



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

Design Review Board Meeting  
September 20, 2007  
Agenda Item: **D1**

## **STAFF REPORT**

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

From: **Associate Planner Tyler**

Subject: **9 Burrell Court: File No. 20633  
Adoption of a Resolution Denying a Site Plan and Architectural  
Review Application for Additions to a Single-Family Dwelling with  
Variances for Reduced Front Yard Setback and Excess Lot Coverage**

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

## **SUMMARY**

On September 6, 2007, the Design Review Board considered a request to approve a Site Plan and Architectural Review application for 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. After considering the application, the Board directed Staff to prepare a resolution denying the application. The requested resolution has been prepared and is attached.

## **RECOMMENDATION**

It is recommended that the Design Review Board adopt the attached resolution denying a Site Plan and Architectural Review application for additions to an existing single-family dwelling with variances for reduced front yard setback and excess lot coverage.

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  
DENYING A SITE PLAN AND ARCHITECTURAL REVIEW APPLICATION FOR  
THE CONSTRUCTION OF ADDITIONS TO AN EXISTING SINGLE-FAMILY DWELING  
WITH VARIANCES FOR REDUCED FRONT YARD SETBACK AND EXCESS LOT  
COVERAGE, AT 9 BURRELL COURT**

**ASSESSOR PARCEL NO. 034-302-05**

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

**Section 1. Findings.**

- A. On November 15, 2006, the Town of Tiburon received an application for 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 (Application #20633) on property located at 9 Burrell Court. The application consists of the following:
  - 1. Application Form and supplemental materials received November 15, 2006 and July 11, 2007; and
  - 2. Site plan, floor plans, section drawings and elevations prepared by Ali Majlessi, Designer, received November 15, 2006 and January 16, 2007;
  - 3. Site plan, floor plans, section drawings and elevations prepared by Michael Heckmann, Architect, received July 11, 2007 and August 27, 2007.
- B. The Design Review Board held duly-noticed public hearings on April 5, 2007, August 2, 2007 and September 6, 2007, and heard and considered testimony from interested persons.
- C. The Design Review Board reviewed the submitted plans for the proposed project in accordance with Section 4.02.7 of the Tiburon Zoning Code (Guiding Principles in the Review of Site Plan and Architectural Review Applications), 16-4.3 (Variances) and the Tiburon Hillside Design Guidelines. The Design Review Board finds, based upon application materials and analysis presented in the April 5, 2007, August 2, 2007 and September 6, 2007 Staff Reports, public testimony, as well as visits to the site, that the proposed improvements would result in a visually pronounced structure which would appear massive from both Burrell Court and below the subject site along Reed Ranch Road, as well as appear to be out of character with the existing neighborhood conditions

both on Burrell Court and within the surrounding neighborhood.

- D. The Design Review Board reviewed the submitted plans for the proposed project in accordance with Goal 1, Principles 1 and 9 of the Tiburon Hillside Design Guidelines. The Design Review Board finds, based upon application materials and analysis presented in the April 5, 2007, August 2, 2007 and September 6, 2007 Staff Reports, public testimony, as well as visits to the site, that the proposed improvements are not excavated into the hillside to reduce effective bulk, and that other design alternatives exist to gain additional living space to better comply with the Tiburon Hillside Design Guidelines.
  
- E. The Design Review Board reviewed the submitted plans for the proposed project in accordance with Section 16-4.3 of the Tiburon Zoning Code (Findings for Variances). The Design Review Board finds, based upon application materials, public testimony, as well as visits to the site, that insufficient evidence exists to support the findings for the requested variances for reduced front yard setback and excess lot coverage. Granting the variances would result in a project which would be injurious to other properties in the vicinity, based on the proposal to add a partial second story to the structure which would be out of character with the existing neighborhood conditions and too visually prominent due to its location at the end of the Burrell Court cul-de-sac.

Section 2. Denial.

NOW, THEREFORE BE IT RESOLVED that the Design Review Board of the Town of Tiburon does hereby deny the proposed application for Site Plan and Architectural Review and Variances for the reasons set forth above.

