is located at the southwest corner of Bartel Court and Santa Ana Court. The existing home has two stories and designed to take advantage of views from San Francisco to Mount Tamalpais. The site slopes downward from east to west, and the existing home sits well below the street level of Santa Ana Court, where the primary access is located.

The main level of the home includes the master bedroom and bathroom, living and dining rooms, kitchen, nook, an extra bedroom and a two-car garage. The lower level includes two bedrooms, two bathrooms, a family room, and a laundry room. Decks are located at the rear of the dwelling at both the main and lower levels.

The existing structure has a large covered entry porch leading up to the front door of the home. The proposal includes enclosing the covered entryway and adding onto the existing adjacent nook area at the front of the home. The total addition at this area would be 157 square feet, which also increases the footprint and corresponding lot coverage. Beneath the existing entry area is a large unexcavated crawlspace area, which would be converted to a fifth bedroom, wine room, and large hobby room as part of the proposal. By utilizing the existing crawlspace, the increase in floor area would not be noticeable from the surrounding neighborhood.

The replacement of the trusses would increase the overall roof height by 1 foot 2 inches. The increase in the height of the structure would not appear to impact any of the surrounding neighbors viewsheds, as the increase is minimal when viewed from the properties located above the subject site. Additionally, two new skylights are proposed over the existing kitchen and hallway at the main level.

Tiburon Hillside Design Guidelines

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

- *Goal 1, Principle 9 states that to reduce effective bulk, excavate below grade rooms to provide energy efficient and environmentally desirable spaces. The majority of the proposed increase in floor area would be located within the crawlspace beneath the existing entryway and proposed main level expansion, and would not be visible from the street.*

Zoning

With the exception of the requested variance for excess lot coverage and floor area exception, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.

Variance

In order to grant the requested variance, 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.**

Properties within the RO-2 zone should have a minimum lot area of 20,000 square feet. The subject site is well below the minimum at 13,434 square feet. This is a special circumstance applicable to the property.

- 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 within the RO-2 zoning district have received excess lot coverage variances, as many properties do not meet the minimum lot size.

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

Due to the existing topography and orientation of the home and surrounding homes, adding floor area as a partial third story to gain additional living space would impede on possible viewsheds from the uphill neighbors, and would also increase the mass and bulk of the structure. The applicant has opted to expand the entryway and add onto the front of the home in an area which is not extremely visible from the surrounding neighborhood.

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

The dwelling currently exceeds the maximum lot coverage by 451 square feet (18.4%). Granting the variance would not be detrimental or injurious to other properties because the request is for a minor addition which would increase the footprint by 157 square feet. In addition, the proposed increase would be located at the entry to the home, which would not be readily visible from the surrounding properties because the home sits below the street level.

Floor Area Exception

As previously mentioned, the proposed dwelling would not comply with the floor area regulations for a lot of this size. In order to grant the requested floor area exception, the Board must make the following findings as required by Section 16-4.2.8 of the Tiburon Zoning Ordinance.

- 1. The applicant has demonstrated that the visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood.**

Most of the homes along Bartel Court, Santa Ana Court and Venado Drive are two-story structures located on downward sloped lots. By utilizing the existing crawlspace beneath the home, the addition would not substantially increase the mass and bulk of the structure, and would maintain compatibility with the existing structures in the surrounding neighborhood.

- 2. The applicant has demonstrated that the proposed structure is compatible with the physical characteristics of the site. The characteristics include, but are not limited to, the scale of trees, rock outcroppings, stream courses, land forms, and the dimensions of the lot.**

The proposed improvements would maintain a similar size of home which currently exists on the lot and throughout the surrounding neighborhood. The proposed additional living space would be buried beneath the existing dwelling, and would not alter the appearance of the home. By utilizing the space beneath the home, the physical characteristics of the site would not noticeably change.

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

Public Comment

As of the date of this report, three letters have been received from the owners of 3 Bartel Court, 8 Bartel Court and 6 Venado Drive in support of the project.

