



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

Design Review Board Meeting  
November 1, 2007  
Agenda Item: **D1**

## **STAFF REPORT**

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

From: **Associate Planner Tyler**

Subject: **275 Diviso Street; File No. 707126  
Site Plan and Architectural Review for Construction of a New  
Single-Family Dwelling  
(Continued from October 4, 2007)**

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

## **BACKGROUND**

On October 4, 2007, the Design Review Board reviewed an application for construction of a new single-family dwelling on property located at 275 Diviso Street. During the meeting the adjacent neighbors expressed concerns with the overall height of the structure, and more significantly with the central element of the home, which served as a green architectural element. This central element would provide natural lighting and cooling for the home, but would also block views of the San Francisco skyline for the neighbor at 295 Diviso Street, as well as block water views for the neighbors across the street at 280 Diviso Street and 2040 Vistazo East Street. The issue of light pollution was also expressed relative to the amount of windows proposed throughout the home, facing uphill.

The architect advised the Board that due to the concerns of the adjacent neighbors the story poles were modified to show a two foot reduction in the height of the structure, with the exception of the garage area. Many of the adjacent neighbors were confused by the modified story poles. Additionally, members of the Board did not all have an opportunity to view the revised poles before the meeting to determine if view blockages would be reduced by the two foot drop.

Overall, the Board was pleased with the design of the home, but determined that the applicant should work with the neighbors in reducing the extent of view blockages. The project was continued so that both the neighbors and Boardmembers had more time to review the revised story poles before making a final decision.

## **PROPOSAL**

The applicant has now submitted revised drawings for the proposed new single-family dwelling at 275 Diviso Street.

The proposed project would still result in a two-story structure with a Mediterranean architectural theme. The upper level would include a living room, dining room, kitchen, breakfast nook, and a three car garage. A deck would extend off the dining room and connect with a larger main deck at the rear of the home, accessed by the breakfast nook, kitchen and living room. The lower level would include three bedrooms, two bathrooms, laundry room, and master bedroom suite. A smaller deck would extend toward the rear of the home with access from the master bedroom suite and two bedrooms. In addition, a five to six foot high entry fence would extend across the front of the property along Diviso Street.

The proposed structure would result in lot coverage of 4,469 square feet (25%), which is below the maximum permitted lot coverage in the R-1 zone (30%). The proposed structure would result in a gross floor area of 3,795 square feet, which is below the maximum permitted floor area ratio for a property of this size (3,805 sq. ft.).

The façade of the home is proposed in a Mediterranean theme in both its architectural style and color/materials. Several variations of stone façade in warm neutral colors are proposed around the structure, along with stucco siding in a shade of beige and a multi-colored tile roof. A color/materials board will be available for review at the meeting.

## **ANALYSIS**

### **Design Issues**

The design of the home has not significantly changed since the initial review of the project. However, the applicant has made considerable progress toward addressing the concerns of the adjacent neighbors regarding reducing both view blockages and light pollution associated with the new dwelling.

Modifications include:

- Lowering the entire structure thirty inches (30") into the ground
- Lowering the ceiling height by one foot (1') in the lower level of the home
- Lowering the central element of the home by six inches (6")
- Relocation of the dormers over both the garage and guest room to face downhill (west) to reduce the potential for light pollution on the uphill neighbors
- Lowering the chimney to the maximum extent possible to meet the building code
- Elimination of the architectural feature at the top of the central element of the home.

From 2040 Vistazo East Street, the proposed garage area would be hardly noticeable; however, the central element of the structure, which is proposed to be lowered, would still be visible from within the dining room and living room of the home. The owner has expressed gratitude to the applicant for lowering the structure to increase their water views, but would like to see the central element lowered further than the 6" that is currently proposed.

From 295 Diviso Street, lowering the entire structure and additionally lowering the central element would now preserve views of the downtown San Francisco skyline. If the central element were additionally lowered, a larger view of Angel Island would also be preserved. It should be noted that the applicant intends to work with this neighbor to choose an appropriate

tree species to be planted on the north side of the property, which would aid in screening the residence from 295 Diviso Street.

### **Hillside Design Guidelines**

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

- *Goal 3, Principal 7 (a) states that view protection is more important for the primary living areas of a dwelling than for less actively used areas of a dwelling.* The proposed dwelling would impede minimally on views from within the living room and dining room of 2040 Vistazo East Street, and minimally from within the living room and outdoor patio of 295 Diviso Street.
- *Goal 3, Principal 7 (c) states that blockage of the center of a view is more damaging than blockage of a side of a view.* A small portion of Angel Island, which is within the left side of the viewshed when viewed from within the living room of 295 Diviso Street, would be impacted.
- *Goal 3, Principal 7 (d) states that blockage of important objects in the view are more difficult to accept than blockage of other, less well-known landmarks.* The proposed overall lowering of the structure and additional six inch drop in the central element would result in preservation of views of the downtown San Francisco skyline for 295 Diviso Street. Additional lowering would also aid in enhancing views of Angel Island for this residence.
- *Goal 3, Principal 7 (e) states that a wide panoramic view can accept more view blockage than the smaller slot view.* Although the dwelling at 2040 Diviso Street is not designed to have a panoramic view, the dwelling does have a view which extends from San Francisco to the Marin Headlands. The highest portion of the proposed dwelling, which is the central element of the structure, would impede minimally within the right-most portion of this viewshed.