PASSED AND ADOPTED at a regular meeting of the Design Review Board of the Town of Tiburon on September 20, 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  
September 20, 2007  
Agenda Item: **D2**

## **STAFF REPORT**

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

From: **Planning Manager Watrous**

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

## **SUMMARY**

On August 16 and September 6, 2007, the Design Review Board held public hearings on an appeal of the approval of an application for a Staff-level Design Review for the construction of exterior modifications to a previously approved single-family dwelling, located at 19 Place Moulin. At the September 6, meeting, the Design Review Board unanimously (4-0) voted to direct Staff to prepare a resolution partially granting the appeal to add several conditions of approval regarding revised project plans. The draft resolution has been prepared and is attached.

## **RECOMMENDATION**

It is recommended that the Design Review Board adopt the draft resolution partially granting the appeal for the subject application at 19 Place Moulin.

## **ATTACHMENTS**

1. Draft Resolution

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

## RESOLUTION NO. 2007- (Draft)

### A RESOLUTION OF THE DESIGN REVIEW BOARD OF THE TOWN OF TIBURON PARTIALLY GRANTING AN APPEAL OF A STAFF LEVEL DECISION CONDITIONALLY APPROVING ALTERATIONS TO A PREVIOUSLY APPROVED SINGLE-FAMILY DWELLING LOCATED AT 19 PLACE MOULIN

#### ASSESSOR PARCEL NO 058-351-08

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

#### Section 1. Findings.

- A. On November 21, 2006, Planning Division Staff received a Site Plan and Architectural Review application for alterations to a previously approved single-family dwelling under construction at 19 Place Moulin. The application requested the conversion of living space to deck area, relocation of a swimming pool and expansion of the driveway. The application consists of an application form, plans, and supplemental information filed by Abraham Valentino ("Applicant") and Mohamad Sadrieh ("Architect").

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 July 5, 2007, Planning Division Staff conditionally approved the above referenced land development application.
- C. On July 10, 2007, Clifford Alm ("Appellant"), the owner of the nearby property at 18 Place Moulin, 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 August 16, 2007, and heard and considered testimony from interested persons. At that meeting, the Architect presented a revised plan for the fencing and landscaping improvements and a revised deck design, which received tentative support from the Appellant. The Design Review Board continued the public hearing to the September 6, 2007 meeting, with direction to the Architect to submit copies of the revised plans and indicate the location of the improvements on the site.

- E. The Design Review Board held the continued public hearing for the appeal on September 6, 2007, and heard and considered testimony from interested persons. The Board determined that the revised plans addressed potential privacy concerns and would result in a more appropriate appearance of the property from neighboring residences and the adjacent Tiburon Ridge Trail. The Board then directed Staff (a vote of 4-0) to prepare a resolution partially granting the appeal to reflect the revised plans.

Section 2. Partial Granting of the Appeal.

NOW, THEREFORE, BE IT RESOLVED that the Design Review Board of the Town of Tiburon does partially grant the appeal by approving the alterations to the previously approved single-family dwelling under construction at 19 Place Moulin, adding the following conditions of approval:

4. The project shall comply with the revised plans dated August 29, 2007.
5. The wooden fence adjacent to the Tiburon Ridge Trail shall have a maximum height of 36 inches, and shall leave a minimum trail width (between fences) of at least four feet (4').
6. The applicant shall obtain an encroachment permit from the Public Works Department for all improvements within the Tiburon Ridge Trail easement.

PASSED AND ADOPTED at a regular meeting of the Design Review Board on September 20, 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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SCOTT PHILLIPS, ASSISTANT PLANNER



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

Design Review Board Meeting  
September 20, 2007  
Agenda Item: **D3**

## **STAFF REPORT**

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

From: **Assistant Planner Phillips**

Subject: **31 Main Street; File No. 707116  
Site Plan and Architectural Review to Construct  
an Awning on an existing Storefront**

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

## **PROJECT DATA**

**ADDRESS: 31 MAIN STREET**  
**OWNER: TIBURON INVESTMENT COMPANY**  
**APPLICANT: GUY LIMSON**  
**ASSESSOR'S PARCEL: 059-151-35**  
**FILE NUMBER: 707116**  
**ZONING: VC (VILLAGE COMMERCIAL)**  
**GENERAL PLAN: VC (VILLAGE COMMERCIAL)**  
**FLOOD ZONE: C**  
**DATE COMPLETE: AUGUST 27, 2007**

## **PRELIMINARY ENVIRONMENTAL DETERMINATION:**

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15301.

## **PROPOSAL**

The applicant is requesting approval for the construction of an overhead awning on an existing storefront at 31 Main Street, in downtown Tiburon. The proposed color of the awning is an unobtrusive dark charcoal. The awning would overhang the sidewalk 18 inches. No signage or illumination is proposed.

