



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

Design Review Board Meeting  
August 2, 2007  
Agenda Item: **D1**

## **STAFF REPORT**

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

From: **Associate Planner Tyler**

Subject: **430 Ridge Road: File No. 707071  
Adoption of a Resolution Granting the Appeal of a Planning Division  
Decision to Approve a Site Plan and Architectural Review Application  
for Modifications to a Single-Family Dwelling Currently Under  
Construction**

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

## **SUMMARY**

On July 19, 2007, the Design Review Board considered a request to appeal a previously approved Site Plan and Architectural Review application for exterior modifications to an existing single-family dwelling currently under construction on property located at 430 Ridge Road. After considering the application, the Board directed Staff to prepare a resolution granting the appeal of the application. The requested resolution has been prepared and is attached.

## **RECOMMENDATION**

It is recommended that the Design Review Board adopt the attached resolution granting an appeal of a staff level decision to approve a Site Plan and Architectural Review application for exterior modifications to an existing single-family dwelling.

Exhibits: 1. Draft Resolution

Prepared By: Laurie Tyler, Associate Planner

## RESOLUTION NO. 2007- (DRAFT)

### A RESOLUTION OF THE DESIGN REVIEW BOARD OF THE TOWN OF TIBURON GRANTING AN APPEAL OF A STAFF LEVEL DECISION APPROVING ALTERATIONS TO AN EXISTING BUILDING LOCATED AT 430 RIDGE ROAD

#### ASSESSOR PARCEL NO 059-082-22

WHEREAS, the Design Review Board of the Town of Tiburon does resolve as follows:

#### Section 1. Findings.

- A. On June 1, 2007, Planning Division Staff received a Site Plan and Architectural Review application for an exterior modification to raise several stone veneer panels at the front of the home (north elevation) fifteen inches in height to an existing residence at 430 Ridge Road. The application consisted of an application form, plans, and supplemental information filed by Mark and Lynn Garay ("Applicants").

The official record for this project is hereby incorporated and made part of this resolution. The record includes the Staff Reports, minutes, application materials, appeal form, and all comments and materials received during the course of review.

- B. On June 19, 2007, Planning Division Staff approved the referenced land development application. A Condition of Approval was included which allowed the owner to remove the skylight shrouds.
- C. On June 26, 2007, the adjacent neighbor to the Applicants at 440 Ridge Road filed a timely appeal of this decision to the Design Review Board.
- D. The Design Review Board held a duly noticed public hearing for the appeal on July 19, 2007, and heard and considered testimony from interested persons.
- E. After hearing public testimony, the Design Review Board concluded that the potential removal of the skylight shrouds would result in detrimental light and glare on the uphill neighbors. In addition, the requested exterior modification to increase the height of the stone veneer panels would result in an inappropriate architectural modification which would be unsightly when viewed from the uphill neighboring residence.

- F. The Board directed Staff (a vote of 4-0, Corcoran absent) to prepare a resolution granting the appeal and denying the subject Site Plan and Architectural Review application.

Section 2. Granting of the Appeal.

NOW, THEREFORE, BE IT RESOLVED that the Design Review Board of the Town of Tiburon does grant the appeal by denying application for Site Plan and Architectural Review for the construction of the exterior modification to the existing residence located at 430 Ridge Road.

PASSED AND ADOPTED at a regular meeting of the Design Review Board on August 2, 2007, by the following vote:

AYES: BOARDMEMBERS:  
NOES: BOARDMEMBERS:  
ABSENT: BOARDMEMBERS:  
ABSTAIN: BOARDMEMBERS:

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FRANK DOYLE, CHAIRMAN  
TIBURON DESIGN REVIEW BOARD

ATTEST:

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LAURIE TYLER, ASSOCIATE PLANNER



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

Design Review Board Meeting  
August 2, 2007  
Agenda Item: **E2**

## **STAFF REPORT**

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

From: **Associate Planner Tyler**

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 April 5, 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.

## **PROPOSAL**

The applicant has now submitted revised plans for the project. As noted in the prior staff report, the existing dwelling is single-story and contains three bedrooms, a living room, dining room, kitchen, and two-car garage. The proposed project would include expanding the living areas of the home at the rear of the dwelling, and conversion of the existing garage into an additional bedroom, bathroom and laundry room. A new two-car garage is proposed in front of the existing garage.