The Design Review Board is encouraged to visit the site and surrounding neighbors' homes to view the story poles to better evaluate the extent of this proposal.

### **Zoning**

The project conforms to the regulations for the Single-Family Residential (R-1) 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) and the Hillside Design Guidelines;
2. Determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303; and
3. Approve the project subject to the attached conditions of approval.

- Exhibits:
1. Conditions of Approval
  2. Application and Supplemental Materials
  3. Design Review Board Staff Report and Minutes dated October 4, 2007
  4. Goal 3, Principal 7 (a), (c), (d), (e) of the Hillside Design Guidelines
  5. Submitted Plans

Prepared By: Associate Planner Tyler

EXHIBIT I

CONDITIONS OF APPROVAL

275 DIVISO STREET

FILE NO. 707126

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on September 7, 2007, or as amended by these conditions of approval. Any modifications to the plans of October 22, 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 shall be "down-light" type fixtures.
8. Prior to the issuance of building permits, the applicant shall submit verification from a licensed landscape architect that the proposed landscape plan conforms to M.M.W.D. landscape regulations, as required by Town Council Ordinance.

9. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
10. Prior to underfloor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference points as appropriate, and elevations relative to sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.
11. The project shall comply with the following requirements of the Tiburon Fire Protection District:
  - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-D. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (UFC 1003).
  - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 310).
  - c. Approved spark arresters shall be installed on chimneys (UFC 1109).
  - d. All vegetation, existing and new, shall comply with the requirements of the Tiburon Fire District and the recommendations of Fire Safe Marin, and the requirements of UFC 1103.
12. The following requirements of the Marin Municipal Water District shall be met:
  - a. A High Water Pressure Water Service application shall be completed.
  - b. A copy of the building permit shall be submitted.
  - c. Appropriate fees shall be paid.
  - d. The structure's foundation shall be completed within 120 days of the date of application.
  - e. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
13. All requirements of the Town Engineer shall be met.
14. A detailed lighting plan indicating the placement of all exterior lighting and style of lighting fixtures shall be submitted with the construction documents filed for building permits.



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

Design Review Board Meeting  
November 1, 2007  
Agenda Item: **E2**

## **STAFF REPORT**

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

From: **Community Development Department**

Subject: **2096 Paradise Drive; File #20736  
Site Plan and Architectural Review for the Construction of  
Deck Additions to an Existing Two-Family Dwelling, With Variances  
for Reduced Front, Side and Rear Yard Setbacks**

## **PROJECT DATA**

**ADDRESS:** 2096 PARADISE DRIVE  
**ASSESSOR'S PARCEL:** 059-181-86  
**FILE NUMBER:** 20736  
**PROPERTY OWNERS:** ERNEST WARE  
**APPLICANT:** SAME  
**LOT SIZE:** 14,250 SQUARE FEET  
**ZONING:** R-2 (TWO-FAMILY RESIDENTIAL)  
**GENERAL PLAN:** HIGH DENSITY RESIDENTIAL  
**FLOOD ZONE:** C  
**DATE COMPLETE:** OCTOBER 12, 2007

## **PRELIMINARY ENVIRONMENTAL DETERMINATION**

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

## **PROPOSAL**

The applicant is requesting Design Review approval for the construction of deck additions to an existing two-family dwelling on property located at 2096 Paradise Drive. A lower level deck would extend to the rear of the existing duplex on the property. A deck would be added to the lower level at the rear of the accessory building near the front of the site. A third deck would be added to the front of this accessory building near the front property line.

No additional floor area is proposed to be constructed as part of this application. The two larger decks would extend below existing deck space and would therefore not increase the calculated lot coverage for the property. The existing structures on the site already exceed the 35.0% maximum

lot coverage permitted in the R-2 zone. As the front accessory building deck would add only 19 square feet (less than 1.0%) of lot coverage, Town policy would not require a variance for excess lot coverage.

The proposed decks would extend to within one foot of the front and both side property lines and up to the mean high tide line, which is the rear property line for this lot. As a 15 foot front yard, 6 foot side yard and 11 foot rear yard setback are required for this property, variances are requested for reduced front, side and rear yard setbacks.

A color and materials board has not been submitted, as the proposed decks would match the exterior of the existing structures on the site.

## **ANALYSIS**

### **Design Issues**

The subject property slopes down from Paradise Drive. A two-story duplex is situated at a lower portion of the site facing the water. A two-story accessory building at the front of the site contains a two-car garage at street level and a laundry/storage space below.

The deck to the rear of the accessory building would be situated below the footprint of the garage above. The deck would not project into any viewlines for neighboring residences on either side. The front accessory building deck is intended to provide an access platform for the existing utility meter on the side of the building.