## ANALYSIS

### Design Issues

The proposed stationary awning is designed in such a manner that it would enhance the existing character of the store front and the overall streetscape of Main Street. The size of the awning shows that its overall purpose is for aesthetic enhancement as opposed to shelter from the elements. Staff has observed other awnings of similar dimensions and color along Main Street. The design of the awning appears to comply with the design guidelines in the Downtown Tiburon Design Handbook.

The Downtown Design Handbook contains the following guidelines to be used when evaluating the design of an awning.

- *Use of awnings on buildings and storefronts is appropriate when they will serve a functional as well as a decorative purpose. The use of awnings that will serve only a decorative purpose should be limited to buildings and storefronts that lack character-defining architectural features and materials.*

As stated above, the proposed awning is mainly for aesthetic purposes. The existing storefront is basic in design. The awning would serve to accentuate the storefront.

- *Awnings are not to cover up or interfere with visual enjoyment of a building's architectural features, decorative elements or distinctive building materials.*

The proposed awning would extend 18 inches from the wall of the storefront and would not distract or hide the distinctive architectural features of the storefront.

- *When attaching an awning to the façade of an historic building, damage or loss of integrity to architectural features or historic building fabric is to be avoided.*

None of the existing architectural features of the storefront façade is proposed to be removed. The awning would be fastened with anchor bolts directly to the storefront.

- *Material used to "outfit" the awning should be restricted to canvas; the use of plastic or other synthetics is inconsistent with Tiburon's maritime and industrial heritage.*

The proposed awning would be constructed with canvas stretched over a metal frame. No synthetic material is proposed in the construction.

- *The slanted or angled awning is the preferred type or shape. Use of a boxed awning is inappropriate, as it generally provides little if any shade and serves no functional purpose. Curved awnings should be used only on buildings with arched windows or doors.*

The proposed awning is of slanted or angled type.

- *Awnings are not intended to exercise a dominant presence on any building façade or storefront. Their size, shape and color are to work in harmony with the size, shape, materials and colors of the building façade or storefront to which they are attached.*

The awning would blend in with the existing storefront. The size is tasteful and would not overpower the storefront or the rest of Main Street.

**Public Comment**

As of the date of this report, one letter has been submitted to Staff from James T. Wheary.

**RECOMMENDATION**

It is recommended that the Board review this project with respect to the Downtown Design Handbook 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 of the awning to be acceptable and in conformance with the Town's Design Guidelines, Staff recommends that the attached conditions of approval be applied.

- Exhibits:
1. Conditions of Approval
  2. Application and Supplemental Materials
  3. Letter from James T. Wheary, dated August 28, 2007
  4. Submitted Plans

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

## **CONDITIONS OF APPROVAL**

### **31 MAIN STREET**

#### **FILE #707116**

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. All signage requires a separate Design Review approval.
3. The development of this project shall conform with the application dated by the Town of Tiburon on August 20, 2007, or as amended by these conditions of approval. Any modifications to the plans of August 20, 2007, must be reviewed and approved by the Design Review Board.
4. 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.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney’s fees that might result from the third party challenge.



**TOWN OF TIBURON**  
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Design Review Board Meeting  
September 20, 2007  
Agenda Item: **E4**

**STAFF REPORT**

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

From: **Community Development Department**

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

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. Staff recommends a continuance to the October 18, 2007 Design Review Board meeting
- Item not properly advertised
- The applicant has requested a continuance to:
- Other:

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



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

Design Review Board Meeting  
September 20, 2007  
Agenda Item: **F5**

## **STAFF REPORT**

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

**From: Community Development Department**

**Subject: 2 Las Palmas Way; File #20725  
Site Plan and Architectural Review for the Construction of  
Additions to an Existing Single-Family Dwelling, With Variances for  
Reduced Side Yard Setback and Excess Wall Height**

