



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

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

STAFF REPORT

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

From: **Planning Manager Watrous**

Subject: **9 Burrell Court; File #20633**
Site Plan and Architectural Review for Construction of Additions to an Existing Single-Family Dwelling With Variances for Reduced Front Yard Setback and Excess Lot Coverage
(Continued from August 2, 2007)

Reviewed By: _____

BACKGROUND

On April 5, 2007, the Design Review Board reviewed an application for the expansion and additions to an existing single-family dwelling, with variances for reduced front yard setback and excess lot coverage, on property located at 9 Burrell Court. During the meeting, several of the adjacent neighbors on Burrell Court and Reed Ranch Road objected to the proposal, which included adding a partial second story to the home. Concerns raised included that the subject property already had a view to the south, and the addition of a second story would not only enhance the view, but result in a looming structure over Reed Ranch Road, block views for neighbors around Burrell Court, and create a home that would look out of character with the neighborhood.

Overall the Board was not in favor of the proposed project, and determined that if so many neighbors surrounding the property objected, then the applicant needed to work more closely with the neighbors to come to a better solution to expand the residence. At the time, the applicant was not inclined to revise the proposal or work with the neighbors. The Board continued the project, with the recommendation that there were other solutions to gain additional floor area without adding a partial second story, and perhaps a larger excess lot coverage variance to do so.

Revised plans were submitted and reviewed by the Design Review Board on August 2, 2007. Major revisions from the previous submittal included an overall reduction in exterior lighting, elimination of the small terrace located at the front of the home (north), and elimination of several of the windows on the west elevation, to address both noise and privacy concerns of the adjacent neighbors on Burrell Court. The partial second story was shifted 4 feet back to the north, to discourage what was previously regarded as a looming effect on the neighbors along Reed Ranch Road. The proposed gross floor area increased from 3,428 square feet to 3,464 square feet, and the proposed lot coverage decreased, from 22.6% to 22.1%.

At the August 2 meeting, several neighbors again raised objections to the potential view impacts of the addition and questioned the project's consistency with the character of the surrounding neighborhood. It was the consensus of the Design Review Board that the house design appeared to have been relatively unchanged and needed to be further modified to lower the roofline, possibly by excavating below the house. The application was continued to the September 6 meeting.

The applicant has now submitted revised plans for the project. The overall roof height of the second story addition has been reduced by one foot, and the roof design has been modified from a gabled roofline to a hipped roof with a flat portion at the center. The floor plans appear to be unchanged, with a floor area of 3,464 square feet which is the same as previously reviewed. Minor changes have been made to the proposed landscape plan which would increase the size of screening trees to be planted, either increasing from 15 gallon size to 24 inch box trees, or from 24 inch box specimens to 36 inch box trees.

The lot coverage and front yard setback proposed as part of this project remain unchanged, again necessitating variances for excess lot coverage and reduced front yard setback.

ANALYSIS

The changes made to the project plans since the August 2 Design Review Board meeting appear to be relatively minor. The basic concept of the proposed second story addition has not been modified, although the roof changes would result in a modest reduction in the overall visual mass of the addition. These revisions do not appear to comply with the direction of the Board at both the April 5 and August 2 meetings to more substantially reduce the overall mass of the second story addition.

The applicant has previously pointed out that other two-story homes are present in the vicinity, most notably the adjacent residence at 7 Burrell Court. However, the Design Review Board has previously indicated that the prominence of this house at the end of the Burrell Court cul-de-sac would make an upper story at this location more visually pronounced for the residents of this street and more massive when viewed from Reed Ranch Road below. As noted in prior Staff reports for this application, the mass and bulk of the proposed addition would appear to be inconsistent with the principles of the Hillside Design Guidelines which encourage additions to cut into the hillsides to reduce visual bulk.

Zoning

With the exception of the requested variances for reduced front yard setback and excess lot coverage, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.