The deck to the rear of the lower level dwelling unit would follow the footprint of the existing deck for the upper level residence. The deck would not extend into the viewlines for either neighboring property. There would be some visibility from the new deck into the lower level living areas and deck of the adjacent residence at 2090 Paradise Drive. The close proximity of all the homes in the vicinity and existence of water-facing decks on all homes already limits the privacy from any deck areas and rear living space for these residences, and the new deck would not substantially alter the privacy of these homes. It should also be noted that the water orientation of the proposed and existing decks of this and other residences means that residents enjoying these decks are much more likely to gaze out on the water than back toward neighboring homes.

### **Zoning**

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-2 zone with the exception of the previously noted variances for reduced front, side and rear yard setbacks.

In order to grant the requested variances, the Board must make all of the following findings required by Section 4.03.05 of the Tiburon Zoning Ordinance:

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in***

***the vicinity and in the same or similar zones.***

The subject property and other lots along this stretch of Paradise Drive slope sharply down to the water. These properties are developed with structures in much closer proximity than in other areas of Tiburon. 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 R-2 zone have received variances for reduced setbacks.

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

The strict application of the setback requirements for a lot of this size would require any deck additions to the existing structures to be set much further in from the property lines than existing decks or building footprints on the site. The imposition of these requirements would severely limit the size and placement of improvements on the site, creating a practical difficulty and an unnecessary hardship on the applicant.

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

As described above, the proposed additions would not result in substantial view or privacy 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**

### **2096 PARADISE DRIVE**

#### **FILE #20736**

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on September 21, 2007, or as amended by these conditions of approval. Any modifications to the plans of October 5, 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.
6. All requirements of the Town Engineer shall be met.



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

Design Review Board  
November 1, 2007  
Agenda Item: **E3**

## **STAFF REPORT**

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

From: **Assistant Planner Phillips**

Subject: **111 Lyford Drive; File #20738  
Site Plan and Architectural Review to Construct Exterior  
Alterations to an Existing Single-Family Dwelling, with a  
Variance for Excess Lot Coverage and a Floor Area Exception**

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

## **PROJECT DATA**

**ADDRESS: 111 LYFORD DRIVE**  
**OWNER/APPLICANT: BRUCE & BARBARA PURDY**  
**ASSESSOR'S PARCEL: 058-231-05**  
**FILE NUMBER: 20738**  
**LOT SIZE: 28,314 SQUARE FEET**  
**ZONING: R0-2 (SINGLE FAMILY RESIDENTIAL-OPEN)**  
**GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL**  
**FLOOD ZONE: C**  
**DATE COMPLETE: OCTOBER 11, 2007**

## **PRELIMINARY ENVIRONMENTAL DETERMINATION**

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303.

## **PROPOSAL**

The applicant is requesting Design Review approval to construct an attached solarium in the rear of the existing single-family home located at 111 Lyford Drive. The existing spa in the rear yard would be relocated to inside of the proposed solarium. The existing home exceeds the maximum allowed lot coverage and floor area.

The lot coverage on the site would increase by 299 square feet (1.1%) to a total of 6,251 square feet (22.1%), which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. In order to expand a non-conforming condition, a variance is required. The floor area on the site

would increase by 299 square feet to a total of 6,550 square feet. The maximum allowed floor area is 4,831 square feet. The proposed total square footage exceeds the maximum allowed therefore, a floor area exception is required. The applicant has requested a variance for excess lot coverage and a floor area exception.

## ANALYSIS

### Design Issues

The overall design of the proposed 300 square foot solarium would utilize glass sliding doors on both sides and glass windows throughout the rest of the structure. The trim between the windows, roof and additional tiles would match that of the existing structure. The purpose of the solarium is to relocate, replace and enclose the existing dilapidated spa. The new spa would incorporate steps and handrail descending into the water. The homeowners intend to use the enclosed spa for therapeutic purposes.

The location of the proposed solarium is off the southwest corner of the existing home. The proposed roof would be 4 feet lower than the adjacent existing roof of the primary structure. The proposed structure would be screened from the surrounding properties and the public right-of-way by landscaping and the existing subject home. No apparent impacts on surrounding property owners would be created by the proposed addition.

The subject property is located on the upper corner of Lyford Drive and Acela Drive. The entire property is completely screened from view by a variety of thick landscaping. The existing configuration creates a very private residence.

### Zoning

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

### Variance

In order to grant the requested variances, the Board must make all of the following findings required by Section 4.03.05 of the Tiburon Zoning Ordinance:

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.***

The subject property is on a steep, benched lot. The topography of the property is a special circumstance that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity.

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

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

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

The strict application of the lot coverage requirement would not allow the construction of proposed attached solarium. Given the existing topography of the site, the subject home is subjected to a substantial amount of wind and weather. An unnecessary hardship would be created by not allowing the variance for the spa enclosure.

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 solarium addition would not be visible from the adjacent property and does not appear to result in substantial view or privacy impacts from neighboring homes.