## **PROJECT DATA**

**ADDRESS: 2 LAS PALMAS WAY**  
**ASSESSOR'S PARCEL: 055-261-04**  
**FILE NUMBER: 20725**  
**PROPERTY OWNERS: CYRUS ANSARI**  
**APPLICANT: NORAH MOMTAZI (ARCHITECT)**  
**LOT SIZE: 8,001 SQUARE FEET**  
**ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)**  
**GENERAL PLAN: MEDIUM HIGH DENSITY RESIDENTIAL**  
**FLOOD ZONE: C**  
**DATE COMPLETE: AUGUST 28, 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 construction of additions and walls to an existing single-family dwelling on property located at 2 Las Palmas Way. The existing living room would be extended to the rear of the house and the dining room and kitchen would be extended to the southern side of the building. A new entry would be added to the front of the house. A new deck would be added to the rear of the upper story master bedroom. Perimeter walls are proposed to be constructed along the rear property line (facing Tiburon Boulevard), the southern side property line facing the entrance to Las Palmas Way and the front property line along the interior of Las Palmas Way.

The proposed additions would increase the floor area of the house by 366 square feet, resulting in a total floor area of 2,100 square feet, which is less than the floor area ratio for a lot of this size. The proposed project would add 426 square feet of lot coverage to the site, resulting in total lot coverage of 2,160 square feet (27.0%), which is less than the 30.0% maximum lot coverage permitted in the R-1 zone.

The proposed kitchen and dining room addition would extend to within 4 feet, 6 inches of the southern (left) side property line. As an 8 foot side yard setback is required in the R-1 zone, a variance is requested for reduced side yard setback.

The proposed walls would have a maximum height of 12 feet above grade. As the maximum wall height permitted within required setbacks is 6 feet, a variance is requested for excess wall height.

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

## **ANALYSIS**

### **Design Issues**

The subject property slopes up from Tiburon Boulevard and the entrance to Las Palmas Way. The site is bordered by streets on three sides, with Tiburon Boulevard to the rear and Las Palmas Way wrapping around the front and south side of the property.

The proposed room additions would all be constructed on the main floor of the house and would not result in any change to the existing roofline of the building. The master bedroom deck would be extended to the rear of the existing upper story.

The entry and living room additions would not project into the views for any nearby homes. The dining room and kitchen addition would be primarily visible from the homes at 3 Las Palmas Way to the east and 891 Tiburon Boulevard to the south. The residence at 3 Las Palmas Way has a small slot view of Richardson Bay between the southern end of the existing house and vegetation along the southern property line. The proposed addition would intrude slightly into this water view, but would not interfere with the other more panoramic views of Richardson Bay currently enjoyed by this neighboring home.

Windows at the end of the proposed southern addition would be somewhat visible from the home at 891 Tiburon Boulevard. However, fencing and existing landscaping on the adjacent property screen much of the view toward the subject home and should effectively address any potential privacy or lighting issues for this nearby residence.

Staff has carefully reviewed the demolition plans for the proposed application and raised concerns with the applicant regarding the potential for the project to demolish more than 50 percent of the existing house, which would necessitate approval of a the project as a new single-family dwelling. The applicant has indicated that he has thoroughly investigated this possibility and is confident that less than 50 percent of the house will be demolished during the construction of this project.

The applicant has indicated that the proposed walls are intended to provide privacy screening and a noise barrier from traffic along Tiburon Boulevard. The proposed walls would consist of a four foot (4') tall tempered glass panel on top of masonry walls, interspersed with full height masonry columns. The overall height of the wall along the Tiburon Boulevard frontage would be 12 feet, would range from 8 to 12 feet along the southern side facing the entrance to Las Palmas Way, and would range from 7 feet, 3 inches to 12 feet along the front property line.

The proposed walls would be much taller than other walls along Tiburon Boulevard in general or along Las Palmas Way. Although some overheight walls and fences have been approved along Tiburon Boulevard to deal with noise and privacy issues resulting from changes in topography, staff is unaware of any walls of this height in any of the residential neighborhoods along Tiburon Boulevard. The pronounced visibility of the subject property would make the proposed walls a massive visual feature that would be highly visible to all traffic along Tiburon Boulevard. The location of the walls along the southern property line on top of a slope well above street level would further increase the visible mass of the structure for all residents of the Las Palmas Way and Mantegani Way neighborhood that drive by this property.

Staff also has concerns about possible traffic safety issues arising from the size and location of the proposed walls. The walls on the front and southern side property lines may create unsafe blind spots for westbound traffic on Las Palmas Way heading toward Tiburon Boulevard. The walls on southern property lines would create a blind spot for the residents of the subject house trying to back out of the driveway.

