



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

Design Review Board Meeting  
July 19, 2007  
Agenda Item: **E1**

## **STAFF REPORT**

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

From: **Associate Planner Tyler**

Subject: **86B Main Street; File No. 50702**  
**Sign Permit Request for the Eva Claiborne Skin Institute**

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

## **PROJECT DATA**

ADDRESS: 86B MAIN STREET  
OWNER: ZELINSKY PROPERTIES  
APPLICANT: EVA CLAIBORNE  
ASSESSOR'S PARCEL: 059-102-20  
FILE NUMBER: 50702  
ZONING: VC (VILLAGE COMMERCIAL)  
GENERAL PLAN: VC (VILLAGE COMMERCIAL)  
FLOOD ZONE: C  
DATE COMPLETE: JUNE 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 15301.

## **PROPOSAL**

The applicant is requesting approval for two overhead hanging signs for the purpose of advertising a salon business at 86B Main Street (Ark Row), in downtown Tiburon. The business was previously located at 39 Main Street and has relocated to Ark Row. One sign would hang at the front of the building in a similar fashion to other business signage along Ark Row. The sign at the rear of the building would be mounted to the building and suspend outward, as many of the other business signs currently exist. Sign materials would consist of plywood, painted white with black and blue lettering. No illumination is proposed.

## ANALYSIS

### Sign Area/Number

A maximum of two signs for each place of business in a building may be displayed at any given time according to the Sign Ordinance (Chapter 16A of the Tiburon Municipal Code). The applicant is requesting approval for two signs. The proposal also indicates a small on-building sign, which is considered as an affiliation sign, and does not require a permit since its size does not exceed three square feet in area.

The existing business has its main entrance on Main Street, but also has frontage at the rear of the building. The majority of shops along this stretch of Ark Row have signage at the rear of the building, along with overhead hanging signage and on building signage adjacent to each entrance. This seems to have set precedence for signage at this location. It should be noted that the entrance at the rear of the building serves a separate business.

The sign proposed for the front of the business would be double-sided and mounted to the roof overhang. The sign would have a clearance of 6 feet 8 inches, and would have a sign area of 4 square feet, and would contain the words "Eva Claiborne Skin Institute". The Sign Ordinance requires a minimum overhead clearance of 8 feet for signs which suspend over any public or private walkway; however, adjacent businesses on Ark Row also have overhead hanging signage that do not appear to maintain 8 foot clearances. The Downtown Design Review Handbook states that signage on Ark Row should be considerably smaller than those along Main Street's buildings, given Ark Row's scale and overall setting. The Board should determine whether the clearance should comply with the Sign Ordinance or the Downtown Design Review Handbook.

The sign proposed for the rear of the business, facing the Main Street parking lot, would also be double-sided and mounted to the building, and would suspend over the rear entrance to the business. The sign as proposed would have a sign area of 4 square feet and would also contain the words "Eva Claiborne Skin Institute".

The total sign area allowed for a business is one square foot of signage for each four linear feet of building frontage. The building has approximately 18 feet of frontage on Main Street, and 80 feet of frontage on the Main Street parking lot side. Therefore 24.5 square feet of sign area is allowed for the business. The subject signage is a total of 8 square feet, which is minimal.

### Sign Design

The intent of the Sign Ordinance is to ensure signs are appropriate and compatible with the environment and character of the community, while having the flexibility to encourage variety and good design. The Downtown Design Handbook also states that signs in downtown Tiburon should be "classic" in nature, reflect timelessness, be durable, and should compliment the architecture of the building. Ark Row in particular should maintain smaller scale signage, due to its "intimate scale and passageways".

The proposed signage would be comprised of ¾ inch thick painted plywood and would be non-illuminated. The colors of the signs would not be obtrusive, but a simple white background with black lettering combined with light blue lettering.

It appears that the subject sign meets the intent of the Sign Ordinance, and of the Downtown Design Handbook. However, the Board should consider whether a 6 foot 8 inch clearance is sufficient for the overhead sign.

**Public Comment**

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

**RECOMMENDATION**

It is recommended that the Board review this project with respect to the Sign Ordinance and the Downtown Design Handbook and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. If the Board determines that the proposed sign is consistent with the Sign Ordinance and Downtown Design Handbook, it is recommended that the Board approve the application with the recommendation made in the Staff Report and subject to the attached Conditions of Approval.

