



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

Design Review Board Meeting  
December 20, 2007

Agenda Item: **E1**

## **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 (Continued from November 1, 2007)**

## **BACKGROUND**

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.

This application was reviewed at the November 1, 2007 Design Review Board meeting. At that meeting, objections were raised by several neighboring property owners regarding the height, roofing materials, parking, drainage and potential view impacts that could be caused by the proposed house. The Design Review Board recognized the difficulty of building on the last vacant lot in this subdivision and felt that the house should be lowered and possibly stepped down on the property. The application was continued to the December 6 meeting. The applicant subsequently requested a further continuance to the December 20 meeting.

The applicant has now submitted plans which include the following modifications to the design of the proposed house:

- The rear of the house has been lowered 15 inches from the level of the garage and entry, and the house would be built on a slab. The roof height has also been lowered, resulting in a maximum building height of 25 feet, 10 inches, and an overall reduction in the ridgeline elevation of 4 feet, 5 inches.
- The lowered house would be partially achieved by grading down into the site, with the graded materials placed to the rear of the house (indicated on the site plan as “new turf” area).
- The trellis would be moved to the center of the rear of the house.
- Additional shrubs would be planted along the southern property line facing the homes at 1 & 3 Cayford Drive.

The footprint, floor area and exterior colors and materials of the house would remain the same as the previously submitted plans. Although not required as part of this application, a conceptual drainage and grading plan has also been submitted.

One of the reasons for the continuance from the December 6 agenda was to allow time for the applicants to meet with the Architectural Control Committee of the Tiburon Highlands Homeowners Association. The Committee has since approved the house design. The approval includes several requirements regarding grading, drainage and construction activity, but no changes which affect the design of the proposed house. The Committee did suggest a lighter roof color and using deer resistant plantings to provide adequate landscape screening.

## **ANALYSIS**

### **Zoning**

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

### **Design Issues**

The changes to the height and design of the house would address the concerns raised by the Design Review Board at the previous meeting. The overall height reduction would make the house more consistent with the heights of other homes in the vicinity. The visual prominence of the house would be lessened by reducing the grade on the site. Although the design would only slightly step the house into the lot, this would be more consistent with the relatively level grade of this vacant property.

At the previous meeting, several of the surrounding neighbors each requested that the house be moved further from their respective homes. It was the consensus of the Board that the proposed siting of the house was appropriate, as any shifting of the house which could help one neighbor would likely result in objections from another.

The potential view impacts on the adjacent residence to the south at 1 Southridge Drive were summarized in the previous staff report. The trellis at the rear of the proposed house would no longer extend into these views. The Design Review Board is again encouraged to view the story poles from this neighboring home to more fully evaluate these view issues. The owner of the adjacent home at 3 Cayford Drive has also requested that the Board view the story poles from her home.

### **Public Comment**

As of the date of this report, letters have been received since the November 1 meeting from the owners of 1 & 3 Cayford Drive, and 4 & 6 Southridge Drive.

## **RECOMMENDATION**

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (Guiding Principles) and determine that the project is exempt from the provisions of the California

Environmental Quality Act (CEQA) as specified in Section 15303. If the 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. Design Review Board Staff Report dated November 1, 2007
3. Minutes of the November 1, 2007 Design Review Board meeting
4. Letter from Barbara Linn, dated November 18, 2007
5. Letter from Miguel Nhuch, dated November 24, 2007
6. Letter from Christopher and Andrea Ventris, dated November 26, 2007
7. Letter from Barbara Linn, dated November 29, 2007
8. Letter from Cindy and Bradley Fenner, dated November 30, 2007
9. Letter from the Tiburon Highlands Homeowners Association Architectural Control Committee, received December 13, 2007
10. 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 November 19, 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  
December 20, 2007  
Agenda Item: **F2**

## **STAFF REPORT**

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

From: **Community Development Department**

Subject: **132 Hacienda Drive; File No. 20741  
Site Plan and Architectural Review for the Construction of an  
Addition to a Single-Family Dwelling with a Variance for Reduced  
Side Yard Setback**

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

## **PROJECT DATA**

OWNER: ROGER MILANO  
APPLICANT/ARCHITECT: MOHAMAD SADRIEH  
ADDRESS: 132 HACIENDA DRIVE  
ASSESSOR'S PARCEL NUMBER: 039-070-28  
FILE NUMBER: 20741  
LOT SIZE: 28,436 SQUARE FEET  
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL OPEN)  
GENERAL PLAN: M (MEDIUM DENSITY RESIDENTIAL)  
FLOOD ZONE: C  
DATE COMPLETE: NOVEMBER 9, 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 submitting a request to construct an addition to an existing single-family dwelling with a variance for reduced side yard setback on the property located at 132 Hacienda Drive. The existing single-family dwelling is a three-story structure. The area of expansion proposed is located on the lower level of the home, in which the applicant seeks to expand the existing master bedroom. The area of expansion would also create a new deck for the level above, accessible through the existing dining room.