Staff recognizes that there may be some justification for walls taller than 6 feet along the Tiburon Boulevard side of the property. However, the height of the walls proposed as part of this application would be inconsistent with those granted elsewhere along Tiburon Boulevard and would create undesirable visual mass and bulk from this highly traveled roadway. There do not appear to be similar circumstances which justify the height of the walls along the other sides of the property, which also would create unsafe traffic conditions. The Design Review Board may wish to encourage the applicant to return with a wall plan that reduces the heights of the walls along Tiburon Boulevard and complies with the 6 foot maximum wall height elsewhere on the site.

## **Zoning**

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

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.***

Side Yard Setback

The subject property is substantially smaller than the 10,000 square foot minimum lot size required in the R-1 zone with topography that shields the southern side yard 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 variance is not granted.

Wall Height

The property slopes up from Tiburon Boulevard, exposing the house and rear yard to traffic along this heavily traveled roadway. 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.***

Side Yard Setback

Numerous other properties in the vicinity and in the RO-2 zone have received variances for reduced setbacks.

Wall Height

A number of other properties along Tiburon Boulevard have received variances for excess wall heights where topographical differences create noise and privacy concerns for residences. However, there is no evidence of any variances granted for walls up to 12 feet in height along this corridor. The approval of the wall height requested would therefore constitute a grant of special privileges, inconsistent with the limitation upon other properties in the vicinity and in the same or similar zones.

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

Side Yard Setback

The strict application of the side yard setback requirement would limit the size and placement of improvements on the site to the relatively small usable front and rear yard areas, creating a practical difficulty and an unnecessary hardship on the applicants.

Wall Height

The strict application of the maximum wall height requirement could result in undesirable noise and privacy impacts from Tiburon Boulevard for the subject

house and property. However, the strict application of the 6 foot maximum wall height on the other sides of the site would not create any such hardship for the property.

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

#### Side Yard Setbacks

As described above, the proposed addition would not result in substantial view or other impacts on homes in the vicinity.

#### Wall Height

As described above, the proposed walls would create excessive visual mass when viewed from Tiburon Boulevard and Las Palmas Way and would likely result in traffic safety impacts for vehicles traveling on Las Palmas Way and backing out of the driveway on the subject property.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested side yard setback variance, but insufficient evidence to support the findings for the requested wall height 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 Board should either continue the application to allow the applicant to revise the wall designs associated with the project, or approve the requested additions and side yard setback variance without approving the wall height variance. 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

### 2 LAS PALMAS WAY

#### FILE #20725

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 13, 2007, or as amended by these conditions of approval. Any modifications to the plans of August 20, 2007, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All exterior lighting fixtures must be downlight type fixtures.
7. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
8. All requirements of the Town Engineer shall be met.
9. The variance for excess wall height is not approved as part of this application. Walls and fences on the subject property shall not exceed six feet (6') in height.
10. 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. The landscaping and vegetation shall comply with the standards of Fire Safe Marin and the Tiburon Fire District.



**TOWN OF TIBURON**  
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Design Review Board Meeting  
September 20, 2007  
Agenda Item: **F6**

## **STAFF REPORT**

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

From: **Associate Planner Tyler**

Subject: **1525 Tiburon Boulevard; File No. 707121  
Site Plan and Architectural Review for the Paving and Improvement  
of an Existing Pay Parking Lot**

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

### **PROJECT DATA:**

OWNER: BARBARA ABRAMS  
APPLICANT/ARCHITECT: JAMES SCHAFER  
ADDRESS: 1525 TIBURON BOULEVARD  
ASSESSOR'S PARCEL NUMBER: 058-171-91  
FILE NUMBER: 707121  
LOT SIZE: 26,720 SQUARE FEET  
ZONING: NC (NEIGHBORHOOD COMMERCIAL)  
GENERAL PLAN: NC (NEIGHBORHOOD COMMERCIAL)  
FLOOD ZONE: B & C  
DATE COMPLETE: SEPTEMBER 8, 2007

### **PRELIMINARY ENVIRONMENTAL DETERMINATION:**

Categorically Exempt (Section 15302 of the CEQA Guidelines)

### **PROPOSAL**

The Town has received an application to pave and otherwise improve the last remaining gravel pay parking lot in Downtown Tiburon. Paving the lot would result in roughly eighty-two parking stalls, four of which would be handicapped accessible. The entrance to the parking lot would be updated with a painted island to separate entrance and exit lanes, and a new ticket machine, bike racks and signage would be installed. As proposed, the existing landscaping would be maintained and new lighting fixtures would replace those currently existing. New drainage would also be installed.