Variances

In order to grant the requested variances, 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.**

Front Yard Setback:

The proposed expansion of the home would push the entry area into the 30 foot front yard setback, resulting in a 19 foot 5 inch front yard setback at this location. The home is situated towards the end of a cul-de-sac and has a circular front yard, which results in a curvilinear front yard setback line. This is a special circumstance applicable to the property.

Lot Coverage:

The home is situated on a lot that is below the minimum lot size for the RO-2 zoning district. Combined with the topography of the lot, this creates a difficult site in which to work with. It is not unusual to see lot coverage requests on substandard parcels.

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.**

Front Yard Setback:

Other homes located within cul-de-sacs commonly run into front yard setback issues because the setback line is curvilinear.

Lot Coverage:

Properties in the vicinity of the subject property, specifically on Burrell Court and along Reed Ranch Road, have previously been granted variances for excess lot coverage. Therefore, it is not uncommon for this type of variance request.

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

Front Yard Setback:

The existing home is already located within the front yard setback, so it would be an unnecessary hardship to allow a small section of the entryway to encroach additionally into the setback.

Lot Coverage:

Due to the existing topography and orientation of the home and surrounding homes, adding floor area as a full second story to the house to gain additional living space would impede on possible viewsheds from 7 Burrell Court, and would also increase the mass and bulk of the structure. The applicant has opted to convert the existing garage into usable space at the lower level at the front of the property where it is concealed.

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

Front Yard Setback:

Granting the front yard setback would not be detrimental or injurious to other properties because most of the homes along Burrell Court appear to be located within the front yard setback.

Lot Coverage:

The proposal indicates a partial second story. If the home was proposed with a full second story and the existing garage was left unconverted, this may result in additional view blockages for the neighboring residence.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variances for reduced front yard setback and excess lot coverage. However, the proposal would appear to be inconsistent with the Tiburon Hillside Design Guidelines. If the partial second story were relocated below the existing structure on the south side of the site, as previously encouraged by the Design Review Board, there would be a reduction in the mass and bulk of the home, while maintaining existing viewsheds for both the owner and adjacent neighbors.

PUBLIC COMMENT

As of the date of this report, no letters have been received regarding the project since the August 2, 2007 Design Review Board meeting.

CONCLUSION

The revised project design has not been substantially changed from the design presented at the August 2 Design Review Board meeting, and does not appear to reflect the direction of the Board to modify the basic project design. If the Design Review Board determines that additional modifications should be made to the project design, more specific design direction should be given to the applicant. If the applicant is not willing to make the changes necessary to address these issues, the Board should consider denial of the application due to its inconsistency with the principles of the Hillside Design Guidelines.

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) 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. The Design Review Board should choose one of the following options:

1. Continue the application to a future meeting, giving the applicant specific direction to return with a revised project design consistent with the Hillside Design Guidelines;
OR
2. Approve the project, if findings can be articulated for the requested approval, with the attached conditions of approval; OR
3. Direct Staff to return with a resolution denying the application, for adoption at the next meeting.

- Exhibits:
1. Conditions of Approval
 2. Supplemental Application Materials
 3. Design Review Board Staff Report dated April 5, 2007
 4. Design Review Board Staff Report dated August 2, 2007
 5. Minutes of the April 5, 2007 Design Review Board meeting
 6. Minutes of the August 2, 2007 Design Review Board meeting
 7. Submitted Plans

Prepared By: Daniel M. Watrous, Planning Manager

EXHIBIT 1

CONDITIONS OF APPROVAL

9 BURRELL COURT

FILE #20633

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 11, 2007, or as amended by these conditions of approval. Any modifications to the plans of August 27, 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.



TOWN OF TIBURON
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Design Review Board Meeting
September 6, 2007
Agenda Item: **D2**

STAFF REPORT

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

From: **Community Development Department**

Subject: **23 Old Landing Road; File #707068
Site Plan and Architectural Review for the Construction of
A New Single-Family Dwelling (Continued from July 19, 2007)**

BACKGROUND

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 23 Old Landing Road. The subject property is currently developed with a one-story single-family residence which will be demolished as part of this project.