The proposed expansion would result in a gross floor area of 3,790 square feet, which is below the maximum floor area ratio permitted for a property of this size (4,844 sq. ft.). The proposed dwelling would result in a lot coverage of 3,048 square feet (10.7%) which is below the maximum permitted lot coverage for the RO-2 zone (15.0%).

The area of addition would encroach eight feet six inches (8'6") into the side yard setback, resulting in a six foot six inch (6'6") side yard setback. As the required minimum side yard setback in the RO-2 zone is fifteen feet (15'), the applicant is requesting a variance for reduced side yard setback.

## ANALYSIS

### Design Issues

The existing home is designed to take advantage of views to the southwest of San Francisco, the Golden Gate Bridge, Sausalito and Belvedere. The site is steeply sloped east to west and is bordered on the right side of the property by large mature trees. These trees act as privacy screening for the residence to the north at 130 Hacienda Drive.

The area of addition would be on the right side (north) of the structure and would not appear to block any views for the adjacent residence to the north. The existing deck off the dining room to the west would be expanded with the proposed addition on the right side of the structure. The applicants opted for the deck instead of a roof to tie in with the existing deck on the west side.

Staff does not foresee any other issues with the proposed addition.

### Zoning

The project conforms to the remaining development regulations in the RO-2 zone with the exception of the requested variance for reduced side yard setback.

### Variance

In order to grant the requested variance for reduced side yard setback, 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.**

Although the size of the parcel is large, the existing location of the home creates a tight setback for both the front and side yard setbacks. Any addition to the existing structure at the sides would likely encroach into either the left or right side yard setbacks due to the position of the existing structure on the lot. This is a special circumstance applicable to the property.

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

This variance request would not constitute a grant of special privileges as properties in the vicinity of the subject site and those located in the RO-1 zone have previously been granted variances for reduced side yard setbacks due to topographical reasons and/or the existing locations of dwellings on the site in relation to setbacks.

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

If the area of expansion for the master bedroom were located on the west side of the structure, beneath the existing deck accessible by the dining and living room on the level above, a side yard setback variance would not be necessary. There is no practical difficulty or unnecessary hardship for the requested variance.

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

The subject site is located well below Hacienda Drive on a private drive shared with the residence at 130 Hacienda Drive. The area of expansion would not be visible from the surrounding neighbors unless viewed from below the site. As the addition would not infringe on privacy or existing viewsheds, this request would not be detrimental to the public welfare or injurious to other properties.

Staff does not believe there is sufficient evidence to support all of the findings required by the Tiburon Zoning Ordinance. There would appear to be other design alternatives which would not require a variance for a reduction in the side yard setback. If the Board disagrees with Staff's conclusions, and determines that the project as proposed should be approved, then findings should be articulated for the requested variance for reduced side yard setback, and Staff would recommend that the attached conditions of approval be applied.

**Public Comment**

As of the date of this report, 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 Section 16-4.3 (Variances);
2. Determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301; and
3. Continue the project with direction given to the applicant regarding necessary modifications.

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

Prepared By: Associate Planner Tyler

**Exhibit 1**

**CONDITIONS OF APPROVAL  
132 HACIENDA DRIVE  
FILE NO. 20741**

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. Construction shall conform with the application and plans dated by the Town of Tiburon on November 7, 2007, or as amended by these conditions of approval and plans of November 7, 2007. Any modifications to the plans must receive Design Review approval.
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.
9. All requirements of the Director of Public Works/Town Engineer shall be met. An encroachment permit shall be filed and issued with the Town of Tiburon Public Works Department, for all work to be conducted within Town right-of-way.
10. The project shall comply with the following recommendation from the Tiburon Fire Protection District:

- a. The new area and any remodeled areas will have the existing fire sprinkler system extended into the area to provide proper coverage.