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

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

**EXHIBIT 1**

**CONDITIONS OF APPROVAL**

**86B Main Street**

**FILE #50702**

1. The development of this project shall conform to the application dated by the Town of Tiburon on April 6, 2007, or as amended by these conditions of approval. Any modifications to the plans submitted must be reviewed and approved by the Design Review Staff or the Board.
2. This sign permit shall be valid for 90 days following approval, and shall expire and become null and void unless the sign, as approved, is erected prior to that date or unless an extension, filed in writing with the Planning & Building Department, is granted by the Director.
3. Prior to erection of the sign, permittee shall obtain all building, electrical, or structural permits required by the Town's adopted Uniform Building Code or Electrical Code. Permittee shall also obtain any required encroachment permits.
4. The issuance of this sign permit shall not be valid if the approval constitutes a violation of the Town's Sign Ordinance (Chapter 16A of the Municipal Code). No permit presuming to give authority to violate or cancel the provisions of said chapter shall be valid.
5. The Town may at any time make such inspections as necessary to determine whether any sign is in compliance with this approval and other applicable regulations.
6. Permittee shall maintain the sign and all supporting components in good repair and finish. Substantially deteriorated, badly weathered, rusty, or otherwise poorly maintained signs shall be subject to public nuisance abatement or other available remedies.
7. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
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Design Review Board Meeting  
July 19, 2007  
Agenda Item: **F2**

**STAFF REPORT**

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

From: **Associate Planner, Laurie Tyler**

Subject: **NOTICE OF CONTINUANCE**  
**1893 CENTRO WEST STREET; FILE #20708**  
**Site Plan and Architectural Review for Construction of a New Single-Family Dwelling With a Variance for Reduced Side Yard Setback and a Floor Area Exception**

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

Staff recommends that this item be continued for the following reason(s):

- No story poles have been erected/no certification received
- Requested information has not been received
- Item not properly advertised
- The applicant has requested a continuance to: **August 16, 2007**
- Other:

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



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
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Design Review Board Meeting  
July 19, 2007

Agenda Item: **F3**

## **STAFF REPORT**

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

**From: Community Development Department**

**Subject: 2309 Spanish Trail; File #20715  
Site Plan And Architectural Review for the  
Construction of Additions to an Existing Single-Family  
 Dwelling, with Variances for Reduced Front and Side  
 Yard Setbacks and Excess Lot Coverage (Continued from May 3, 2007)**

## **BACKGROUND**

The applicant is requesting Design Review approval for the construction of additions to an existing single-family dwelling on property located at 2309 Spanish Trail. A new living room, master bedroom suite and study would be added to the upper floor of the house. The lower floor of the addition would include a two-car garage and storage area. An existing detached garage on the site would be demolished. Variances are requested for reduced front and side yard setbacks and excess lot coverage.

The application was first reviewed at the May 3, 2007 Design Review Board meeting. At that time, Town Staff raised concerns about the overall massing of the proposed additions and the lack of architectural integration between the additions and the existing house. The Design Review Board shared these concerns, particularly regarding inconsistencies with exterior materials and building massing. Staff also noted a discrepancy in the floor area calculations due to an uncounted crawl space area beneath a proposed bedroom. The application was continued to allow the applicant to modify the plans to address these issues.

The applicant has now submitted revised plans for the proposed additions. The additions would include a new entry, study and two-car garage at the lower level, with a family room, master bedroom suite and deck above. The proposed additions would still add 1,250 square feet of floor area to the house, resulting in a total floor area of 3,375 square feet, which is less than the floor area ratio for a lot of this size. The revised project would add 1,080 square feet of lot coverage to the site, resulting in total lot coverage of 18.0%. The lot coverage would be less than the 19.2% previously requested, but is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Therefore a variance is still requested for excess lot coverage.

The proposed addition would extend to within 6 inches of the front property line (as measured from the roadway easement across the front of the property) and 10 feet of the side property line.

As a 30 foot front yard setback and a 15 foot side yard setback are required in the RO-2 zone, variances are again requested for reduced front and side yard setbacks.

A color and materials board has not been submitted at this time. The submitted plans indicate that the proposed addition would utilize stucco siding and metal roofing to match the materials of the existing house.