## **BACKGROUND**

The site has been used as a pay parking lot for many decades and was once much larger in area, accommodating in excess of 200 cars. In the 1980's and 1990's, the Zelinsky family generously donated land from the parking lot area for public use. The Belvedere-Tiburon Public Library and Tiburon Town Hall are the culmination of those land dedications. The current parking lot accommodates roughly 70-80 cars in a semi-formal arrangement using hand-drawn lines.

Various deed restrictions, long-term leases, use permit conditions, and other encumbrances on the site make it unlikely that development will occur on this parcel, and assure that it will remain a parking lot into the foreseeable future.

Since 1985, the Town has issued a series of "temporary" conditional use permits for the ongoing use of the unpaved parking lot. In 1997, the Town began urging the eventual paving and improvement of the lot to permanent status. The current use permit, issued earlier this year, requires completion of the paving and other parking lot improvements by the end of 2007. Staff is delighted that the improvement of the lot is progressing.

## **ANALYSIS**

### **Design Issues**

The existing parking lot is currently improved with a gravel surface. An unattended parking ticket booth is located near the front of the lot. A parking attendant typically checks parking passes once a day, generally in the afternoons.

The proposal aims to provide eighty-two parking stalls once the lot is paved; four of those spaces would be designated as handicapped accessible. One parking space (#4) is shown on the drawings as a "compact" space. Since the Town parking regulations do not allow compact parking spaces, a condition of approval has been included requiring that this be modified. Staff suggests either enlarging the space to standard size if possible, designating the space for motorcycle parking, or eliminating it if space #21, which appears functionally questionable, must be eliminated.

The drawings indicate that existing landscaping currently surrounds most of the parking lot; however, landscaping only exists at the front of the lot, along Tiburon Boulevard, and at the southwest corner, near the front of Town Hall. A condition of approval is included requiring additional landscaping to be installed in the areas which currently lack landscaping, including the northeast and southeast corners and lot perimeter. Staff would review and approve the landscape plan at the time of building permit application. Staff also notes that the depth of spaces #22-#31 appears substandard; however, there is additional land between those spaces and the rear property line to enlarge their depth to the required eighteen feet.

This application was circulated to various agencies for consideration and comments, most notably the California Department of Transportation (CalTrans). Comments received from CalTrans would require the applicant to assure that the driveway approach is ADA compliant and that an encroachment permit is obtained for any work that encroaches into the Highway 131 right of way. Staff has included these comments as conditions of approval on the project.

The Town Engineer reviewed the plans and his comments have been addressed through conditions of approval. Detailed drainage design will be addressed on the building permit drawings.

### **Conformance with the General Plan**

Relevant *Tiburon 2020* General Plan policies and programs are:

***Downtown Element Policy DT-33: New parking facilities in Downtown Tiburon shall be located behind buildings and adequately landscaped in order to reduce their visual impact, primarily from Tiburon Boulevard.***

The parking lot will be highly visible from vehicles traveling along Tiburon Boulevard. Staff has included a condition of approval requiring that the landscaped area fronting Tiburon Boulevard be upgraded to soften the appearance from Tiburon Boulevard and provide better visual screening.

***Downtown Element program DT-1: Pave and improve the Tiburon Boulevard pay parking lot located at 1525 Tiburon Boulevard. If feasible, designate bus parking spaces in this lot, with signage prohibiting the idling of buses.***

The drawings indicate alternative bus parking at stalls 55/82 and 56/81, which would occupy four parking stalls. The turning radii of the lot have been designed to accommodate typical school buses. A condition of approval has been included requiring the submittal of a separate sign permit application for signage associated with the parking lot, which would address designated bus parking locations and prohibit idling of buses.

### **Conformance with Downtown Design Handbook**

The Downtown Design Handbook, adopted May 1, 2002, establishes guidelines for revitalization and new construction of buildings, storefronts and streetscapes within Downtown Tiburon. One of the key guidelines concerning streetscape in the downtown area (Handbook, p. 36) is to increase patronage and create more efficient circulation through the use of public parking lots accessible from Tiburon Boulevard. The subject site is considered an “outer” lot, which during the summer months when tourism is at its peak, aims to achieve two objectives: 1) a reduction in vehicular back-up and congestion along Tiburon Boulevard, Main Street and Ark Row, and 2) getting patrons out of their vehicles earlier, in order to enjoy the experience of strolling down Tiburon Boulevard.