In addition to the expansion of the home and conversion of the garage, a partial second story is proposed at the center of the home, which would include a master bedroom and bathroom, terrace and an extra bedroom. The interior of the home would be slightly reconfigured with the proposed improvements. Expanded decking at the rear of the home and an additional terrace off the family room are also proposed.

The proposed structure would create a gross floor area of 3,464 square feet which is below the maximum permitted floor area for a parcel of this size (3,473 sq. ft.). The proposed structure would create a lot coverage of 3,257 square feet (22.1%) which exceeds the maximum permitted lot coverage in the RO-2 zoning district (15%). The applicant is again requesting a variance for excess lot coverage.

The proposed expansion of the home would result in an approximately 19 foot 5 inch front yard setback. The maximum front yard setback in the RO-2 zoning district is 30 feet. The applicant is again requesting a variance for reduced front yard setback.

The façade of the home would include stucco siding, white trim and clay roof tiles. A color materials board will be available at the Board meeting for review.

## **ANALYSIS**

### Design Issues

The existing home is designed to take advantage of views of San Francisco, Belvedere and the bay. The site is relatively flat but begins to slope downward to the south at the rear of the property. The project site is situated at the end of Burrell Court and above Reed Ranch Road. The surrounding homes are mostly single-story, with the exception of the residence at 7 Burrell Court.

Major revisions from the previous submittal include 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 has also been 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 has increased from 3,428 square feet to 3,464 square feet, and the proposed lot coverage has decreased, from 22.6% to 22.1%.

Concerns have been raised by the adjacent neighbor at 7 Burrell Court regarding the potential for privacy impacts. A detailed letter was received by the property owner of 7 Burrell Court explaining the potential impacts and is attached to this report. The main concern for the property owner of 7 Burrell Court is that the 4 foot shift of the second story would move the addition closer to their home and would continue to impede on views of the Tiburon Ridge from a second story master bedroom suite, as well as create privacy impacts for the master bathroom and outdoor pool/patio area.

Currently, mature landscaping exists between 7 Burrell Court and the subject residence; however there are pockets or slot views through the trees over the existing structure. The applicant

addressed the potential privacy issue by proposing to plant two Oleander trees which are evergreen and can grow to a height of 20 feet between the larger existing trees. This would aid in screening the proposed second story and maintain privacy between residences; however, this would also have the potential to block existing views of the Tiburon Ridge from within the master bedroom/bathroom suite. Staff was unable to again access into the home at 7 Burrell Court to view the story poles to determine the extent of view blockage, as the property owners are currently out of the country.

Additionally, the previous plans indicated palm trees along the front of the subject property. The revised proposal now indicates Japanese maple trees, which are deciduous and can grow to a height of 20 feet. In addition, the previous proposal indicated Magnolia trees along Reed Ranch Road, which have been changed to New Zealand Christmas Trees and have been stepped further up the hill from the street, to aid in screening the residence from the neighbors along Reed Ranch Road. Deer fencing would also be shifted up the hill, away from Reed Ranch Road, to allow for foreground landscape screening to create a more aesthetically pleasing appearance from Reed Ranch Road.

### 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 1 of the Hillside Design Guidelines states that a building should be cut into the hillside to reduce effective visual bulk.* From below the property at Reed Ranch Road, the home would not appear as massive with the proposed 4 foot shift of the partial second story and incorporation of the second story terrace. However, when viewing the story poles from further away along Tiburon Boulevard, the home would appear to stick out amongst the other hillside homes, creating a bulk issue.
- *Goal 1, Principle 9 of the Hillside Design Guidelines states that to reduce effective bulk and provide energy efficient and environmentally desirable spaces, underground or below grade spaces should be excavated into the hillside.* If the proposed second story living areas were relocated beneath the home, this would preserve existing viewsheds and reduce the mass and bulk of the home from below the subject site and further away.
- *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 (i.e. living room, dining room, family room, great room, kitchen, and decks associated with these rooms) than for less actively used areas of a dwelling (i.e. bedroom, bathroom, study, office, den).* The residence at 7 Burrell Court would only have potential view blockages from the master bedroom suite which faces south.

### 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.

## Variations

In order to grant the requested variations, 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 variations 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, 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, one letter has been received from the property owner of 7 Burrell Court in opposition to the project.