RECOMMENDATION

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles), 16-4.3 (Variances), 16-4.2.8 (Floor Area Ratio Guidelines), and the Hillside Design Guidelines, and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. If the Board agrees with Staff's conclusions, Staff would recommend that the attached conditions of approval be applied.

- Exhibits:
1. Conditions of Approval
 2. Application and Supplemental Materials
 3. Goal 1, Principle 9 of the Hillside Design Guidelines
 4. Email dated July 23, 2007 from Christina Perozzi
 5. Email dated July 30, 2007 from Mark Casillas
 6. Letter dated August 8, 2007 from Manwei Wang
 7. Submitted Plans

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

EXHIBIT 1

CONDITIONS OF APPROVAL

2 BARTEL COURT

FILE NO. 20723

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 July 12, 2007, or as amended by these conditions of approval. Any modifications to the plans of July 12, 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. All requirements of the Town Engineer shall be met.

9. The following requirements of the Tiburon Fire Protection District shall be met:
 - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA std. 130D. 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. The vegetation around the structure shall comply with the standards of Fire Safe Marin and the Tiburon Fire District.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
August 16, 2007
Agenda Item: **E6**

STAFF REPORT

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

From: **Planning Manager Watrous**

Subject: **19 Place Moulin; File # 707071**
Appeal of Planning Division Decision to Approve a Site Plan and Architectural Review Application for Exterior Modifications to a Previously Approved Single-Family Dwelling

Reviewed By: _____

PROJECT DATA

ADDRESS: 19 PLACE MOULIN
OWNER: ABRAHAM VALENTINO
APPELLANT: CLIFFORD ALM
ASSESSOR'S PARCEL: 058-351-08
FILE NUMBER: 707064
LOT SIZE: 11,491
ZONING: RPD (RESIDENTIAL PLANNED DEVELOPMENT)
PRECISE PLAN: MOUNT TIBURON UNITS 3 & 4 (PD #30)
GENERAL PLAN: M (MEDIUM DENSITY RESIDENTIAL)
FLOOD ZONE: C

PROJECT DESCRIPTION

An application was filed for a Staff-level Design Review approval on May 23, 2007, for the construction of exterior modifications to a previously approved single-family dwelling, located at 19 Place Moulin. The applicant requested approval to convert a roof area to a terrace; relocate a previously approved swimming pool; add a spa and shade structure; and widen the previously approved driveway.

This application was approved by Planning Division Staff on July 5, 2007. On July 10, Clifford Alm, the owner of the nearby property at 18 Place Moulin, filed a timely appeal of this decision to the Design Review Board.

BACKGROUND

The current design for construction of a single-family on the subject property was approved by the Design Review Board on August 15, 2002 as part of Site Plan and Architectural Review Application #702051. The Board approved construction of a house with 3,117 square feet of floor area, along with a sizable basement. On February 5, 2004, Planning Division Staff approved Site Plan and Architectural Review Application #703166 for minor alterations to the house design, including minor changes to windows, decks and rooflines of the house. A building permit was issued to begin construction of the house on March 7, 2005.

Later in 2005, several neighboring property owners raised concerns that the plans approved by the Design Review Board in 2002 were inconsistent with plans that were shown by the applicant to the neighbors during the review of the original application. The owners of the property at 15 Place Moulin obtained a temporary restraining order against Mr. Valentino, who had purchased the property from the previous applicant, preventing construction on the site. Mr. Valentino agreed to modify the plans, lowering the roofline in conformance with the plans previously shown to the neighbors, and the restraining order was subsequently lifted.

On February 21, 2007, Mr. Valentino submitted an application for a Tree Permit (File # T07-06) to remove 12 Pine trees along the western side of the property, adjacent to the proposed driveway for the house. The neighboring property owners at 18 & 20 Place Moulin raised objections to the permit regarding possible privacy impacts that would result from the removal of the trees. The Tree Permit was approved on March 23, 2007, with the condition of approval that the trees to be removed be replaced by planting of three (3) 15-gallon sized *pittosporum crassifolium*, *pittosporum eugenioides* or *myoporum lateum* shrubs in the location of each of the subject trees to be removed. These replacement plants were required to be installed prior to final building approval for the house under construction on this lot. The pine trees were subsequently removed.