The application was first reviewed at the July 19, 2007 Design Review Board meeting. At that meeting, concerns were raised by several neighbors along Old Landing Road about the visual prominence of proposed house design, particularly when viewed from the roadway below the site. The neighbors felt that the two-story design and size of the house would be inconsistent with the rural character of the Old Landing Road neighborhood.

The Design Review Board shared some of these concerns, and recommended that the upper floor be reduced in size to decrease the visual mass of the house. The application was continued to the September 6, 2007 meeting to give the applicants time to address these concerns.

Revised plans for the house design have now been submitted. The master bedroom has been moved from the second floor to the first floor of the house, with a guest room now to be situated to the rear of the second floor. The sides of the second floor have been moved in from those of the first floor and the ridgeline of the house has been lowered 2 feet, 9 inches.

The floor area of the proposed house would be 3,980 square feet, which is larger than the 3,853 square foot size previously proposed, but less than the maximum floor area permitted for a lot of this size. The proposed house would cover 3,143 square feet (14.8%) of the site, which is greater than the 3,014 square foot (14.2%) coverage previously proposed, and less than the 15.0% maximum lot coverage permitted in the RO-2 zone.

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The board and batten wood siding has been kept for the second floor of the house,

while the exterior of the first floor would be finished with stucco. The roof would utilize dark brown composition shingles.

ANALYSIS

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone.

Design Issues

The revised house plans appear to respond to the concerns raised at the previous Design Review Board meeting. Although the floor area and lot coverage of the house have increased, the mass of the revised house design would appear smaller than the previous version. While the prior design had more building area on the second floor than the first floor, the second floor of the revised house design would now constitute only 37.2% of the overall house floor area (including garage space). Further, over 260 square feet of the second floor space would be situated within the guest room to the rear of the house, which would not be visible from the street. Different exterior materials are also proposed for the two floors to additionally break up the mass of the house. Combined together, the reduced roof height, different exterior materials and smaller second floor space would substantially decrease the visible mass of the house when viewed from Old Landing Road.

As previously noted, residents in the Old Landing Road neighborhood cherish the relatively rural character of homes and improvements in the vicinity. This character resulted in the denial of a Site Plan and Architectural Review application for construction of a new residence on the subject property in 2003.

The applicants have met with neighboring residents and showed them the revised house plans. During these meetings, the neighbors have indicated a desire to further reduce the overall floor area of the house. Although most of the homes on Old Landing Road are smaller in size, several other homes have floor areas greater than 3,000 square feet, the largest with a 4,494 square foot area (30 Old Landing Road). Staff does not believe that a further reduction in floor area is warranted unless the Design Review Board determines it is necessary to address any continued concerns over the visual mass and bulk of the proposed house.

Public Comment

As of the date of this report, no letters have been received regarding the subject application since the previous Design Review Board meeting.

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 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 July 19, 2007
3. Minutes of the July 19, 2007 Design Review Board meeting
4. Submitted plans

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

CONDITIONS OF APPROVAL

23 OLD LANDING ROAD

FILE #707068

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 May 25, 2007, or as amended by these conditions of approval. Any modifications to the plans of August 27, 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. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
7. 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.
8. 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.
9. 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.

10. 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.
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 1210).
 - c. Approved spark arresters shall be installed on chimneys (UFC 1101).
 - d. All vegetation, existing and new, shall comply with the requirements of Fire Safe Marin, and the requirements of UFC 1103.
 - e. The design and/or size of the house and improvements on the site shall comply with Fire District requirements for adequate fire flow.
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. 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.

14. All requirements of the Town Engineer shall be met.



TOWN OF TIBURON
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Design Review Board Meeting
September 6, 2007
Agenda Item: **D3**

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: _____

BACKGROUND

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.