#### Floor Area Exception

Section 4.02.08 of the Tiburon Zoning Code states that the Design Review Board may grant exceptions to the required floor area ratio requirements if it makes the following two findings:

1. The applicant has demonstrated that the visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood; and
2. The applicant has demonstrated that the proposed structure is compatible with the physical layout of the site. The characteristics include, but are not limited to, the scale of trees, rock outcroppings, stream courses, land forms, and the dimensions of the lot.

Many of the homes in the surrounding neighborhood have two or more floor levels with relatively vertical house designs. The proposed solarium addition would be below the existing natural grade of the site, further limiting the visual mass and bulk of the structure. The proposed addition is compatible with the surrounding land as the height of the proposed addition is less than the height of the existing home.

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

**Public Comment**

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

**RECOMMENDATION**

The Board should review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles), 16-4.3 (Variances) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board finds the design to be acceptable and in conformance with the Town's Design Guidelines, Staff recommends that the attached conditions of approval be applied.

**ATTACHMENTS:**

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

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

**EXHIBIT 1**

**CONDITIONS OF APPROVAL**

**111 LYFORD DRIVE**

**FILE #20738**

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 October 4, 2007, or as amended by these conditions of approval. Any modifications to the plans of October 4, 2007, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
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**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
November 1, 2007  
Agenda Item: **E4**

## **STAFF REPORT**

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

From: **Associate Planner Tyler**

Subject: **695 Hawthorne Drive; File No. 20737  
Site Plan and Architectural Review for Construction of a New  
Single-Family Dwelling with Variances for Reduced Rear Yard  
Setback and Excess Lot Coverage**

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

## **PROJECT DATA**

OWNER: TOM AND MAGGIE CHAN  
APPLICANT/ARCHITECT: MOHAMMAD SADRIEH  
ADDRESS: 695 HAWTHORNE DRIVE  
ASSESSOR'S PARCEL NUMBER: 055-212-08  
FILE NUMBER: 20737  
LOT SIZE: 7,500 SQUARE FEET  
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)  
GENERAL PLAN: MH (MEDIUM HIGH DENSITY RESIDENTIAL)  
FLOOD ZONE: C  
DATE COMPLETE: SEPTEMBER 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 15303.

## **PROPOSAL**

The applicant is submitting a request for construction of a new single-family dwelling with variances for reduced rear yard setback and excess lot coverage on the property located at 695 Hawthorne Drive. Currently the property is improved with a single-family dwelling receiving an extensive remodel.

The existing single-family dwelling is 1,676 square feet, and contains two bedrooms, a living room, dining room, family room, kitchen and laundry area. New construction would include a

two-car garage and master bedroom, as well as the expansion of the existing living room, kitchen and laundry area, totaling 1,097 square feet.

The proposed dwelling would result in a gross floor area of 2,332 square feet, which is below the maximum floor area ratio permitted. The proposed new dwelling would result in a lot coverage of 2,773 square feet (37%), which exceeds the maximum permitted lot coverage in the R-1 Zoning district (30%). A variance has been requested for excess lot coverage.

The rear of the dwelling would encroach nine feet (9') into the rear yard setback, resulting in an eleven foot (11') rear yard setback. As the minimum rear yard setback for the property is twenty feet (20'), the applicant is requesting a rear yard setback variance.

The façade of the home will contain a combination of wood shingle siding, stained a natural color, dark green trim, and stone accent. The garage is proposed with sectional doors, also stained. A color/materials board will be available for review at the Board meeting.

## **BACKGROUND**

The applicant originally submitted a request for an addition to a single-family dwelling with a variance for excess lot coverage on May 31, 2006. The Board approved the request on July 6, 2006. The applicant re-submitted for additional minor modifications to the dwelling on July 24, 2007. Staff approved the re-submittal on August 6, 2007. Copies of the Notice of Action for each approval are attached for reference.

On September 21, 2007, the Tiburon Building Inspector issued a stop work order due to unpermitted demolition without the proper approvals. The minor modification approved by Staff did not take into account that more than 50% of both perimeter and interior walls of the existing structure would be demolished, and the entire roof removed. The applicant was advised to seek approval from the Board for demolishing more than fifty percent of the walls of the structure and removing the roof, which now classifies the project as "new construction".

## **ANALYSIS**

### **Design Issues**

The subject property is located between Hilary Drive to the east (above), Tiburon Boulevard to the west (below), and adjacent to Rock Hill Road to the south. Existing single-family dwellings surround the property, all of which have one-story designs.

The design of the home was previously reviewed by the Board on July 6, 2006 as an addition to the existing single-family dwelling. During construction, the applicant decided to replace the roof to eliminate all of the flat areas. Staff asked the applicant if they intended to replace the entire roof (as the application indicated), or just the areas where the roof was flat, so that the entire dwelling had a traditional gable roof design. The applicant informed Staff that only the flat areas of the roof would be replaced. The minor alteration courtesy notice and notice of action only allowed the applicant to replace the flat areas of the roof, and not the entire roof. A

misunderstanding became apparent as the applicant actually intended to replace the entire roof, which was then removed.