**CONCLUSION**

The revised proposal has not changed considerably from the previous proposal reviewed by the Board. As of the date of this report, only one neighbor has submitted written concerns regarding the revised proposal. Staff would recommend that the Board visit the subject site and surrounding neighborhood to view the story poles, and determine the extent of the impact of the proposed partial second story addition from both Burrell Court and below the subject site on Reed Ranch Road. If the Board determines that additional modifications should be made to the project design, more specific design direction should be given to the applicant.

**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. If the Board agrees with Staff's conclusions, the application should be continued with the applicant encouraged to return with a revised project design consistent with the Hillside Design Guidelines. If the Board wishes to approve the project, findings should be articulated for the requested approval, and 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 1, Goal 1, Principle 9, and Goal 3, Principle 7(a)
  4. Staff Report and Minutes of the April 5, 2007 Design Review Board Meeting
  5. Letter dated July 18, 2007 from Michael Beaumont
  6. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner

**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 July 11, 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  
August 2, 2007  
Agenda Item: **F3**

**STAFF REPORT**

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

From: **Associate Planner, Laurie Tyler**

Subject: **NOTICE OF CONTINUANCE**  
**42 CLAIRE WAY; FILE #707043**  
**Site Plan and Architectural Review for Construction of A New Single-Family Dwelling**

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: **August 16, 2007**
- Other:

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



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

Design Review Board Meeting  
August 2, 2007

Agenda Item: **F4**

## **STAFF REPORT**

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

**From: Community Development Department**

**Subject: 4395 Paradise Drive; File #20721**  
**Site Plan and Architectural Review for the Construction of**  
**Additions to an Existing Single-Family Dwelling, With Variances for**  
**Reduced Front Yard Setback and Excess Lot Coverage**

## **PROJECT DATA**

**ADDRESS: 4395 PARADISE DRIVE**  
**ASSESSOR'S PARCEL: 038-051-10**  
**FILE NUMBER: 20721**  
**PROPERTY OWNERS: KIRK AND TINA HANSON**  
**APPLICANT: KYLEE ACIDERA (ARCHITECT)**  
**LOT SIZE: 17,500 SQUARE FEET**  
**ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)**  
**GENERAL PLAN: 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 is requesting Design Review approval for the construction of additions to an existing single-family dwelling on property located at 4395 Paradise Drive. A new living room, office and storage area would be added to the front of the house. A new bedroom would be added to the rear of the house, along with expansions of an existing bedroom and bathroom. A swimming pool and spa would be installed in the rear yard, and other exterior improvements include a new trellis, a barbecue and patio, and several small wooden fences and wood or concrete retaining walls. Four new skylights are also proposed to be installed.

The proposed addition would add 921 square feet of floor area to the house, resulting in a total floor area of 2,757 square feet, which is less than the floor area ratio for a lot of this size. The proposed project would also add 1,017 square feet of lot coverage to the site, resulting in total lot coverage of 18.9%, 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 proposed addition would extend to within 20 feet, 9 inches of the front property line. As a 30 foot side yard setback is required in the RO-2 zone, a variance is also requested for reduced front 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 Paradise Drive. The existing single-family dwelling is a one-story building situated on a level portion of the lot. The subject residence shares a driveway with the adjacent home uphill at 4939 Paradise Drive.

The additions to the front and rear of the house would generally follow the existing building ridgeline and should not project into views for the home at 4939 Paradise Drive. The front addition would mostly be visible only when traveling up the shared driveway to this neighboring home. Mature landscaping surrounding the side and rear property lines would further screen the proposed additions from view.

The submitted landscaping plan indicates that two Mexican Blue Palm trees would be planted near the southwest property line near the pool. As these trees can reach heights of up to 40 feet, these trees could interfere with views for the uphill neighbors at 4939 Paradise Drive. The Design Review Board should consider whether these trees should be replaced with species that grow to lesser heights.

The submitted exterior lighting plan includes decorative uplights into trees proposed on the uphill side of the house and near the pool. It is recommended that these lights be excluded from the approval of this application.

### **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 reduced front yard setback and excess lot coverage.

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 smaller than the 20,000 square foot minimum lot size required in the RO-2 zone with topography that shields the level portion of the lot from 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 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 vicinity and in the RO-2 zone have received variances for reduced setbacks and/or excess lot coverage.