The Design Review Board reviewed the appeal at the August 16, 2007 meeting. At that time, the architect for the applicant presented revised plans that had been discussed with the appellant that included modifications to the driveway, terrace and fence designs. The appellant indicated preliminary acceptance of the revisions, but requested more information about the revised plans.

It was the consensus of the Design Review Board that the revised plans needed to be presented in more detail, and that the location of some of the improvements (including fencing, driveway locations and possible retaining walls) needed to be marked on the site. The appeal was continued to the September 6 meeting to give the applicant time to submit the revised plans and mark the improvements on the property.

Revised plans have now been submitted which include detailed wall and fencing plans and more detailed landscaping plans. The location of the proposed fence near the property line has been marked by stakes on the site.

The applicant has also indicated an intention to install a wooden retaining wall adjacent to the portion of the Tiburon Ridge Trail which borders the property. The design of the wooden wall would mimic the appearance of the wooden fence on the other side of the trail, bordering the property at 20 Place Moulin. However, the proposed wooden wall would have a maximum

height of only 42 inches, which would not only be lower than the other wooden fence, but would be exempt from the Design Review process. An encroachment permit, to be reviewed by the Tiburon Public Works Department, would be required for construction of the proposed wall. Although this wall would not be subject to Design Review approval, the Design Review Board is encouraged to comment upon the feasibility and appropriateness of such a wall at this location.

BASIS FOR THE APPEAL

As noted in the previous Staff report, the appeal contends that privacy and noise issues created by removal of the Pine trees under a previous tree permit would be exacerbated by the construction of the roof terrace and widening of the driveway. Staff believes that 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.

However, the revisions to the proposed plans would appear to address some of the concerns raised by the appellant without resulting in visual or privacy impacts on other properties. If the Design Review Board wishes to approve the revised plans for the project, the Board may partially grant the appeal to reflect the revised plans.

RECOMMENDATION

It is recommended that the Design Review Board either:

1. Indicate its intention to deny the appeal and direct Staff to return with a Resolution denying the appeal for adoption at the next meeting; or
2. Indicate its intention to partially grant the appeal to reflect the revised plans, and direct Staff to return with a Resolution partially granting the appeal for adoption at the next meeting

ATTACHMENTS

1. Design Review Board Staff Report dated August 16, 2007
2. Submitted Plans

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



TOWN OF TIBURON
1505 Tiburon Boulevard
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Design Review Board Meeting
September 6, 2007
Agenda Item: **E-4**

STAFF REPORT

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

From: **Associate Planner Tyler**

Subject: **1910 Straits View Drive; File No. 707088**
Site Plan and Architectural Review for Construction of a Detached Guest House

Reviewed By: _____

PROJECT DATA:

OWNER: CHUCK & MINDY KAVITSKY
APPLICANT/ARCHITECT: JAMES ROTTMAYER
ADDRESS: 1910 STRAITS VIEW DRIVE
ASSESSOR'S PARCEL NUMBER: 059-091-58
FILE NUMBER: 707088
LOT SIZE: 44,177 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL- OPEN)
GENERAL PLAN: M (MEDIUM DENSITY RESIDENTIAL)
FLOOD ZONE: C
DATE COMPLETE: JULY 13, 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 to construct a detached guest house and a spa on property located at 1910 Straits View Drive. Currently the property is improved with a single-family dwelling, detached garage and swimming pool.

The proposed guest house would be a two-story structure and would include a bedroom and bathroom, wet bar, a large work-out room at the upper level. The lower level would include a wine storage room, mechanical room, home theater, bathroom, sauna, and a smaller work-out room. A deck would extend out from the upper level work out room. Access to the guest house

would be from new at grade step pathways which would lead from the existing pool, as well as from the proposed spa and deck area.