Within this same application, interior modifications were shown on the plans; however, Staff did not take into account that once the interior walls were removed and slightly relocated, more than 50% of the structure would then be demolished. The excess demolition in combination with the entire roof being removed was why the Building Inspector issued the stop work order, and why the applicant is now seeking approval for construction of a new single-family dwelling.

No changes have been made to the design of the home since the initial approval, with the exception of excess demolition and removal of the roof. The request for excess lot coverage is the same request as previously approved by the Board. Additionally, the existing structure was already located eleven feet (11') from the rear property line; therefore, the request for reduced rear yard setback would not result in any new significant problems with the surrounding neighbors, as a portion of the home already existed at this location.

The project as proposed would still result in a well-designed single-family dwelling. Staff does not foresee any other issues with the proposal.

### **Zoning**

The project conforms to the remaining development regulations of the R-1 zoning district with the exception of the requested variances for reduced rear yard setback and excess lot coverage.

### **Variances**

In order to grant the requested variances, the Board must make all of the following findings required by Section 16-4.3 of the Tiburon Zoning Ordinance.

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.**

*Rear Yard Setback:* Most of the homes along Hawthorne Drive tend to be located further back away from the street, and would appear to be located within rear yard setbacks.

*Lot Coverage:* The existing house location, in relation to the neighbors located above, would not allow for a second story addition due to the possible obstruction of views. This situation makes compliance with the thirty percent (30%) lot coverage requirement difficult, and creates a special circumstance that would deprive the applicant 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.**

*Rear Yard Setback:* Other properties along Hawthorne Drive and within the vicinity have been granted variances for reduced rear yard setbacks; therefore this request would not constitute a grant of special privileges.

*Lot Coverage:* A few other properties in the vicinity of the subject parcel have also been granted variances for excess lot coverage (696 and 735 Hawthorne Drive, File No's. 20504 & 20438). Since the majority of properties surrounding the subject site are zoned R-1, and many have the potential to obstruct views for dwellings located to the rear (uphill), similar variances have been granted to ensure these dwellings remain single story.

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

*Rear Yard Setback:* The existing structure is currently located within the rear yard setback. It would be an unnecessary hardship to require the applicant to relocate the structure nine feet (9') out of the setback, requiring a complete redesign of the structure, when a portion of the home has existed in this location without any major problems.

*Lot Coverage:* It would be an unnecessary hardship to strictly apply the maximum lot coverage requirement in this case because the realistic location for any expansion of the existing structure must remain at the ground level. Since it is unlikely that a second story addition would be approved based on the potential view impacts to the adjacent residence to the rear, it would be an unnecessary hardship to strictly apply the lot coverage requirement.

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

*Rear Yard Setback:* Granting the rear yard setback variance would not be detrimental or injurious to other properties in the vicinity, as the home was previously located within the setback, and did not block views or result in privacy concerns for the adjacent neighbors.

*Lot Coverage:* Granting the excess coverage would not be injurious to other properties as it would not result in view blockages for the adjacent neighbors, or result in a home that would appear massive and out of character with the existing neighborhood conditions.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variances for reduced rear yard setback and excess lot coverage.

**Public Comment**

To date, one letter has been received from Marc & Jean Gineris of 696 Hilary Drive in opposition to the subject application, primarily raising concerns regarding construction-related aspects of the project.

## **RECOMMENDATION**

Staff recommends that the Board:

1. Review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles) and Section 16-4.3 (Variances); and
2. Determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303; and
3. Approve the project subject to the attached conditions of approval.

- Exhibits:
1. Conditions of Approval
  2. Application and Supplemental Materials
  3. Design Review Board Staff Report and Minutes dated July 6, 2006
  4. Design Review Board Notice of Action dated July 7, 2006
  5. Planning Division Notice of Action dated August 6, 2007
  6. Letter dated October 10, 2007 from Marc & Jean Gineris
  7. Submitted Plans

Prepared By: Associate Planner Tyler

EXHIBIT 1

CONDITIONS OF APPROVAL

695 HAWTHORNE DRIVE

FILE NO. 20737

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on September 25, 2007, or as amended by these conditions of approval. Any modifications to the plans of September 25, 2007, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney’s fees that might result from the third party challenge.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. All exterior lighting fixtures shall be “down-light” type fixtures.
8. Prior to the issuance of building permits, the applicant shall submit verification from a licensed landscape architect that the proposed landscape plan conforms to M.M.W.D. landscape regulations, as required by Town Council Ordinance.

9. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
10. Prior to underfloor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference points as appropriate, and elevations relative to sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.
11. The project shall comply with the following requirements of the Tiburon Fire Protection District:
  - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-D. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (UFC 1003).
  - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 310).
  - c. Approved spark arresters shall be installed on chimneys (UFC 1109).
  - d. All vegetation, existing and new, shall comply with the requirements of the Tiburon Fire District and the recommendations of Fire Safe Marin, and the requirements of UFC 1103.
12. The following requirements of the Marin Municipal Water District shall be met:
  - a. A High Water Pressure Water Service application shall be completed.
  - b. A copy of the building permit shall be submitted.
  - c. Appropriate fees shall be paid.
  - d. The structure's foundation shall be completed within 120 days of the date of application.
  - e. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
13. All requirements of the Town Engineer shall be met.
14. A landscape plan shall be reviewed and approved by Planning Staff, prior to issuance of building permits.





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

Design Review Board  
November 1, 2007  
Agenda Item: **E5**

## **STAFF REPORT**

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

From: **Assistant Planner Phillips**

Subject: **675 Hawthorne Drive; File #707137  
Site Plan and Architectural Review for Construction  
of a New Single-Family Home**

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

## **PROJECT DATA**

**ADDRESS: 675 HAWTHORNE DRIVE**  
**OWNER: ERICH REICHENBACH**  
**APPLICANT: JOHN SWAIN (ARCHITECT)**  
**ASSESSOR'S PARCEL: 055-191-08**  
**FILE NUMBER: 707137**  
**LOT SIZE: 7,488 SQUARE FEET**  
**ZONING: R-1 (SINGLE FAMILY RESIDENTIAL)**  
**GENERAL PLAN: MEDIUM HIGH DENSITY RESIDENTIAL**  
**FLOOD ZONE: C**  
**DATE COMPLETE: OCTOBER 11, 2007**

## **PRELIMINARY ENVIRONMENTAL DETERMINATION**

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303.

## **PROPOSAL**

The applicant has submitted a request for construction of a new single-family dwelling on the property located at 675 Hawthorne Drive. Currently a single-family dwelling occupies the property. The proposal calls for the demolition of more than 50% the existing walls of the home. By demolishing more than 50% of the structure, the project is therefore classified as "new construction."

The proposed project would maintain a two-level home design. The existing home has a two level floor plan containing three bedrooms, a living room, dining room, kitchen, a two-car garage

and a large wooden deck. The proposal would enlarge the home on the second floor on the east side above the existing garage and deck and expand the lower level behind the garage. The expansion would include a new bedroom, media room and garage in the lower level and reconfiguration of the upper level floor plan. The upper floor would include the addition of a master bedroom suite and great room with four new skylights. Changes to the roofline are limited to the proposed expansion above the existing garage and deck. The existing chimney would be relocated to above the garage. The front entryway and exterior access stairs would be repositioned closer to the garage. The existing concrete driveway would be resurfaced with stamped pavers.

The proposed structure would create a lot coverage of 2,244.4 square feet (29.9%) which is less than the maximum permitted lot coverage in the R-1 zoning district (30%). The proposed structure would create a gross floor area of 2,555 square feet, which is below the maximum permitted floor area for a parcel of this size (2,621 sq. ft.).

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The structure would be finished with a combination of light grey shingles and hardy plank with cream colored trim. The roof would utilize dark grey asphalt shingles.

## **ANALYSIS**

### **Zoning**

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 zone.

### **Design Issues**

The subject home is located toward the end and on the uphill side of Hawthorne Drive. The rectangular lot is on a fairly steep slope and backs up to property on Hilary Drive. Mature landscaping exists between the subject home and the adjacent properties.

The neighboring uphill home at 670 Hilary Drive would have the most direct view of the expansion of the upper floor and the relocation of the chimney of the subject home. It appears that the proposed addition would not affect the water views of a large panoramic view of San Francisco, the Golden Gate Bridge and the bay from the primary living areas on the upper level of this neighboring residence. The proposed upper level expansion would, however, have the potential to impact the water views from the lower level of the neighboring home.

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

- Goal 3, Principle 7 (A) that the “view protection is more important for the primary living areas of a dwelling (e.g. living room, dining room, family room, great room, kitchen, and decks associated with these rooms) than for less actively used areas of a dwelling (e.g. bedroom, bathroom, study, office, den).” The proposed upper level additions would potentially affect views from 670 Hilary Drive. It should be noted that the Design Review Board has often discouraged projects that would gain views for a secondary portion of a

home, such as a bedroom or study, at the expense of views from bedrooms of other neighboring homes.

- Goal 3, Principle 7 (B) that the “horizon line is the most sensitive part of a view, then foreground, then middle ground.” The proposed addition would be situated generally in the foreground views of the neighboring home.
- Goal 3, Principle 7 (C) of the Hillside Design Guidelines that “blockage of the center of a view is more damaging than blockage of the side of a view.” The proposed addition would intrude into the lower portion of the center of the views for the neighboring home.
- Goal 3, Principle 7 (D) that “blockage of important objects in the view (Golden Gate Bridge, Belvedere lagoon, Sausalito, Angel Island) is more difficult to accept than blockage of other, less well-known landmarks.” No views of important objects would be blocked by the proposed addition from the primary living space.
- Goal 3, Principle 7 (E) of the Hillside Design Guidelines that “a wide panoramic view can accept more view blockage than the smaller slot view.” The proposed addition would intrude into a relatively small portion of the panoramic views currently enjoyed by the lower level of the nearby home.