## **ANALYSIS**

### **Design Issues**

The revised project design appears to address the concerns previously raised by the Design Review Board and Staff. The new entry provides a better connection between the house and the addition, and the use of exterior materials to match those of the existing house would eliminate the visual inconsistencies presented by the previous plans. As previously noted, the addition would not appear to encroach into views for any nearby residences.

The revised plans would angle the garage and family room away from the line of the house, making the garage entry more parallel to the roadway. This design results in a garage location only 6 inches from the edge of the roadway easement, but 13 feet from the edge of the roadway itself. Town policy has been to require at least 15 feet between the face of a garage (or a driveway gate) and a roadway to allow vehicles to stop or park out side the garage without encroaching into the roadway. It is recommended that the Design Review Board require the garage to be set further back to comply with this policy.

The Fire Marshall of the Tiburon Fire Protection District has submitted a letter also raising concerns about the placement of the garage so close to the roadway easement. The Fire Marshall notes that the garage eaves would project into the easement, and the District “in principle objects to allowance of any building construction in or over a current or future possible fire apparatus access.”

### **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 and excess lot coverage. As noted in the May 3 Staff report, Staff believes that there is sufficient evidence to support the findings for the requested variances.

### **Public Comment**

As of the date of this report, the only letter that has been received since the May 3 meeting regarding the subject application is the aforementioned letter from the Tiburon Fire Protection District.

## **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. Design Review Board Staff Report dated May 3, 2007
3. Minutes of the May 3, 2007 Design Review Board meeting
4. Letter from Tiburon Fire Protection District, dated July 5, 2007
5. Submitted plans

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

## CONDITIONS OF APPROVAL

### 2309 SPANISH TRAIL

#### FILE #20715

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 April 25, 2007, or as amended by these conditions of approval. Any modifications to the plans of June 14, 2007 must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
7. 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.

8. The project shall comply with the following requirements of the Tiburon Fire Protection District:
  - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-D. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (UFC 1003).
  - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 1210).
  - c. Approved spark arresters shall be installed on chimneys (UFC 1101).
  - d. All vegetation, existing and new, shall comply with the requirements of Fire Safe Marin, and the requirements of UFC 1103.
9. All requirements of the Town Engineer shall be met.
10. The garage door shall be set at least 15 feet from the edge of the Spanish Trail roadway.



**TOWN OF TIBURON**  
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Design Review Board Meeting  
July 19, 2007  
Agenda Item: **G4**

## **STAFF REPORT**

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

From: **Associate Planner Tyler**

Subject: **430 Ridge Road; File No. 707071  
Appeal of Planning Division Decision to Approve a Site Plan and  
Architectural Review Application for Exterior Modifications to an  
Existing Single-Family Dwelling**

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

## **PROJECT DATA**

ADDRESS: 430 RIDGE ROAD  
OWNER: MARK & LYNN GARAY  
APPELLANTS: CASEY & FRED HANNAHS  
ASSESSOR'S PARCEL: 059-082-22  
FILE NUMBER: 707071  
LOT SIZE: 21,420  
ZONING: R0-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)  
GENERAL PLAN: M (MEDIUM DENSITY RESIDENTIAL)  
FLOOD ZONE: C

## **BACKGROUND**

On June 19, 2007, the Tiburon Planning Division approved a Site Plan and Architectural Review application to construct exterior modifications to an existing single-family dwelling currently under construction, on property located at 430 Ridge Road. The owner of the neighboring property at 440 Ridge Road has now appealed this decision to the Design Review Board.

## **PROJECT DESCRIPTION**

An application was filed for a Staff-level Design Review approval on June 1, 2007, for the construction of exterior modifications to an existing single-family dwelling, located at 430 Ridge Road. The applicant requested approval to raise several stone veneer panels at the front of the home (north elevation) fifteen inches in height, which would result in a design feature that was more architecturally integrated into the home. The raised panels would also aid in concealing several skylights along the rooftop, which were previously approved with shrouds around them.

## REVIEW BY THE TIBURON PLANNING DIVISION

The Tiburon Planning Division first reviewed the application as a Staff-level design review application. During the ten day review period, the adjacent uphill property owners at 440 Ridge Road objected to the proposal. They were concerned with determining the difference in appearance with the extended panels versus the previously approved skylight shrouds. They also expressed frustration with the number of modifications made to the dwelling, and the length of construction, as the home has been under some form of construction/improvements for several years.