The proposed spa would be located adjacent to the existing pool deck and would include an additional deck surrounding the spa, an outdoor shower and a waterfall feature. Additionally, the existing driveway would be extended toward the entryway, and a new small covered porch would be added over the entry.

The proposed addition of a guest house would result in lot coverage of 6,607 square feet (14.9%) for the property as a whole, which is less than the maximum permitted lot coverage in the RO-2 zoning district (15%). The proposed addition of a guest house would result in a total gross floor area of 5,284 square feet, which is also below the maximum permitted floor area for a parcel of this size (6,418 sq. ft.).

The façade of the guest house would match the existing dwelling on the property. A color/materials board will be available at the meeting for review.

ANALYSIS

Design Issues

The existing home on the site is designed to take advantage of a panoramic viewshed from Oakland to the Golden Gate Bridge. The proposed guest house would take advantage of a similar viewshed, even though its location would be a much lower elevation than the main structure.

Upon reviewing the initial plans for the project, the Fire Marshal for the Tiburon Fire Protection District could not approve the construction of the proposed guest house, due to a lack of required fire apparatus access for the structure. The applicant re-designed the proposal to comply with the recommendations made by the Fire Marshall. The plans submitted now depict these modifications, and conditions of approval have also been included specifically requiring vegetation management and use of non-combustible materials.

The proposed guest house would not appear to block views from any of the adjacent neighbors due to the steep topography of the hillside and mature landscaping bordering the property to the east and west. The story poles are visible from far below the subject site along Centro East Street; however, since the guest house is proposed to be the same color and material scheme as the main structure, the guest house would appear to be an extension of the home and would not stick out amongst the hillside.

Zoning

The project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.

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 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. Memo dated August 21, 2007 from Ron Barney, Fire Marshal
4. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner

EXHIBIT 1

CONDITIONS OF APPROVAL

1910 STRAITS VIEW DRIVE

FILE NO. 707088

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 June 29, 2007, or as amended by these conditions of approval. Any modifications to the plans of August 16, 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 proposed location of the guest house shall comply with the following requirements of the Uniform Fire Code and the Tiburon Fire Protection District:

- a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA std. 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. Provide a “green belt” by cutting and clearing all combustible vegetation within 100 feet of the structure. This must be done annually when the natural grasses dry out in early summer.
- d. The exterior of the guest house shall be enclosed in non-combustible exterior siding.
- e. The deck for the guest house shall be completely enclosed in non-combustible materials.



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Design Review Board Meeting
September 6, 2007
Agenda Item: **E5**

STAFF REPORT

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

From: **Community Development Department**

Subject: **43 Upper North Terrace; File #20729
Site Plan and Architectural Review for the Construction of
Additions to an Existing Single-Family Dwelling, With a Variance for
Reduced Side Yard Setback**

PROJECT DATA

ADDRESS: 43 UPPER NORTH TERRACE
ASSESSOR'S PARCEL: 034-303-11
FILE NUMBER: 20729
PROPERTY OWNERS: GUIV AND DEBRA SOOFER
APPLICANT: MOHAMAD SADRIEH (ARCHITECT)
LOT SIZE: 12,690 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE: C
DATE COMPLETE: AUGUST 17, 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 expansion of a previously approved family room addition to an existing single-family dwelling on property located at 43 Upper North Terrace. A family room addition to the rear of the existing breakfast nook on the main level of the house was approved by the Design Review Board on June 7, 2007. The applicants are now proposing to extend the addition to the rear an additional three feet.

The proposed addition would add 55 square feet of floor area to the house, resulting in a total floor area of 2,900 square feet, which is less than the floor area ratio for a lot of this size. The proposed project would also add 55 square feet of lot coverage to the site, resulting in total lot

coverage of 21.4%, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. However, as the proposed increase would be less than 1.0%, Town policy does not require a variance for excess lot coverage.