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

Design Review Board  
December 20, 2007  
Agenda Item: **F3**

## **STAFF REPORT**

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

From: **Community Development Department**

Subject: **63 Paseo Mirasol; File #20742  
Site Plan and Architectural Review to the Construction of a detached  
Pool house, with a Variance for Reduced Side Yard Setback and a  
Floor Area Exception**

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

## **PROJECT DATA**

ADDRESS: 63 PASEO MIRASOL  
OWNER: BILL & ELAINE NOLAN  
APPLICANT: DON OLSEN (ARCHITECT)  
ASSESSOR'S PARCEL: 038-342-08  
FILE NUMBER: 20742  
LOT SIZE: 17,215 SQUARE FEET  
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)  
GENERAL PLAN: MEDIUM HIGH DENSITY RESIDENTIAL  
FLOOD ZONE: C  
DATE COMPLETE: NOVEMBER 26, 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 detached pool house on property containing an existing single-family home located at 63 Paseo Mirasol. The addition would include expansion of a rock wall between the swimming pool and the proposed pool house. The plans indicate that the proposed pool house would match the color and material of the primary structure.

The lot coverage on the site would increase by 300 square feet (1.7%) to a total of 2,989 square feet (16.7%), which is 13.3% less than the 30% maximum lot coverage permitted in the R-1 zone. The floor area on the site would increase by 300 square feet to a total of 4,526 square feet. The maximum allowed floor area is 3,721.5 square feet. As the proposed total square footage exceeds the maximum allowed floor area, a floor area exception is requested.

The proposed detached pool house would extend to within 3 foot of the side property line, in lieu of the 8-foot side yard setback required in the R-1 zone. Therefore, a variance is requested for a reduced side yard setback.

## **ANALYSIS**

### **Design Issues**

The subject home is located on a rectangular shaped lot. The lot slopes upward from the street with mature trees along the property lines.

The proposed detached pool house would be located between the existing pool and the fence along the eastern side property line. Currently, the mechanical equipment for the swimming pool occupies this space. The pool house would be 15 feet tall at its maximum height and would extend approximately 5 feet beyond the existing fence. Because of the proximity to the property line and the overall height of the proposed pool house, the proposal has the potential to adversely impact the privacy of the adjacent neighbor at 69 Paseo Mirasol. It would appear that the detached pool house could be easily redesigned and relocated to the north side of the swimming pool, thereby eliminating the encroachment into the required setback and the potential privacy impact on the adjacent property.

The current state of the swimming pool equipment does not comply with Town Policy for exterior mechanical equipment. Town policy states that all exterior ground mounted equipment shall be screened to substantially conceal the mechanical equipment from view from adjacent properties. Furthermore, mechanical equipment shall not emit more than 65 decibels from 15 feet away. The equipment appears to generate a substantial amount of noise and can be heard from the adjacent property at 69 Paseo Mirasol. Staff has added a condition of approval that the pool equipment shall comply with the Town Policy as a part of this proposal.

The Design Review Board is encouraged to view the proposal from the property at 69 Paseo Mirasol.

### **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 and floor area exception.

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 sloping 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.

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

If this side yard encroachment is not approved, the detached pool house would need to be shifted to the north side of the swimming pool as previously noted. It is apparent that this could be accomplished without creating a practical difficulty or unnecessary hardship associated with 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 noted above, the proposed detached pool house does not appear to result in substantial view or privacy impacts on the primary living space from neighboring homes.

#### Floor Area Exception

Section 4.02.08 of the Tiburon Zoning Ordinance states that the Design Review Board may grant exceptions to the required floor area ratio guidelines 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. Much of the proposed detached pool house 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 insufficient evidence to support the findings for the requested variance but the findings can be sufficiently made for the 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) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board agrees with Staff's conclusions, it is recommended that either the applicant be given direction to move the proposed detached pool house out of the required side yard setback, or Staff be directed to prepare a resolution denying the application. If the Board can make the necessary findings and wishes to approve the application, it is recommended 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**

**63 PASEO MIRASOL**

**FILE #20742**

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. Construction shall conform with the application and plans dated by the Town of Tiburon on November 14, 2007, or as amended by these conditions of approval and plans of December 10, 2007. Any modifications to the plans must receive Design Review approval.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
7. All ground mounted mechanical equipment shall be screened and shall not generate more than 65 decibels at a distance of five (5) feet and not more than 55 decibels at the nearest property line.
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.