Staff visited the residence at 440 Ridge Road on June 18, 2007, and took several photographs of the subject property from both the exterior and interior of the home (Exhibit No. 4). The raised panels would block most of the view of the skylights along the roof top. Between each panel, the neighbors at 440 Ridge Road would still be able to view the rear of the skylights, which are angled and currently surrounded by shrouds to help conceal the structural components. The shrouds were placed around each skylight to create a more aesthetically pleasing appearance to anyone who had a view of the rooftop. If the shrouds were removed, then portions of the angled skylights would be visible. It should be noted that because the skylights are angled, light and glare would not be visible, only the structural components of the skylight.

The intent of the application was to raise the stone veneer panels for architectural design reasons, but the panels would in turn help to conceal the skylights. The fifteen inch panel extension would not result in an element of the house that would be at a higher elevation than the farthest edge of the roof, and therefore would not result in any additional visual impacts on the neighbors. The applicant was uncertain whether they wanted to remove the shrouds from the skylights if the panels were raised. Staff approved the application with a condition of approval that allowed them to remove the shrouds if they so choose (Exhibit No. 3).

On June 26, 2007 the appellants filed a timely appeal of this decision.

### BASIS FOR THE APPEAL

There are two grounds upon which the appeal (Exhibit No. 1) is based:

**Ground No. 1**            **It is unclear what the panel extensions would look like, in terms of color and texture, versus what the skylight shrouds would look like in their finished state.**

*Staff Response:*        The approved plans indicate five stone veneer panels with long windows between each panel, on the north elevation of the home. The color of the stone panels is not known at this time. Staff has asked the applicant to provide more detail on what the finished product is proposed to look like, in terms of color and texture. The skylight shrouds would appear as small structures, surrounding each skylight, which act as a form of screening for any potential light, glare, and/or visibility of the structural components. As noted above, from 440 Ridge Road, the shrouds and extended panels are visible, but would not block any additional views.

The applicant has indicated that the intent of the extended panels was to screen the skylights in a more architecturally and aesthetically pleasing fashion. In approving this application, Staff determined that the extended panels would result in an architectural feature that properly screens the skylights and integrates well with the structure.

**Ground No. 2            Several modifications to the design of the home have been requested, resulting in a lengthy construction process.**

*Staff Response:*            Renovations to 430 Ridge Road began with a Design Review Board approval on February 5, 1998 (File No. 797113). Since that time there have been five modifications to the design of the home, including the one that is currently being appealed (File Nos. 299004, 200024, 20437, 706153, & 707071). The most recent modification on October 16, 2006 changed the approval from an addition/remodel to new construction (File No. 706153).

The building permit for the current construction was issued on August 10, 2006. Building permits are valid for eighteen months, which means this permit is valid until February of 2008. If the construction is not completed by that time, the applicant will face penalty fees.

The appellants also previously appealed the modifications reviewed by the Board, to the Town Council on December 15, 2005 (File No. 20437). During the appeal, discussion arose regarding the need to solidify a final design for the project, because at the time, the project was taking too long to complete, with numerous requests for modifications. In this case, many of the surrounding neighbors had voiced concerns and frustration with the long running construction project, and continue to do so to date. Although the current application is yet one more in a series of modifications to this project, the minor alterations requested by this application have not resulted in any additional delays to the construction of this project.

**CONCLUSION**

The project design would result in a design feature that is architecturally more pleasing, yet still serves to screen several of the skylights. This particular application would not extend the lengthy construction process, as construction has generally continued during the review period.

**RECOMMENDATION**

It is recommended that the Design Review Board:

- 1) Indicate its intention to deny the appeal; and
- 2) Direct Staff to return with a Resolution denying the appeal, for adoption at the next meeting.