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

The strict application of the lot coverage requirements for a lot of this size would require any physical improvements to the existing structure to be placed either on a second story, which could create view impacts on nearby homes, or in an excavated area with little or no light to the living space. The strict application of the front yard setback requirement would not allow the addition to line up with other improvements in the front yard. 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.***

As described above, the proposed additions 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

### 4395 PARADISE DRIVE

#### FILE #20721

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 27, 2007, or as amended by these conditions of approval. Any modifications to the plans of June 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. All exterior lighting fixtures must be downlight type fixtures. Uplights and spotlights shown on landscape lighting plan are not approved.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. All requirements of the Town Engineer shall be met.
8. 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.
9. The Mexican Fan Palm (*brahea armata*) trees are not approved as part of this application.



**TOWN OF TIBURON**  
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Design Review Board Meeting  
August 2, 2007  
Agenda Item: **F5**

**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: **August 16, 2007**
- Other:

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



**TOWN OF TIBURON**  
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Design Review Board Meeting  
August 2, 2007

Agenda Item: **F6**

## **STAFF REPORT**

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

From: **Community Development Department**

Subject: **280 Round Hill Road; File #20724  
Site Plan and Architectural Review for Modifications to Previously  
Approved Plans for Improvements and Additions to an Existing  
Single-Family Dwelling, Including Legalization of As-Built Retaining  
Walls, with a Variance for Excess Wall Height**

## **PROJECT DATA**

**ADDRESS: 280 ROUND HILL ROAD**  
**ASSESSOR'S PARCEL: 039-171-24**  
**FILE NUMBER: 20724**  
**PROPERTY OWNERS: AL AND YAMI ANOLIK**  
**APPLICANT: MICHAEL HECKMANN (ARCHITECT)**  
**LOT SIZE: 77,880 SQUARE FEET**  
**ZONING: RO-1/RPD (SINGLE-FAMILY RESIDENTIAL-OPEN/  
RESIDENTIAL PLANNED DEVELOPMENT)**  
**PRECISE PLAN: GOLDEN GATE VISTA ESTATES (PD #27)**  
**GENERAL PLAN: 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 is requesting Design Review approval for the modifications to previously approved plans for improvements and additions to an existing single-family dwelling, on property located at 280 Round Hill Road. A bathroom addition to the existing house, a cabana and swimming pool, and various other property improvements have been previously approved and are under construction.

The following modifications are proposed as part of this application:

- Relocation of retaining walls along southern side of the property to reflect as-built conditions
- Cap existing retaining walls and reconfigure and raise elevation of utility path
- Reconfigure swimming pool and spa
- Add a glass windbreak at the edge of the terrace south of the swimming pool
- Add pool equipment enclosure and stair to the south of the spa
- Extension of outdoor storage area to the east of the cabana
- Reconfigure barbecue and seating area to the west of the cabana
- Reconfigure stairs leading up to the terrace to the north of the house
- Add a fountain at the “fountain terrace” east of the house
- Extend the lower terrace
- Omit previously approved exterior lift
- Omit previously approved trellises
- Relocate trash enclosure near the west end of the house

The retaining walls along the southern end of the property are situated within the side yard setback for this property, and were previously approved at heights not exceeding 6 feet. The walls have since been built at varying heights, with a maximum height of 9 feet, 4 inches above the original grade on the site. A Variance is therefore required to legalize walls in excess of 6 feet in height within the required side yard setback.

## **ANALYSIS**

### **Design Issues**

A single-family home is situated on the subject property. In 2000, the Golden Gate Vista Estates Precise Development Plan was approved by the Town Council for the 4.66 acre parcel adjacent to the original lot for 280 Round Hill Road. As part of this approval, a 0.66 acre portion of that parcel was added as a private recreation area and open space for 280 Round Hill Road. The subject property now consists of both the original lot and this additional 0.66 acre area.

Since 2000, the applicant has previously received Site Plan and Architectural Review approval for four separate applications:

1. File #702170: An application to construct a cabana and swimming pool, along with additions to the existing residence, with a floor area exception. Approved by the Design Review Board on December 5, 2002.
2. File #706018: An application to modify the swimming pool design, along with changes to the surrounding deck, stairs and walls. Approved by Staff on July 3, 2006.
3. File #706077: An application to modify the cabana design. Approved by Staff on June 16, 2006.
4. File # 20627: An application to construct a bathroom addition to the existing residence, with a variance for reduced side yard setback and a floor area exception. Approved by the Design Review Board on October 5, 2006.