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

Design Review Board Meeting  
December 20, 2007  
Agenda Item: **F4**

## **STAFF REPORT**

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

From: **Community Development Department**

Subject: **70 Pine Terrace; File # 20744**  
**Site Plan and Architectural Review for Construction of a New**  
**Single-Family Dwelling with Variances for Reduced Rear and Side**  
**Yard Setbacks and Excess Lot Coverage**

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

## **PROJECT DATA**

OWNER: TAYLOR GROVE  
APPLICANT/ARCHITECT: TAYLOR GROVE  
ADDRESS: 70 PINE TERRACE  
ASSESSOR'S PARCEL NUMBER: 055-131-20  
FILE NUMBER: 20744  
LOT SIZE: 6,787 SQUARE FEET  
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)  
GENERAL PLAN: MH (MEDIUM HIGH DENSITY RESIDENTIAL)  
FLOOD ZONE: C  
DATE COMPLETE: NOVEMBER 21, 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 and side yard setbacks and excess lot coverage, on property located at 70 Pine Terrace. The property is currently improved with a single-family dwelling, which is to be demolished as part of the proposal.

The proposed one-story dwelling is modest in nature, and would include a living room, dining room, kitchen, laundry room, three bedrooms and a two-car garage. A deck would extend off the living room at the rear of the dwelling, which would include an outdoor spa.

The proposed dwelling would result in a gross floor area of 1,923 square feet, which is below the maximum floor area ratio permitted for a property of this size (2,375 sq. ft.). The proposed dwelling would result in a lot coverage of 2,613 square feet (38.5%) which exceeds the maximum permitted lot coverage for the R-1 zone (30.0%). The applicant is requesting a variance for excess lot coverage.

The proposed dwelling would encroach 16 feet into the rear yard setback, for a rear yard setback of 3 feet. As the minimum rear yard setback for this particular property in the R-1 zone is 19 feet, the applicant is requesting a variance for reduced rear yard setback. In addition, the dwelling would encroach into both of the required side yard setbacks by 4 feet, for side yard setbacks of 4 feet, in lieu of the required 8 feet. The applicant has also requested variances for reduced side yard setbacks.

The façade of the home would have cedar shingles, painted a light shade of gray, and composition shingle roofing, also in a shade of gray. A color/materials board will be available at the meeting for review.

## **ANALYSIS**

### **Design Issues**

The existing dwelling is designed to take advantage of minimal views of Sausalito and Richardson Bay to the west. A driveway is shared between 80 Pine Terrace and the subject property. The home is situated so that it is fairly hidden from the street within the cul-de-sac.

The Multi-Use Path borders the rear of the site. Currently the dwelling is situated approximately 7 feet below the grade of the path. The proposal would construct the dwelling roughly 4 feet above the existing grade to enhance views from the house.

The proposed dwelling would be 643 square feet larger than what currently exists. Roughly the same amount of rooms would be included; however, the layout of the rooms would be reconfigured for a more functional home and to take advantage of views to the west.

### **Zoning**

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

### **Variances**

In order to grant the requested variances for reduced rear and side yard setbacks and excess lot coverage, the Board must make all of the following findings required by Section 16-4.3 of the Tiburon Zoning Ordinance.

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

The subject parcel is irregular in shape and is 6,787 square feet in size, which is below the minimum lot size in the R-1 zone (10,000 sq. ft.). These are special circumstances applicable to the property.

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

A similar request for reduced rear and side yard setbacks and excess lot coverage was granted for the nearby residence at 60 Pine Terrace in 1991. The subject property was also granted a side yard and rear yard setback in 2003. Granting the requested variances for reduced rear and side yard setbacks and excess lot coverage would not be inconsistent with approvals requested for properties in the vicinity and in the same zone.

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

Due to the substandard lot size and unusual shape of the parcel, it would be an unnecessary hardship to require the applicant to conform to the setbacks, which would result in a small home, inconsistent with the size of the homes in the surrounding neighborhood on Pine Terrace. Additionally, if the excess lot coverage were proposed as a second story, there might be the potential for view blockages of the Bay for the residents located further away on Avenida Miraflores and Felipa Court.

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

Granting the variances would not be detrimental to the public welfare or injurious to other properties as the existing dwelling currently encroaches into the rear and side yard setbacks, and the proposed dwelling would not infringe additionally on the adjacent neighbors privacy. In addition, the proposal would not cause view blockages for the residences further away from the subject site, as the home would remain single-story. The applicant also intends to use landscape screening to buffer the Multi-Use Path from the subject site to maintain privacy for both the users of the Multi-Use Path and those residing at the home.