The Design Review Board is encouraged to view the story poles of the proposed house from the home at 670 Hilary Drive to better evaluate the potential view impacts of the project.

### **Public Comment**

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

### **RECOMMENDATION**

The Board should review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board finds the design to be acceptable and in conformance with the Town’s Design Guidelines, Staff recommends that the attached conditions of approval be applied.

### **ATTACHMENTS:**

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

**EXHIBIT 1**

**CONDITIONS OF APPROVAL**

**675 HAWTHORNE DRIVE**

**FILE #707137**

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on September 25, 2007, or as amended by these conditions of approval. Any modifications to the plans of October 24, 2007, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. 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. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.
8. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
9. Prior to the issuance of building permits, the applicant shall submit verification from a

- licensed landscape architect that the proposed landscape plan conforms to M.M.W.D. landscape regulations, as required by Town Council Ordinance.
10. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
  11. Prior to under-floor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference points as appropriate, and elevations relative to sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.
  12. The project shall comply with the following requirements of the Tiburon Fire Protection District:
    - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-D. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (UFC 1003).
    - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 310).
    - c. Approved spark arresters shall be installed on chimneys (UFC 1109).
    - d. All vegetation, existing and new, shall comply with the recommendations of Fire Safe Marin, and the requirements of UFC 1103.
  13. The following requirements of the Marin Municipal Water District shall be met:
    - a. A High Water Pressure Water Service application shall be completed.
    - b. A copy of the building permit shall be submitted.
    - c. Appropriate fees shall be paid.
    - d. The structure's foundation shall be completed within 120 days of the date of application.
    - e. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
  14. All requirements of the Town Engineer shall be met.
  15. An encroachment permit shall be filed with the Town of Tiburon Public Works Department, for the resurfacing of the driveway with stamped pavers, within the right-of-way.





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

Design Review Board Meeting  
November 1, 2007  
Agenda Item: **E6**

## **STAFF REPORT**

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

From: **Community Development Department**

Subject: **3 Southridge Drive; File #707135  
Site Plan and Architectural Review for the Construction of  
A New Single-Family Dwelling**

### **PROJECT DATA**

**ADDRESS: 3 SOUTHRIDGE DRIVE**  
**ASSESSOR'S PARCEL: 034-352-05**  
**FILE NUMBER: 707135**  
**PROPERTY OWNERS: THOMAS AND SUSAN PEITZ**  
**APPLICANT: DAN WEISS & RONALD WAGER**  
**LOT SIZE: 16,253 SQUARE FEET**  
**ZONING: RPD (RESIDENTIAL PLANNED DEVELOPMENT)**  
**PRECISE PLAN: TIBURON HIGHLANDS (PD #15)**  
**GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL**  
**FLOOD ZONE: C**  
**DATE COMPLETE: OCTOBER 12, 2007**

### **PRELIMINARY ENVIRONMENTAL DETERMINATION**

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303.

### **PROPOSAL**

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

The main level the proposed house would include a great room, family room, kitchen, dining room, breakfast nook an office/bedroom and one bathroom. The upper level would include a master bedroom suite, three more bedrooms, two bathrooms and a laundry room. A two-car carport would be situated near the front of the main level. Two skylights would be installed on the roof of the house.

The floor area of the proposed house would be 3,594 square feet, which is less than the maximum floor area permitted for a lot of this size. The proposed house would cover 2,807 square feet (17.3%) of the site.

A color and materials board has been submitted and will be present at the meeting for the Board to review. The structure would be finished with light brown colored stucco with beige, white and dark brown trim. The roof would utilize dark grey asphalt shingles.

## **ANALYSIS**

### **Zoning**

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

### **Design Issues**

The subject property lies toward the end of the Southridge Drive cul-de-sac. This relatively level site has been utilized as yard area for the adjacent property owner at 5 Southridge Drive, who until recently owned this lot.

The site is surrounded by other homes of the Tiburon Highlands subdivision. Most of the views from neighboring residences across the vacant lot are of other homes or minor hillsides. Most, if not all, of the Tiburon Highlands residences are two-story structures.

The adjacent residence to the south at 1 Southridge Drive has views across the site toward Mt. Tamalpais. The story poles indicate that the southwest portion of the proposed house would block much of the view from a large window to the right of a fireplace at the end of the family room and kitchen area. A proposed trellis in the rear yard would also be visible from this area. Existing landscaping that straddles the property line between the subject lot and 1 Southridge Drive screens some of the view of the story poles.