REVIEW BY THE PLANNING DIVISION

The Tiburon Planning Division first reviewed the subject application as a Staff-level design review application. During the ten-day review period, the owners of 15 Place Moulin requested additional time to attempt to resolve issues related to the previous restraining order with the applicant. Staff granted this request for additional time, making a decision on the application three weeks after the originally scheduled date for a decision.

The appellants also raised concerns about potential privacy impacts from the proposed terrace area, and questioned whether the widened driveway would leave adequate space for planting the replacement vegetation required by the approved Tree Permit. Planning Division Staff viewed the project from 18 Place Moulin and determined that the proposed alterations would minimally affect the privacy of the home on that property.

Concerns were raised during the process by the owners of 15 Place Moulin, who claimed that the application was in violation of the previous court settlement between the two property owners. The applicant and neighbors have agreed that construction on the additions shall not commence until they have resolved several issues related to window screening and tree planting. If changes to the project are made as a result of such an agreement, a separate Site Plan and Architectural Review application may be required, as these changes are not part of the subject application.

The subject application was approved on July 5, 2007. On July 10, 2007 the appellant filed a timely appeal of this decision.

BASIS FOR THE APPEAL

There is one ground upon which the appeal (Exhibit No. 1) is based:

Ground No. 1 Privacy and noise issues created by removal of the Pine trees under Tree Permit No. T07-06 would be exacerbated by the construction of the roof terrace and widening of the driveway.

Staff Response: The properties along Place Moulin are governed by the Mount Tiburon Units 3 & 4 Precise Plan (PD #30). This precise plan did not establish building envelopes or other design parameters for lots in this subdivision. Due to the steep topography of this neighborhood at the top of Mt. Tiburon, most of the homes along Place Moulin are situated close to the street. The homes in this subdivision are also generally situated with smaller side yard setbacks, creating less separation between homes than would be found in other hillside portions of Tiburon.

The appellant's house at 18 Place Moulin is situated to the northwest of the subject property, with the property at 20 Place Moulin in between the two lots. A driveway leads down from the end of the Place Moulin cul-de-sac, dropping approximately 25 feet to the elevation of the main floor and front patio of the appellant's home. This residence is oriented primarily to the north and west, with sweeping panoramic views to the north, east and west, away from direction of the subject property. A number of narrow, secondary windows of the living room, master bedroom and several other rooms face toward 19 Place Moulin, with much larger windows for these same rooms facing in the opposite direction. A patio and lawn area occupy much of the front yard, with a large wooden deck on the west side of the site.

A long line of mature Pine trees and other vegetation exists along the boundary line between 18 & 20 Place Moulin. The house and improvements at 19 Place Moulin are only visible from the appellant's property through this relatively dense vegetation. The Pine trees removed under Tree Permit No. T07-06 were visible through these other trees and it is anticipated that the required replacement vegetation will also be visible in the same manner.

The proposed terrace would be situated 115 horizontal feet from the nearest point of the house at 18 Place Moulin, and approximately 90-100 feet from the front yard and patio area. As the subject house is situated above the elevation of the cul-de-sac and the appellant's house is situated below, the terrace would also be situated approximately 50 feet above the main floor and patio area of 18 Place Moulin, and 40 feet above even the upper floor level of the residence.

The proposed terrace would therefore only be visible from a substantial distance, from a considerably lower elevation, through a stand of mature vegetation, from a front yard area and from a series of smaller, secondary windows. Staff believes that this minimal visibility from the appellant's house would not result in privacy impacts inconsistent with the development pattern along Place Moulin and conditions to be expected in a suburban residential environment.

The driveway leading to the subject house would maintain the same general alignment as previously approved, but would be widened to the west by 3 to 7 feet. The edge of the driveway would be approximately 90 feet from the appellant's home at its closest point, and at least 15 feet above the upper floor level of the neighboring residence. The marginal decrease in distance between the driveway and the appellant's property would not result in any noticeable change in noise generated from the use of the driveway.