- Exhibits:
1.            Notice of Appeal
  2.            Application and Supplemental Materials
  3.            Notice of Action
  4.            Photographs from 440 Ridge Road dated June 18, 2007
  5.            Town Council Staff Report dated February 15, 2006
  6.            Design Review Board Staff Report dated December 15, 2005

7. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
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Design Review Board Meeting  
July 19, 2007  
Agenda Item: **G5**

## **STAFF REPORT**

To: **Design Review Board**

From: **Community Development Department**

Subject: **313 Karen Way; File #707060  
Site Plan and Architectural Review to Construct Additions to an  
Existing Single-Family Dwelling**

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

## **PROJECT DATA**

**ADDRESS: 313 KAREN WAY**  
**OWNER: JOHN & CYNTHIA DUNCAN**  
**APPLICANT: MALOTT ARCHITECTS**  
**ASSESSOR'S PARCEL: 034-122-10**  
**FILE NUMBER: 707060**  
**LOT SIZE: 7,609 SQUARE FEET**  
**ZONING: R-1-BA (SINGLE FAMILY RESIDENTIAL-BEL AIRE)**  
**GENERAL PLAN: MEDIUM HIGH DENSITY RESIDENTIAL**  
**FLOOD ZONE: C**  
**DATE COMPLETE: MAY 31, 2007**

## **PRELIMINARY ENVIRONMENTAL DETERMINATION**

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

## **PROPOSAL**

The applicant is requesting Design Review approval for the construction of additions to an existing single-family dwelling located at 313 Karen Way. The additions would include two extensions to the rear of the home and a concrete patio in between. The new living space would include a new master bedroom suite and expansion to the family room / dining room. The proposal also calls for the addition of five new skylights and the reconfiguration of windows and doors throughout the home. The chimney would also be relocated and changed to a narrower flue style chimney.

The lot coverage on the site would increase by 766 square feet (10%) to a total of 2,257 square feet (29.6%), which is less than the 30.0% maximum lot coverage permitted in the R-1-BA zone. The floor area on the site would increase by 766 square feet to a total of 1,985 square feet, which is less than the maximum allowed floor area of 2,761 square feet.

The owner of the subject home has stated that the exterior finish and color of the proposed additions would match that of the existing structure.

## **ANALYSIS**

### **Design Issues**

The subject home is located within the Bel Aire subdivision on Karen Way. The lot is flat, of typical shape and between two other single family homes. The property between the subject home and Bell Aire school is designated as open space and is very steep. No substantial views exist from this portion of Karen Way.

The five skylights that are proposed on the eastern roof plane of the subject home would face the neighboring property at 317 Karen Way. The additional skylights would have the potential to increase the light emitted towards this property at night. A condition of approval has been added in relation to the proposed skylights.

The proposed additions are conservative in nature and would not be visible from the street. No changes to the front elevation are proposed. Staff has observed that the proposed additions to the rear of the home would only be visible from the homes adjacent to the subject home. The owners of the subject home stated to staff that they have informed the neighbors of the proposed expansion and that no objects arose.

### **Zoning**

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

### **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 15301. If the Board finds the design to be acceptable and in conformance with the Town's Design Guidelines, Staff recommends that the attached conditions of approval be applied.

**ATTACHMENTS:**

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

Prepared by: **Scott D. Phillips, Assistant Planner**

## CONDITIONS OF APPROVAL

### 313 KAREN WAY

#### FILE #707060

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on May 21, 2007, or as amended by these conditions of approval. Any modifications to the plans of June 29, 2007, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
7. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.



**TOWN OF TIBURON**  
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Design Review Board Meeting  
July 19, 2007  
Agenda Item: **G6**

## **STAFF REPORT**

To: **Design Review Board**

From: **Community Development Department**

Subject: **1 Reserva Lane; File #20719  
Site Plan and Architectural Review to Construct Additions to an  
Existing Single-Family Dwelling, with a Variance for Reduced Front  
Yard Setback**

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

## **PROJECT DATA**

**ADDRESS: 1 RESERVA LANE**  
**OWNER: FRANK & MONIKA LEVINSON**  
**APPLICANT: COLLEEN MAHONEY (ARCHITECT)**  
**ASSESSOR'S PARCEL: 059-122-17**  
**FILE NUMBER: 20719**  
**LOT SIZE: 12,850 SQUARE FEET**  
**ZONING: R-2 (TWO-FAMILY RESIDENTIAL)**  
**GENERAL PLAN: HIGH DENSITY RESIDENTIAL**  
**FLOOD ZONE: C**  
**DATE COMPLETE: JUNE 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 15301.

## **PROPOSAL**

The applicant is requesting Design Review approval for the construction of additions and alterations to an existing single-family dwelling located at 1 Reserva Lane. The addition would include expanding and reconfiguring the roofline of the existing garage. Two additional skylights would be added over the breezeway. The plans indicate that the asphalt shingle roof material of the addition would match that of the existing roof.