The proposed addition would follow the alignment of the previously approved addition, which would extend to within 12 feet, 6 inches of the western (left) side property line. As a 15 foot side yard setback is required in the RO-2 zone, a variance is again requested for reduced side yard setback.

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 property slopes up from Upper North Terrace. The rear of the site is situated at an elevation well above street level. The existing house is a split-level building, with a garage and cellar on a lower level and all of the living space on the main level of the house. A patio is situated above the cellar to the rear of the house.

As noted in the prior Staff report for this property, the house currently exceeds the lot coverage requirement for a lot of this size. The proposed family room would be constructed on top of the cellar in order to utilize the existing support structure. Landscaping and topographical differences would screen the family room addition from neighboring homes. No objections were received from nearby residents during the review of the previous application for the family room addition.

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 side 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 subject property is substantially smaller than the 20,000 square foot minimum lot size required in the RO-2 zone with topography that shields the rear yard from nearly all nearby homes. These physical characteristics are special circumstances that would deprive the owners of this property of privileges enjoyed by other properties in the vicinity if the subject variance is 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 vicinity and in the RO-2 zone have received variances for reduced setbacks.

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

The strict application of the side yard setback requirement would not allow the addition to utilize the support structure of the existing cellar. The imposition of this requirement 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.***

As described above, the proposed addition 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 variance.

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

43 UPPER NORTH TERRACE

FILE #20729

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 26, 2007, or as amended by these conditions of approval. Any modifications to the plans of July 26, 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.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board
September 6, 2007
Agenda Item: **E6**

STAFF REPORT

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

From: **Assistant Planner Phillips**

Subject: **35 Rolling Hills Road; File #20730
Site Plan and Architectural Review to Legalize an As-Built
Spa with a Variance for Reduced Side Yard Setback**

Reviewed By: _____

PROJECT DATA

ADDRESS: 35 ROLLING HILLS ROAD
OWNER: MARK MIRAVALLE & ELLEN HIGGINS
APPLICANT: ROBERT E. BROCKMAN (ARCHITECT)
ASSESSOR'S PARCEL: 058-132-23
FILE NUMBER: 20730
LOT SIZE: 17,741 SQUARE FEET
ZONING: RO-2 (RESIDENTIAL OPEN)
GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE: C
DATE COMPLETE: AUGUST 17, 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 and legalization of a partially built large spa and a series of walls at 35 Rolling Hills Road. A spa equipment room would be located underneath the deck adjacent and in front of the spa.

The spa was originally approved as a staff-level Design Review application within the rear yard setback. The applicant was subsequently issued a building permit but proceeded to build the spa in a different location than what was approved. The applicant has now applied to legalize the unpermitted location of the spa.

The spa extends within 5 feet of the side property line, in lieu of the 15-foot side yard setback requirement in the RO-2 zone. In order to legalize this non-conforming condition, a variance is requested for reduced side yard setback.

ANALYSIS

Design Issues

The subject home is located on a steep lot off Rolling Hills Road. The lot is triangular in shape with minimal street frontage. The as-built spa has been constructed on the down-slope side in between the subject home and the property at 45 Rolling Hills Road.

A retaining wall has been constructed along the outside edge of the spa in order to hold back the hillside and the spa. The wall follows the contour and decreases in height outward. The wall has a maximum height of 6 feet adjacent to the corner of the spa.

The corner of the spa is located within 5 feet of the side property line. Between the spa and the neighboring home, mature landscaping exists. The landscaping sufficiently screens the spa and wall from the adjacent property at 45 Rolling Hills Road.

Several of the adjacent neighbors, including the owners of 45 Rolling Hills Road, have submitted letters expressing approval of the as-built location of the spa.

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 side 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 subject property is substandard in lot area for the RO-2 zoning district. 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 reduced side yard setback in order to accommodate the most appropriate design for improvements on the property.