The proposed terrace and driveway improvements would be much closer to the adjacent home at 20 Place Moulin than the residence at 18 Place Moulin. The adjacent property is also situated at a level below that of the subject site, and is developed with a residence oriented away from 19 Place Moulin, with few windows facing the proposed terrace and driveway. The replacement landscaping required under Tree Permit No. T07-06 would substantially decrease the visibility of the terrace and the remainder of the house at 19 Place Moulin from this adjacent property.

The appellant has also contended that the widened driveway would not leave enough room for the planting of the required replacement vegetation. Staff has inspected the area around the driveway and has determined that adequate planting space would remain on the site for the required vegetation, particularly since the replacement species are shrubs that do not require extensive area for adequate root structure and potential growth.

CONCLUSION

The substantial horizontal and vertical separation between the appellant's home and property and the proposed improvements, along with the considerable tree screening between the two residences, minimizes the potential for privacy or noise impacts from the proposed terrace and widened driveway. The proposed improvements would not result in any impacts that would be inconsistent with the character of the surrounding neighborhood along Place Moulin or other suburban portions of the Tiburon Peninsula.

RECOMMENDATION

It is recommended that the Design Review Board:

1. Indicate its intention to deny the appeal; and
2. Direct Staff to return with a Resolution denying the appeal, for adoption at the next meeting.

ATTACHMENTS

1. Notice of Appeal
2. Application and Supplemental Materials
3. Notice of Action
4. Submitted Plans

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



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
August 16, 2007

Agenda Item: **E7**

STAFF REPORT

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

From: **Community Development Department**

Subject: **490 Ridge Road; File #20727
Site Plan and Architectural Review for the Construction of
A New Single-Family Dwelling, with Variances for Reduced Side Yard
Setback and Excess Lot Coverage**

PROJECT DATA

ADDRESS: 490 RIDGE ROAD
ASSESSOR'S PARCEL: 059-082-06
FILE NUMBER: 20727
PROPERTY OWNERS: DANIEL AND LINDA DUNPHY
APPLICANT: ROGER HARTLEY
LOT SIZE: 21,660 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE: C
DATE COMPLETE: JULY 27, 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 new two-story single-family dwelling on property located at 490 Ridge Road. The subject property was previously developed with a two-story single-family residence which has been demolished.

The main floor of the proposed house would include a living room, family room, kitchen, dining room, den, one bathroom and a master bedroom suite. The lower floor would include three bedrooms, one bathroom, a play room and a laundry room. A two-car carport would be situated near the front of the property. A trellised cabana and small enclosed bathroom would be constructed near the location of a swimming pool to remain on the site. Eight skylights would be installed on the roof of the house.

The floor area of the proposed house would be 4,032 square feet, which is less than the maximum floor area permitted for a lot of this size. The proposed house would cover 3,652 square feet (16.9%) of the site, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Therefore a variance is requested for excess lot coverage.

The house would be situated within 13 feet of the northern side property line. As a 15 foot side yard setback is required in the RO-2 zone, a variance is requested for reduced side yard setback.

A color and materials board has not yet been submitted, but will be present at the meeting for the Board to review. The structure would be finished with horizontal cedar shingle siding and a terra cotta colored metal roof.

BACKGROUND

In 2006, a Site Plan and Architectural Review application was submitted for construction of 960 square feet of additions, to the existing single-family home on the site, with a variance for reduced side yard setback. Although the application would have increased the lot coverage to a level greater than 15.0%, a variance for excess lot coverage was not required, as the increase in lot coverage was less than 1.0%. The application was first scheduled for review at the July 6, 2006 Design Review Board meeting. Prior to that meeting, the applicant requested a continuance to address issues raised in the Staff report for the application regarding potential view impacts for the neighboring house at 500 Ridge Road.

The applicant made several modifications to the proposed addition, in particular reducing the size of the upper floor additions to eliminate any view impacts for the home at 500 Ridge Road. The Board subsequently reviewed and approved the application at the August 3, 2006 meeting.