The proposal also calls for the legalization of two portions of the existing deck. The deck portions were excluded from any previous Design Review approvals.

A portion of the proposed roofline expansion is situated within the required front yard setback. In order to expand a non-conforming condition, a variance is required. The proposed roof expansion would extend to within 1 foot of the front property line, in lieu of the 15-foot side yard setback required in the R-2 zone. Therefore, a variance is requested for a reduced front yard setback.

## ANALYSIS

### Design Issues

The subject home is located at the end of Reserva Lane. The lot is on a steep slope but is of typical shape for parcels in this neighborhood.

Changes to the garage roof are proposed in order to better accommodate solar panels to be installed in the future. The proposal calls for switching the direction of the roofline ridge of the garage. A breezeway would be created by extending the ridge towards the primary structure. The ridgeline would be tied into the existing roof creating one continuous roof. Two additional skylights would be added within the roof of the breezeway.

The uphill property owner at 2000 Centro East Street has expressed concerns that a portion of his water views from his primary living space would be eliminated by the expansion of the roofline of the subject home. Staff observed that the proposed addition would marginally affect the water views of a large panoramic view of Racoon Strait and Angel Island from the primary living space. The proposed roof expansion does not appear to cut the horizon line from this neighboring property.

Two portions of the existing upper deck are proposed to be legalized. The deck portions were excluded from any Design Review proposal in the past. The existing deck portions are approximately 50 square feet each and jog away from the general deck line. Mature trees exist surrounding the areas in which the unapproved deck articulations exist. The deck portions do not appear to substantially impact any of the adjacent neighbors.

### 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 variance for reduced front yard setback.

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

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

The subject property is very steep and down sloping. The slope 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 R-2 or similar zones with similar site characteristics have been granted variances for reduced front yard setback in order to accommodate minor changes to existing structures located within required 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 force the design of the roof expansion to have an unusual roofline that would not match the rest of the existing roof of the primary structure.

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 roof expansion does not appear to result in substantial view or privacy impacts from neighboring homes.

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

### **Public Comment**

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

### **RECOMMENDATION**

The Board should review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles) , 16-4.3 (Variances) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. If the Board finds the design to be acceptable and in conformance with the Town's Design Guidelines, Staff recommends that the attached conditions of approval be applied.

**ATTACHMENTS:**

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

Prepared by: **Scott D. Phillips, Assistant Planner**

## **CONDITIONS OF APPROVAL**

### **1 RESERVA LANE**

#### **FILE #20719**

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on May 31, 2007, or as amended by these conditions of approval. Any modifications to the plans of June 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. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
7. 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  
July 19, 2007  
Agenda Item: **G7**

## **STAFF REPORT**

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

From: **Community Development Department**

Subject: **23 Old Landing Road; File #707068  
Site Plan and Architectural Review for the Construction of  
A New Single-Family Dwelling**

### **PROJECT DATA**

**ADDRESS: 23 OLD LANDING ROAD**  
**ASSESSOR'S PARCEL: 038-162-24**  
**FILE NUMBER: 707068**  
**PROPERTY OWNERS: JONATHON HARLE**  
**APPLICANT: JAMES RIZZO (ARCHITECT)**  
**LOT SIZE: 21,216 SQUARE FEET**  
**ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)**  
**GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL**  
**FLOOD ZONE: C**  
**DATE COMPLETE: JUNE 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 new two-story single-family dwelling on property located at 23 Old Landing Road. The subject property is currently developed with a one-story single-family residence which will be demolished as part of this project.

The first floor of the proposed house would include three bedrooms, three bathrooms and a study. The second floor would include a living room, family room, kitchen, dining room, and a master bedroom suite. A two-car garage and workshop would be situated on the first floor of the house.

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

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The structure would be finished with beige colored board and batten wood siding with brown and dark green trim. The roof would utilize dark brown composition shingles.

## **ANALYSIS**

### **Zoning**

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

### **Design Issues**

The existing house on subject property is situated on a relatively level portion of the site uphill from Old Landing Road. Mature vegetation surrounds much of the property, providing substantial visual screening for the rear and southern (left) side of the property. Vegetation on the north (right) side and front of the property provides lesser screening of the existing and proposed house locations.