Through the installation of signage at the front of the parking lot, patrons would be able to easily identify availability of parking within walking distance of the downtown area, which would achieve both objectives. The proposal indicates installation of signage at the front of the lot, adjacent to the proposed ticket booth. Review of signage would be completed under a separate sign permit application. Paving and improvement of the parking lot will also make it more desirable to visitors and the general public for parking purposes.

Staff does not consider the extremely ambitious sidewalk widening and planter strip installation suggested in the Handbook (p.37) to be practical or appropriate in association with a project of this minor scope.

### **Zoning**

The project conforms to the regulations for the Neighborhood Commercial (NC) Zone.

### **Public Comment**

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

### **RECOMMENDATION**

Staff recommends that the Board:

- 1) Review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles), Section 16-5.8.4 (Parking Requirements), the Downtown Tiburon Design Handbook and the Downtown Element of the Tiburon General Plan;
- 2) Determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15302;
- 3) Approve the application subject to the attached conditions of approval.

- Exhibits:
1. Conditions of Approval
  2. Application and Supplemental Materials
  3. Planning Commission Resolution No. 2007-04
  4. Letter dated August 30, 2007 from Marin Municipal Water District
  5. Letter dated September 4, 2007 from CalTrans
  6. Pp. 35-37 of the Downtown Design Handbook
  7. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner

**EXHIBIT 1**

**CONDITIONS OF APPROVAL**

**1525 TIBURON BOULEVARD**

**FILE #707121**

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. Planning Commission Resolution 2007-04 requires the project to be completed by December 31, 2007.
2. Project construction shall substantially conform to the application materials and drawings received by the Town of Tiburon on August 9, 2007, as amended by these conditions of approval. Any substantial modification to the project as approved herein must be reviewed and approved by the Design Review Board.
3. This approval in no way alters conditions of Town use permits applicable to the subject property.
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 shall demonstrate compliance with regulations of other permitting agencies prior to the issuance of a building permit for this project, including but not limited to the following:
  - a) An encroachment permit shall be secured from the California Department of Transportation for any work that encroaches into the State Right of Way.
  - b) The driveway shall be ADA compliant per the California Department of Transportations standards.
6. 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. All landscape and irrigation plans, both new or improved, must be designed in accordance with the most current District landscape requirements
  - e. The applicant shall comply with the District's backflow prevention

requirements

7. All exterior lighting fixtures shall be “down-light” type fixtures.
8. All handicapped accessible areas shall have a maximum slope not to exceed 2%.
9. Prior to issuance of a building permit, a detailed landscape and irrigation plan shall be submitted for review and approval by the Director of Community Development. The landscape plan shall include upgraded landscaping along the Tiburon Boulevard frontage and new landscaping in the north and southeast corners and along perimeter areas of the lot.
10. All requirements of the Town Engineer, including but not limited to drainage, irrigation, and removable wheel stops, shall be met prior to issuance of a building permit.
11. Easily removable wheel stops shall be installed in front of the Zelinsky Park access area and the Town Hall parking lot access area.
12. Details of the type of swale to be constructed shall be reviewed and approved by the Town Engineer.
13. Details of the proposed pedestrian crossing over the swale between the parking lot and the concrete stairs leading from Town Hall to the parking lot shall be reviewed and approved by the Town Engineer prior to issuance of a building permit.
14. The compact parking space (#4) shall be eliminated, enlarged to meet code, converted to motorcycle parking, or otherwise modified to comply with Town regulations. Space #21 shall be evaluated for adequacy of maneuverability and spaces #22-#31 shall be modified to meet Town standards for depth.
15. An application for sign permits shall be submitted separately for signage associated with the parking lot, which shall include but not be limited to information regarding designated bus parking locations and the prohibition of bus idling.