A building permit was issued on April 13, 2007 for construction of additions to the existing house. On July 19, 2007, a Stop Work Order was issued by the Building Official after it was discovered that almost the entire house had been demolished.

The previously approved plans had indicated that less than 50% of the perimeter of the existing house would be demolished as part of the construction of this project. The Tiburon Zoning Ordinance states that if an application is filed and approved as a remodel project, but prior to or during construction expands to become a new construction project, all zoning and building permit approvals shall become null and void, and the applicant shall be required to resubmit applications for Site Plan & Architectural Review approval and building permits as new construction. The applicant has therefore submitted a Site Plan and Architectural Review application for construction of a new residence. As new construction, the increased lot coverage now also requires approval of a variance for excess lot coverage.

ANALYSIS

Changes to Approved Plans

The subject property slopes down from the front of the property. The area to the rear of the house slopes down further, leaving the house at an elevation well above homes below the site.

The applicant has indicated that the submitted plans are identical to those previously approved by the Design Review Board. However, a number of changes have been made to the house design, including the following:

- The roof height has been increased above the northern portion of the house by approximately 3 feet, and above the remainder of the house by approximately 6 inches.
- The upper floor level is the same, with the exception of a 24 square foot bathroom addition toward the front of the house. The submitted plans indicate this addition as 11.61 square feet, yet indicate that the floor area of the upper floor has decreased from 2,354 square feet to 2,261 square feet.
- The dimensions of the lower floor level are similar, but show a 124.5 square foot increase in size, primarily due to a storage area which previously had substandard ceiling heights but would now count as floor area. The submitted plans indicate that the floor area of the lower floor would only increase by 68 square feet.
- One additional skylight was added over the northern portion of the rear roofline.

The changes in roof height were shown on the approved set of building permit plans for the project. However, the applicant never indicated these changes on the plans, as required by the Town's standard condition of approval which states that:

“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.”

Therefore, the changes made without notifying Planning Staff are not valid. Furthermore, the building permit for these plans has since been voided due to the demolition of the house.

Design Issues

As previously noted, concerns were raised during the review of the previous application for construction of additions to the existing house regarding potential view impacts caused by the additions. The proposed upper level bedroom addition would have extended into the views of the Golden Gate Bridge from the dining room and deck of the adjacent home at 500 Ridge Road. The bedroom addition was subsequently modified to eliminate this potential view impact.

Staff has viewed the story poles erected for the subject application from the residence at 500 Ridge Road. The main level story poles would now block the view of the Golden Gate Bridge from the dining room, but appear to have less intrusion into the views from the adjacent deck and living room.

The following portions of the Tiburon Hillside Design Guidelines should be used to evaluate the potential view impacts of the proposed upper level addition on the adjacent home at 500 Ridge Road:

- Goal 3, Principle 7 (A) of the Hillside Design Guidelines states that “view protection is more important for the primary living areas of a dwelling... than for the less actively used areas of a dwelling.” The proposed upper level of the house would block views from the living room, dining room and deck of the adjacent home.
- Goal 3, Principle 7 (C) of the Guidelines states that “blockage of [the] center of view [is] more damaging than blockage of [the] side of view.” The proposed upper level of the house would intrude into the far right side view from the adjacent home.
- Goal 3, Principle 7 (D) of the Guidelines states that “blockage of important objects in the view (Golden Gate Bridge, Belvedere Lagoon, Sausalito, Angel Island) is more difficult to accept than blockage of other, less well known landmarks.” The proposed upper level of the house would block views of the Golden Gate Bridge from the dining room of the adjacent home.
- Goal 3, Principle 7 (E) of the Guidelines states that “a wide panoramic view can accept more view blockage than the smaller slot view.” The adjacent home has a wide panoramic view extending from the East Bay to the Golden Gate Bridge.