### **Public Comment**

As of the date of this report, 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 16-4.2.7 (Guiding Principles) and Section 16-4.3 (Variances).
2. Determine that the project is exempt from the California Environmental Quality Act (CEQA) as specified in Section 15303.
3. Approve the project subject to the attached conditions of approval.

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

Prepared By:       Associate Planner Tyler

**Exhibit 1**

**CONDITIONS OF APPROVAL  
70 PINE TERRACE  
FILE NO. 20744**

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. Construction shall conform with the application and plans dated by the Town of Tiburon on November 20, 2007, as amended by these conditions of approval. Any modifications to the plans must receive Design Review approval.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and 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.

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. 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.
15. All requirements of the Director of Public Works/Town Engineer shall be met. An encroachment permit shall be filed and issued with the Town of Tiburon Public Works Department, for all work to be conducted within Town right-of-way.



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

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

## **STAFF REPORT**

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

From: **Community Development Department**

Subject: **65 Rolling Hills Road; File #20743  
Site Plan and Architectural Review for the Construction of  
A New Single-Family Dwelling, with Variances for Reduced Front and  
Side Yard Setbacks**

## **PROJECT DATA**

ADDRESS: 65 ROLLING HILLS ROAD  
ASSESSOR'S PARCEL: 058-132-33  
FILE NUMBER: 20743  
PROPERTY OWNER: JAMES TARANTINO  
APPLICANT: NICK NOYES ARCHITECTURE  
LOT SIZE: 22,248 SQUARE FEET  
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL -OPEN)  
GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL  
FLOOD ZONE: C  
DATE COMPLETE: NOVEMBER 27, 2007

## **PRELIMINARY ENVIRONMENTAL DETERMINATION**

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

## **PROPOSAL**

The applicant is requesting Design Review approval for the construction of additions to an existing one-story single-family dwelling on property located at 65 Rolling Hills Road. The subject property is currently developed with a single-family dwelling. As more than 50 percent of the existing structure would be demolished as part of the project, the application is being processed as a new single-family dwelling.

The main level the existing house would be substantially reconfigured. The existing master bedroom suite would be expanded and converted into a new bedroom, bathroom and laundry room. The living room, kitchen and dining room would be reconfigured, with a two-story height ceiling above the living room. The west wing would be modified from three bedrooms, two

bathrooms and an exercise room into two bedrooms and bathrooms. A new second story master bedroom suite would be constructed above the western wing of the house. The existing swimming pool in the front yard would be replaced with a new pool and a 5 foot tall wire fence would be installed for safety purposes. One new skylight would be installed on the roof of the house.

The floor area of the proposed house would be 3,746 square feet, which is less than the maximum floor area permitted for a lot of this size. The lot coverage of the house would increase from 3,507 square feet (15.8%) to 3,541 square feet (15.9%) of the site. Although the lot coverage would exceed the 15.0% maximum allowed in the RO-2 zone, Town policy does not require a variance for excess lot coverage for homes which already exceed this limit when less than 1.0% of additional lot coverage is requested.

The existing swimming pool is situated within the required 30 foot front yard setback for this lot, and the existing house is situated within both required 15 foot side yard setbacks. The new pool would be situated within 14 feet, 6 inches of the front property line, and portions of the new house would be situated within 9 feet, 3 inches of the eastern side property line and within 12 feet of the western side property line. Variances are therefore requested for reduced front and side yard setbacks.

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 grey-beige plaster with beige and grey trim. The roof would utilize dark grey built-up material.

## **ANALYSIS**

### **Design Issues**

The subject property is located at the end of a private driveway leading from the cul-de-sac at the end of Rolling Hills Road. The driveway is shared with the adjacent lot at 75 Rolling Hills Road. The house on the subject site is situated on a level pad below the elevation of shared driveway.

The existing swimming pool and the location of the new pool are surrounded by solid walls and only visible from the end of the shared driveway. The walls and dense mature vegetation along the front property line screen the current and proposed pool locations from view from anywhere on the adjacent property at 75 Rolling Hills Road.

The story poles for the proposed second story addition are visible from some portions of the 75 Rolling Hills Road property. The addition would be mainly noticeable from the rearmost portion of the decks around the swimming pool and spa and somewhat visible from a second story deck off a main level living room. The addition would be somewhat visible from some living room windows, but would not interfere with any views from the house or decks. It should be noted that the second story would break the horizon line viewed above the trees between the two homes. The proposed master bedroom deck would face down toward the pool area, but would not create privacy impacts for any portions of the house.