Although situated predominantly on the level portion of the site, the proposed house design does extend somewhat into the hillside to the rear. The upper story is stepped back from the face of the ground floor, with projections of the master bedroom, living room and kitchen providing additional architectural articulation.

Residents in the Old Landing Road neighborhood cherish the relatively rural character of homes and improvements in the vicinity. In 2003, area residents strongly objected to a Site Plan and Architectural Review application for construction of a new residence on the subject property, citing its vertical design, stucco exterior, excessive front yard grading and front yard concrete wall as elements that were inconsistent with the character of the surrounding neighborhood. The Design Review Board shared these concerns and the application was withdrawn before a decision could be reached.

The current proposed house design differs from the plans submitted by a different applicant in 2003. The proposed house would be better articulated, more stepped onto the site, and would have more appropriate exterior building materials than the previously reviewed house design. No grading is proposed in the front yard, and only a 3 foot tall wall is proposed along the front property line.

The proposed house would be situated roughly in line with the existing homes on either side, with no view impacts as a result and few windows of the neighboring homes facing the house site. Homes across Old Landing Road are oriented away from the street to enjoy water views and would have very limited visibility of the proposed residence. Views of the house site from the

street would be buffered by a hedge of Pittosporum shrubs proposed to be planted behind the low wall along the front property line.

The adjacent home to the rear at 4366 Paradise Drive is situated at an elevation well above that of the proposed house, with substantial views of San Francisco Bay. Staff has viewed the story poles of the proposed house from this residence with the neighboring property owner, and has determined that the ridgeline of the proposed house would not project into the water views from this neighboring home.

The Fire Marshall of the Tiburon Fire Protection District has submitted a letter also raising concerns about the placement of the garage so close to the roadway easement. The Fire Marshall notes that the garage eaves would project into the easement, and the District “in principle objects to allowance of any building construction in or over a current or future possible fire apparatus access.” 3600 vs. 3853

### **Public Comment**

As of the date of this report, the only letter that has been received regarding the subject application is the aforementioned letter from the Tiburon Fire Protection District.

### **RECOMMENDATION**

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

### **ATTACHMENTS**

1. Conditions of approval
2. Application and supplemental materials
3. Letter from Tiburon Fire Protection District, dated June 20, 2007
4. Submitted plans

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

## CONDITIONS OF APPROVAL

### 23 OLD LANDING ROAD

#### FILE #707068

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on May 25, 2007, or as amended by these conditions of approval. Any modifications to the plans of June 7, 2007 must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
7. Prior to the issuance of building permits, the applicant shall submit verification from a licensed landscape architect that the proposed landscape plan conforms to M.M.W.D. landscape regulations, as required by Town Council Ordinance.
8. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
9. Prior to underfloor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference

points as appropriate, and elevations relative to sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.

10. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site.
11. The project shall comply with the following requirements of the Tiburon Fire Protection District:
  - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-D. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (UFC 1003).
  - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 1210).
  - c. Approved spark arresters shall be installed on chimneys (UFC 1101).
  - d. All vegetation, existing and new, shall comply with the requirements of Fire Safe Marin, and the requirements of UFC 1103.
12. The following requirements of the Marin Municipal Water District shall be met:
  - a. A High Water Pressure Water Service application shall be completed.
  - b. A copy of the building permit shall be submitted.
  - c. Appropriate fees shall be paid.
  - d. The structure's foundation shall be completed within 120 days of the date of application.
  - e. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
13. The applicants shall obtain a sewer permit from the Sanitary District No. 5 and pay all applicable fees prior to construction of a side sewer and connection to the sewer main. After connection to the sewer main but prior to commencement of discharge and prior to covering of the pipe, the District shall be contacted and allowed to inspect the connection for conformance to standards.

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



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

Design Review Board Meeting  
July 19, 2007  
Agenda Item: **G8**

**STAFF REPORT**

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

From: **Associate Planner, Laurie Tyler**

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

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

Staff recommends that this item be continued for the following reason(s):

- \_\_\_\_\_ No story poles have been erected/no certification received
- \_\_\_\_\_ Requested information has not been received
- \_\_\_\_\_ Item not properly advertised
- The applicant has requested a continuance to: **August 2, 2007**
- \_\_\_\_\_ Other:

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