Objections to the proposed house design have also been received from the owners of the nearby properties at 510 Ridge Road and 1896 Mountain View Drive. Photos submitted by the owner of the home at 510 Ridge Road indicate that the raised roofline would extend into the lower portion of water views toward the Golden Gate Bridge, but would not interfere with views of the bridge itself. The house at 1896 Mountain View Drive is currently under construction, and has a sweeping panoramic view to the south and west; the story poles for the proposed house are visible only through trees to the south, and would only intrude into a small, partially screened view of Raccoon Straits.

In general, the proposed house appears to be appropriately sited on the property. The house steps somewhat into the sloped portion of the site, following the terrain of the property. However, the increased roof height causes the house to project into views from neighboring homes that were previously preserved.

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 variances for excess lot coverage and reduced side yard setback.

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 previously existing house was situated within the required northern side yard setback. The topography of the site is somewhat steep in comparison to the more terraced lots of the remainder of the Hillhaven subdivision. These physical conditions create special circumstances 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 have received variances for reduced side yard setbacks and excess lot coverage. Therefore, the granting of this variance would be consistent with the limitations upon other properties in the vicinity and in the same or similar zones.

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

The strict interpretation of the required side yard setback would force the proposed additions to be set back from the line of the previously existing house. The Design Review Board has on other occasions found this forced setback to be a practical difficulty or unnecessary hardship on the applicants and granted the variance request for the previous application to construct additions to the existing house. However, as the existing house has been demolished, there does not appear to be any physical barriers or difficulties in moving the house to comply with the required side yard setback.

The proposed house would have the same lot coverage as the previously existing house with the previously approved additions. Construction of the house in compliance with the maximum lot coverage requirements would force the house design to be more vertical, which could intrude further into the views of other nearby homes. The strict interpretation of the lot coverage requirement would therefore result in a practical difficulty for the applicant.

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

As described above, the proposed house design would result in an undesired view blockage for the adjacent home at 500 Ridge Road and intrude into the views for several other homes in the vicinity. The northern portion of the house, which would encroach into the required side yard setback, would extend into these views. The increased lot coverage requested would also increase the overall mass and bulk of the house, including the portion which would affect views from nearby homes. The granting of the requested variances would therefore be injurious to other properties in the vicinity.

From the evidence provided, Staff believes that there is insufficient evidence to support the findings for the requested variances for the proposed house design.

Public Comment

As of the date of this report, letters have been received regarding the subject application from the owners of 500 & 510 Ridge Road, raising issues noted above regarding potential view impacts. Staff has also received a similar verbal objection from the owners of 1896 Mountain View 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 Board agrees with the direction of Staff, the applicant should be directed to revise the plans for the proposed house to comply with the setback and lot coverage requirements. If the Design Review Board wishes to approve the project, the Board must articulate findings necessary to approve the variances, and Staff would recommend that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Goal 3, Principles 7 (A-E) of the Hillside Design Guidelines
4. Design Review Board Staff Report dated July 6, 2006
5. Design Review Board Staff Report dated August 3, 2006
6. Minutes of the August 3, 2006 Design Review Board meeting
7. Letter and photographs from Pam Peterson, dated August 8 & 9, 2007
8. Letter from Richard Dwyer, dated August 8, 2007
9. Submitted plans

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

CONDITIONS OF APPROVAL

490 RIDGE ROAD

FILE #20727

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 July 25, 2007, or as amended by these conditions of approval. Any modifications to the plans of July 25, 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 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-R. 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 1210).
 - c. Approved spark arresters shall be installed on chimneys (UFC 1101).
 - d. A "green belt" shall be provided by cutting and clearing all combustible vegetation within 30 feet of the structure. All vegetation within 100 feet of the structure or to the property line shall comply with the requirements of Fire Safe Marin, and the Tiburon Fire Protection District Guidelines (UFC 1103).
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 Sanitary District No. 5 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
Tiburon, CA 94920

Design Review Board Meeting
August 16, 2007
Agenda Item: **E8**

STAFF REPORT

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

From: **Associate Planner, Laurie Tyler**

Subject: **NOTICE OF CONTINUANCE**
1910 STRAITS VIEW DRIVE; FILE NO. 707088
Site Plan and Architectural Review for Construction of a Detached Guest House

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: **September 6, 2007**
- Other:

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