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

The strict application of the side yard setback requirement would force the location of the spa to be either situated directly adjacent to the home or within the rear yard, reducing the limited usable yard area on the site. These locations would 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.***

The proposed spa in the side yard setback 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, four letters have been submitted from the owners of adjacent properties approving of the proposal.

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 15301. 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 Rita Burgess, dated August 2, 2007
4. Letter from Mark Jansheski, dated July 31, 2007
5. Letter from Ann Hazen, dated July 31, 2007
6. Letter from Scott Peters, dated July 31, 2007
7. Submitted plans

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

CONDITIONS OF APPROVAL

35 ROLLING HILLS ROAD

FILE #20730

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 31, 2007, or as amended by these conditions of approval. Any modifications to the plans of July 31, 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. 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 exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
7. 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
Tiburon, CA 94920

Design Review Board
September 6, 2007
Agenda Item: **E7**

STAFF REPORT

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

From: **Assistant Planner Phillips**

Subject: **78 Red Hill Circle; File #20728
Site Plan and Architectural Review to Construct Exterior
Alterations to an Existing Single-Family Dwelling,
with Variances for Reduced Side Yard Setbacks**

Reviewed By: _____

PROJECT DATA

ADDRESS: 78 RED HILL CIRCLE
OWNER/APPLICANT: JOSEPH & JUDY LANYADOO
ASSESSOR'S PARCEL: 059-212-21
FILE NUMBER: 20728
LOT SIZE: 4,186 SQUARE FEET
ZONING: R-3 (MULTI-FAMILY RESIDENTIAL)
GENERAL PLAN: VERY HIGH DENSITY RESIDENTIAL
FLOOD ZONE: C
DATE COMPLETE: AUGUST 17, 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 expand the decks in the rear of the existing single-family home located at 78 Red Hill Circle. The proposed deck expansions are situated within the required side yard setbacks up to the property lines, in lieu of the required 8 foot side yard setback. In order to expand a non-conforming condition, a variance is required. The applicant has requested variances for reduced side yard setbacks.

ANALYSIS

Design Issues

The subject property is one of a series of lots along Red Hill Circle developed in a similar fashion. The lots are very narrow, are slightly offset from one another and are developed with a single-family dwelling built up to the side property lines. Although the homes have the appearance of attached dwellings, each is actually a separate structure. Decks along the rear frontage of the units are also situated at or near the side property lines, with walls along the sides providing screening between homes. The decks vary in length, adding to the articulation of the rear façade.

The design of the proposed deck expansions at the subject home includes expanding the existing upper deck an additional 3 feet and expanding the existing lower deck in a triangular manor towards the adjacent neighbor's wall. The decks would not extend beyond the side property line screening walls and would therefore not result in any privacy concerns for neighboring residents. The decks would mirror other deck expansions within the development.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-3 zone with the exception of the previously noted variances for reduced 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 substandard in lot area for the R-3 zoning district. 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 R-3 or similar zones with similar site characteristics have been granted variances for reduced side yard setback in order to accommodate the most appropriate deck design on the property.

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

The strict application of the side yard setback requirement would force the design of the deck expansions to have an unusual jog that would not match the rest of the existing housing development and create a dysfunctional deck space.

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 deck expansions are only marginally visible from the adjacent property and do 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.

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**

CONDITIONS OF APPROVAL

78 RED HILL CIRCLE

FILE #20728

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 24, 2007, or as amended by these conditions of approval. Any modifications to the plans of July 24, 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. 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 exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
7. 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
Tiburon, CA 94920

Design Review Board Meeting
September 6, 2007
Agenda Item: **E8**

STAFF REPORT

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

From: **Assistant Planner Phillips**

Subject: **NOTICE OF CONTINUANCE**
544 SILVERADO DRIVE; FILE NO. 20731
Site Plan and Architectural Review to Construct Additions to an Existing Single-Family Dwelling, with a Variance for Reduced Front 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: **September 20, 2007**
- Other:

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