The following portions of the Tiburon Hillside Design Guidelines should be used to evaluate the potential view impacts of the proposed house on the adjacent home at 1 Southridge Drive:

- Goal 3, Principle 7 (A) of the Hillside Design Guidelines states that “view protection is more important for the primary living areas of a dwelling... than for the less actively used areas of a dwelling.” The southwest corner of the proposed house would block views from a portion of the family room and kitchen of the adjacent home.
- Goal 3, Principle 7 (B) of the Hillside Design Guidelines states that the “horizon line is [the] most sensitive part of view, then foreground, then middleground. If possible avoid cutting into [the] horizon line of a neighbor’s view.” The proposed house would cut into the horizon line of the view from the neighboring residence.

- Goal 3, Principle 7 (C) of the Guidelines states that “blockage of [the] center of view [is] more damaging than blockage of [the] side of view.” The proposed house would intrude into the right side view from the adjacent home.
- Goal 3, Principle 7 (D) of the Guidelines states that “blockage of important objects in the view (Golden Gate Bridge, Belvedere Lagoon, Sausalito, Angel Island) is more difficult to accept than blockage of other, less well known landmarks.” The adjacent home has views toward Mt. Tamalpais through a window to the left side of the family room fireplace. However, the story poles for the proposed house are only visible through the window to the right of the fireplace.
- Goal 3, Principle 7 (E) of the Guidelines states that “a wide panoramic view can accept more view blockage than the smaller slot view.” The adjacent home has several narrow views through the windows on either side of the family room fireplace.

The owner of the home at 1 Southridge Drive has suggested that the trellis be removed and the southwest corner of the proposed house be moved back to alleviate the potential view impacts. The Design Review Board is encouraged to view the story poles from this neighboring home to more fully evaluate these view issues.

The owners of the adjacent homes at 1 & 3 Cayford Drive have indicated concerns regarding site drainage, landscaping and roofing materials for the project. These owners have requested roofing materials that would be consistent with the surrounding neighborhood and appropriate landscaping to be planted to screen views of the new house. The submitted landscape plan indicates that existing myoporum plants bordering the south and west sides of the lot would remain. The Design Review Board may wish to consider whether other new landscaping would provide more appropriate screening at this location.

The owner of the nearby residence at 6 Southridge Drive has raised concerns about the adequacy of off-street parking provided by the proposed house. Street parking is not allowed on the Southridge Drive cul-de-sac, necessitating the provision of adequate on-site parking for all homes. Many of the homes on this cul-de-sac have three-car garages and driveways which can accommodate three or more additional off-street parking spaces. The proposed project would include a two-car garage, along with a 28 foot wide driveway in front, which could support up to three more parking spaces. The Design Review Board should review the proposed parking and determine whether the project would provide adequate off-street parking for the new house.

### **Public Comment**

As noted above, the owners of 1 & 6 Southridge Drive and 1 & 3 Cayford Drive have submitted letters or have spoken to staff regarding the subject application raising issues noted above. A letter has also been received from the Tiburon Highlands Homeowners Association noting that the applicant has not yet submitted plans for the proposed house to the Architectural Control Committee of the Association.

## **RECOMMENDATION**

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Design Review Board wishes to approve the project, Staff would recommend that the attached conditions of approval be applied.

## **ATTACHMENTS**

1. Conditions of approval
2. Application and supplemental materials
3. Goal 3, Principles 7 (A-E) of the Hillside Design Guidelines
4. Letter from the Tiburon Highlands Homeowners Association, dated October 17, 2007
5. Letter from Barbara Linn, dated October 18, 2007
6. Letter from Cindy and Bradley Fenner, dated October 20, 2007
7. Submitted plans

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

## CONDITIONS OF APPROVAL

### 3 SOUTHRIDGE DRIVE

#### FILE #707135

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on September 24, 2007, or as amended by these conditions of approval. Any modifications to the plans of October 2, 2007 must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney’s fees that might result from the third party challenge.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
8. Prior to the issuance of building permits, the applicant shall submit verification from a licensed landscape architect that the proposed landscape plan conforms to M.M.W.D. landscape regulations, as required by Town Council Ordinance.
9. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.

10. Prior to underfloor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference points as appropriate, and elevations relative to sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.
11. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site.
12. The project shall comply with all requirements of the Southern Marin Fire Protection District.
13. The following requirements of the Marin Municipal Water District shall be met:
  - a. A High Water Pressure Water Service application shall be completed.
  - b. A copy of the building permit shall be submitted.
  - c. Appropriate fees shall be paid.
  - d. The structure's foundation shall be completed within 120 days of the date of application.
  - e. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
14. The applicants shall obtain a sewer permit from the Richardson Bay Sanitary District and pay all applicable fees prior to construction of a side sewer and connection to the sewer main. After connection to the sewer main but prior to commencement of discharge and prior to covering of the pipe, the District shall be contacted and allowed to inspect the connection for conformance to standards.
15. All requirements of the Town Engineer shall be met.



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

Design Review Board Meeting  
November 1, 2007  
Agenda Item: **E7**

**STAFF REPORT**

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

From: **Associate Planner Tyler**

Subject: **NOTICE OF WITHDRAWAL**  
**21 GILMARTIN DRIVE; FILE NO. 707104**  
**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:
- Other: **The application has been withdrawn**

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