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

Design Review Board  
September 20, 2007  
Agenda Item: **F7**

## **STAFF REPORT**

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

From: **Assistant Planner Phillips**

Subject: **544 Silverado Drive; File #20731  
Site Plan and Architectural Review to Construct Additions to an  
Existing Single-Family Dwelling, with a Variance for Reduced Side  
Yard Setback**

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

## **PROJECT DATA**

**ADDRESS:** 544 SILVERADO DRIVE  
**OWNER:** TOM & NATALIE CAMERON  
**APPLICANT:** GREGORY JOHNSON (ARCHITECT)  
**ASSESSOR'S PARCEL:** 055-082-13  
**FILE NUMBER:** 20731  
**LOT SIZE:** 10,313 SQUARE FEET  
**ZONING:** R-1 (SINGLE FAMILY RESIDENTIAL)  
**GENERAL PLAN:** MEDIUM HIGH DENSITY RESIDENTIAL  
**FLOOD ZONE:** C  
**DATE COMPLETE:** AUGUST 27, 2007

## **PRELIMINARY ENVIRONMENTAL DETERMINATION**

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301.

## **PROPOSAL**

The applicant is requesting Design Review approval for the construction of additions and to an existing single-family dwelling located at 544 Silverado Drive. The addition would include a two-car garage, expansion of the existing entryway and a new upper level. The upper level would include an office, master bedroom suite and sitting room. The plans indicate that all new building material and detailing shall match that of the existing home.

The proposal also calls for the addition of three new skylights. The skylights would be located on the southwestern roof plane.

The two portions of the proposed upper level expansion are situated within the required side yard setback. The upper level would extend within 6 feet of the side property line, in lieu of the 8-foot side yard setback requirement in the R-1 zone. In order to expand a non-conforming condition, a variance is required. The applicant has requested a variance for reduced side yard setback.

## **ANALYSIS**

### **Design Issues**

The subject home is located on the downhill side of Silverado Drive. The lot is on a gentle slope and is of standard lot shape. The lot was graded in a concave manner with the home situated within the depression and towards the side property line. Mature landscaping exists between the subject home and the adjacent properties.

The overall design of the proposed addition appears to blend with the design of the existing home and the character of the surrounding neighborhood. The staggered setbacks and varied rooflines would help prevent a boxy appearance for the house. The applicant has positioned the addition in such a location that it is well screened by the topography of the lot and existing landscaping thereby preserving views from primary living space from adjacent homes uphill and across the street.

The existing side of the carport and home currently extend into the required side yard setback. The proposed addition would expand this non-complying condition on the side yard.

The applicant has met with several neighboring property owners regarding the proposed addition, and has made modifications in response to their concerns. However, concerns about the design of the addition still exist from neighboring home owners. The property owners across the street at 549 Silverado have raised concerns that the proposed addition would increase light pollution towards their property created by the addition of windows facing their direction and additional exterior lighting. Staff observed dense vegetation between the subject property and the concerned neighbors. Should the vegetation be removed, the proposed addition would have the potential of affecting the adjacent property adversely through increased nighttime light pollution.

Staff has been contacted on numerous occasions regarding the height limitation for the Little Reed Heights subdivision and that the proposed addition would not comply with this particular height restriction. The Declaration and Restrictions for this subdivision (similar to C.C. & R.'s) states that no building shall exceed 22 feet in height. A copy of the document has been included with the staff report. Although the Town of Tiburon does not enforce such restrictions, Staff encourages the Board to take them into consideration when reviewing this proposal, but review this proposal and base the decision upon compliance with the Town of Tiburon Hillside Design Guidelines.

## **Zoning**

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 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 overall topography of the subject property eliminates much of the lot for expansion. The topography is a special circumstance that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity.

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

Numerous other properties in the R-1 or similar zones with similar site characteristics have been granted variances for reduced side yard setback in order to accommodate the most appropriate home design on the property.

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

The strict application of the side yard setback requirement would result in a house design with unwanted view impacts for neighboring properties by pushing the structure closer to the center of the property. By keeping the addition on the side, all neighboring views are maintained.

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

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

## **Public Comment**

As of the date of this report, one letter has been submitted to Staff from the residents at 549 Silverado Drive and verbal comments in regard to concerns with the proposed addition exceeding the height limitation and the potential for increased nighttime light pollution.

## **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. Copy of Declaration of Restrictions Applicable to Little Reed Heights – Unit Two
4. Letter from Margarita Perry, dated September 12, 2007
5. Submitted plans

## **CONDITIONS OF APPROVAL**

### **544 SILVERADO DRIVE**

#### **FILE #20731**

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on August 15, 2007, or as amended by these conditions of approval. Any modifications to the plans of August 15, 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 skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
8. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney’s fees that might result from the third party challenge.