Due to the number of modifications and changes to previously approved plans requested by the applicant, Staff had informed the applicant that any additional changes to the construction project that required Design Review approval would not be eligible for Staff-level review and would be automatically referred to the Design Review Board. The subject application was already intended to be reviewed by the Board when the variance needed for excess wall height was discovered by Staff during an initial review of the submitted plans.

Most of the improvements and modifications proposed under the subject application would only be marginally visible from surrounding properties. Landscaping on the uphill and downhill sides of the site and adjacent properties screen most of the improvements from view.

The visible height of the subject retaining walls does not approach the 9 foot, 4 inch measured height, as grading below the walls has increased the grade elevation below. A second, lower retaining wall is intended to be constructed along the southern property line below the overheight retaining walls. A six foot wide planter would extend between the two walls, providing some area for vegetation that would soften the appearance of the retaining walls from below. Additional landscaping at the rear of the residential lots bordering the subject property to the south also screens much of the view of the retaining walls from the rear of these neighboring homes.

The topography of the property below the house slopes generally downward toward Round Hill Road, but is not steep by the standards of many other hillside lots in Tiburon. The grade has been raised behind the as-built retaining walls to create a relatively level gravel utility path leading to the rear of the site. If the walls were constructed at the originally approved height not to exceed six feet, the level of this utility path would have been situated at an elevation several feet lower.

Staff inspection of the site as part of this application has revealed several improvements that are inconsistent with the previously approved plans and restrictions for this property. Several Redwood trees have been planted on the uphill side of the residence. These trees are classified as "undesirable trees" by the Tiburon Tree Ordinance and must either be removed from the site or the applicant must apply for an after-the-fact Tree Permit to maintain these trees.

The concrete wall at the east end of the pool terrace exceeds a height of 6 feet above grade. The Golden Gate Vista Estates Precise Development Plan has established a maximum height for walls within the primary landscape envelope of 6 feet. Therefore, these walls must either be reduced in height to 6 feet or the applicant must apply for an amendment to the Golden Gate Vista Estates Precise Development Plan.

## **Zoning**

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-1 zone and the provisions of the Golden Gate Vista Estates Precise Development Plan with the exception of the previously noted variance for excess wall height and the overheight walls adjacent to the pool terrace.

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 topography of the subject property is generally level, with a mildly sloping area on the downhill side of the house in the vicinity of the as-built retaining walls. These physical characteristics are not distinctive enough to qualify as 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.***

Variances for excess wall or fence height have been granted for other properties in the RO-1 or similar zones generally only for privacy or deer protection, and usually only where the topography is substantially steeper than in the area of the subject retaining walls. Legalization of the existing wall heights would therefore grant a special privilege to the applicant inconsistent with the limitations of 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 application of the wall height requirement would require that the elevation of the gravel utility path be lowered by several feet at various points along the path. Stairs leading from the home above to the path could be modified to extend to the lower path elevation without much difficulty. Therefore the strict application of the wall height requirements would not result in a practical difficulty or unnecessary hardship on 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 subject walls are not particularly visible from nearby homes and would be generally screened by landscaping below the walls and on adjacent properties.

From the evidence provided, Staff believes that there is insufficient 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 agrees with the direction of Staff, the Site Plan and Architectural Review application should be approved, but the Variance should be denied, with the requirement that the retaining walls be lowered to a maximum height of 6 feet above original grade. If the Design Review Board wishes to approve the project, the Board must articulate findings necessary to approve the Variance. In either case, 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

### 280 ROUND HILL ROAD

#### FILE #20724

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 6, 2007, or as amended by these conditions of approval. Any modifications to the plans of July 11, 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. All exterior lighting fixtures must be downlight type fixtures. Uplights and spotlights shown on landscape lighting plan are not approved.
6. All requirements of the Town Engineer shall be met.
7. The requested Variance for excess wall height is denied. Retaining walls along the southern portion of the site shall be reduced in height to not exceed a height of six feet (6') above finished or natural grade, whichever is lower.
8. The height of the glass windbreak to the south of the swimming pool shall not exceed four feet (4'). Walls along the eastern side of the Primary Landscape Envelope shall be modified to not exceed a height of six feet (6').
9. Redwood trees on the site shall be removed unless a Tree Permit is obtained within ninety (90) days of the date of approval of this application.