The second story addition would be more visible from the adjacent property downhill at 9 Owlswood Road. The story poles for the addition are only marginally visible from side windows

of a family room, but are prominent above the rear yard and the auto court in front of the house. Although most of the existing house is hidden from view by vegetation, the entire west side of the second story addition would be visible above this landscaping. The master bedroom suite would create a large single plane when viewed from below, inconsistent with Goal 1, Principle 3 of the Hillside Design Guidelines, which states that projects should “avoid large expanses of any material in a single plane. On downhill elevations, break of masses of [the] building with horizontal and vertical elements.”

The west-facing windows for the master bedroom would extend down to floor level, creating potential privacy impacts on both the applicants and the downhill neighbors. The second story addition would interfere with any views for this neighboring home due to its uphill location. Lights from the master bedroom and the upper living room windows would be visible from the neighboring rear yard, although these lights would not interfere with nighttime views of San Francisco, Belvedere and Sausalito. The Design Review Board is encouraged to view the story poles from the homes at 9 Owlswood Road and 75 Rolling Hills Road to evaluate potential issues with the proposed second story addition.

The story poles for the proposed additions are not particularly visible from other nearby homes. Vegetation between the two homes screens the proposed additions from view for the adjacent residence on the other side at 55 Rolling Hills Road. The story poles do not appear to be visible from the other uphill home at 100 Rolling Hills Road.

## **Zoning**

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

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

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

The subject property has an unusual configuration, with the existing house situated within the side yard setbacks and swimming pool within the front yard setbacks. These physical characteristics are special circumstances that would deprive the owners of this property of privileges enjoyed by other properties in the vicinity if the subject variance is not granted.

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

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

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

The strict application of the front yard setback requirement would not allow the replacement of a swimming pool in the only location on the lot that could support such a use. The strict application of the eastern side yard setback requirement would not allow a simple modification to the existing portion of the house which already encroaches into this setback. However, there does not appear to be a practical difficulty or unnecessary hardship for the proposed second story addition within the required western side yard setback, as the addition could be easily modified to pull the exterior face of the addition further back from the side property line.

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 swimming pool and addition to the eastern wing of the house would not be particularly visible from neighboring properties. However, the proposed second story addition within the western side yard setback could cause potential privacy impacts and would create unnecessary visual mass and bulk when viewed from the property at 9 Owlswood Road.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variances for reduced front yard setback and reduced eastern side yard setback. However, Staff is unable to make the findings for the requested variance for the reduced western side yard setback.

### **Public Comment**

Staff has spoken to the owners of 75 Rolling Hills Road and 9 Owlswood Road regarding the issues noted above.

### **RECOMMENDATION**

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board agrees with the direction of Staff, the Board should direct the applicant to revise the plans to conform to the required western side yard setback and address the concerns noted above regarding the proposed second story addition. If the Design Review Board wishes to approve the project, the Board must articulate findings necessary to approve the variance for reduced western side yard setback, and Staff would recommend that the attached conditions of approval be applied.

### **ATTACHMENTS**

1. Conditions of approval
2. Application and supplemental materials

3. Goal 1, Principle 3 of the Hillside Design Guidelines
4. Submitted plans

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

## CONDITIONS OF APPROVAL

### 65 ROLLING HILLS ROAD

#### FILE #20743

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. Construction shall conform with the application and plans dated by the Town of Tiburon on November 19, 2007, as amended by these conditions of approval. Any modifications to the plans must receive Design Review approval.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney’s fees that might result from the third party challenge.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
8. Prior to the issuance of building permits, the applicant shall submit verification from a licensed landscape architect that the proposed landscape plan conforms to M.M.W.D. landscape regulations, as required by Town Council Ordinance.
9. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.

10. Prior to underfloor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference points as appropriate, and elevations relative to sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.
11. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site.
12. The project shall comply with the following requirements of the Tiburon Fire Protection District:
  - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-R. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (UFC 1003).
  - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 1210).
  - c. The vegetation on this parcel shall comply with the requirements of Tiburon Fire Protection District and the recommendations of Fire Safe Marin. A vegetation plan shall be submitted to the Fire District for approval (UFC 1103).
13. The following requirements of the Marin Municipal Water District shall be met:
  - a. A High Water Pressure Water Service application shall be completed.
  - b. A copy of the building permit shall be submitted.
  - c. Appropriate fees shall be paid.
  - d. The structure's foundation shall be completed within 120 days of the date of application.
  - e. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
14. The applicants shall obtain a sewer permit from the 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.