



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
January, 17, 2008
Agenda Item: **D1**

STAFF REPORT

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

From: **Community Development Department**

Subject: **1601 Tiburon Boulevard; File No. 50711
Sign Permit for Installation of Two Illuminated
On Building Signs for Bank of America
(Continued from December 6, 2007)**

Reviewed By: _____

BACKGROUND

On December 6, 2007 the Design Review Board reviewed a proposal for construction of a new internally-illuminated monument sign for Bank of America, located at 1601 Tiburon Boulevard in downtown Tiburon. The applicant indicated a need to make the bank more visible to the street and to the public, particularly at nighttime. The only existing illuminated sign is the on-building sign on the south side of the building. The applicant also indicated that if the Board was not in favor of the monument sign, that installation of an on-building illuminated sign on the north side of the structure, to match the one existing on the south side, would help make the business more visible to the public.

The Board was in favor of updating the existing on-building signage with illumination if a halo illumination effect was utilized instead of internal illumination, or if the monument sign was modified to mimic other monument signs in downtown Tiburon (i.e. a wood sign with indirect-illumination). Staff was not able to find any approvals for the existing illuminated on-building sign on the south side of the structure, and recommended that the applicant seek approval for this sign in conjunction with any requests for new signage.

The Board continued the application with direction given to the applicant to either return with a modified proposal for construction of a monument sign, or new on-building signage with halo illumination.

PROPOSAL

The applicant is now requesting approval for two (2) on-building signs, which would replace the existing on-building signage on both the north and south side of the structure. Each sign would be illuminated with halo illumination, instead of internal illumination. The signs would be

constructed of acrylic in shades of blue and red, and would read “Bank of America” with the flagscape logo located beneath the text.

ANALYSIS

Sign Area/Sign Number

The total sign area allowed for a business per Section 16A-5(b)(1) of the Sign Ordinance is one square foot of signage for each four linear feet of building frontage. The Bank of America building has approximately 140 linear feet of building frontage. Therefore, a maximum of 35 square feet of sign area is permitted for the business. The existing sign area for the business is approximately 33 square feet. This proposal indicates a total of approximately thirty (30) square feet of signage to replace the existing 33 square feet. Therefore, the proposed signage would not exceed the sign area permitted for this business per the Sign Ordinance.

Sign Design

One intention 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 provides guidance that signs in downtown Tiburon should be “classic” in nature, reflect timelessness, be durable, and should complement the architecture of the building.

The proposed signage would be the exact same size as the existing on-building sign on the south side of the structure. The applicant intends to replace this sign with a new sign which incorporates halo illumination instead of internal illumination. The existing sign on the north side of the structure would also be replaced with the same new sign design, resulting in two on-building signs with halo illumination.

Each sign would be 6 feet 9 inches in width and 2 feet, 3 ³/₄ inches in length. The text would read “BANK OF AMERICA” in blue acrylic. The flagscape logo would be located below the text in both red and blue acrylic. The both the text and the logo would be illuminated with halo illumination.

The Sign Ordinance does not prohibit internal illumination; however, the Ordinance does state that the visual intensity of the illumination should be appropriate within the context of the size, location and surroundings of the sign. The Downtown Design Handbook states that internally illuminated, metal frame “box” signs should be prohibited. This proposal incorporates individual channel letters with halo illumination, which is less visually prominent than internally illuminated channel letters or box signs.

CONCLUSION

It appears to Staff that the proposed sign permit application is consistent with both the provisions of the Sign Ordinance and guidelines of the Downtown Design Handbook. The proposed on-building signage would appear to help identify the business without resulting in signage that is too visually prominent for downtown Tiburon.

Public Comment

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

RECOMMENDATION

Staff recommends that the Board:

1. Review this project with respect to the Sign Ordinance and the Downtown Design Handbook;
2. Determine that the project is exempt from the California Environmental Quality Act (CEQA) as specified in Section 15301;
3. Approve the project subject to the attached conditions of approval.

Exhibits: **1 Conditions of Approval**
 2. Application and Supplemental Materials
 3. Design Review Board Staff Report dated December 6, 2007
 4. Minutes of the December 6, 2007 Design Review Board Meeting
 5. Submitted Plans

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

Exhibit 1

**Conditions of Approval
1601 Tiburon Boulevard
File No. 50711**

1. This permit approves signs for the business located at 1601 Tiburon Boulevard (Bank of America). The construction of this project shall conform with the application dated by the Town of Tiburon on September 18, 2007, or as amended by these conditions of approval. Any modifications to the plans of December 19, 2007 must be reviewed and receive Planning Department approval.
2. 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.
3. The issuance of this sign permit shall not be valid if the approval constitutes a violation of the Tiburon Sign Ordinance (Chapter 16A of the Tiburon Municipal Code). No permit presuming to give authority to violate or cancel the provisions of said chapter shall be valid.
4. 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.
5. 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.
6. This sign permit shall be valid for 90 days following approval, and shall expire and become null and void unless the signs, as approved, are erected prior to that date, unless an extension, filed in writing with the Planning Department, is granted by the Planning Director.
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
January 17, 2008
Agenda Item: **D2**

STAFF REPORT

To: Members of the Design Review Board

From: Community Development Department

**Subject: 114 Main Street; File # 50714
Sign Permit for Construction of Exterior Signs for a Restaurant
(Cottage Eatery)**

PROJECT DATA

OWNER: ZELINSKY PROPERTIES
APPLICANT/ARCHITECT: ED CAREW AND ROGER FELTON
ADDRESS: 114 MAIN STREET
ASSESSOR'S PARCEL NUMBER: 059-102-20
FILE NUMBER: 50714
ZONING: VC/ (VILLAGE COMMERCIAL)
GENERAL PLAN: VC (VILLAGE COMMERCIAL)
FLOOD ZONE: C
DATE COMPLETE: DECEMBER 19, 2007

PRELIMINARY ENVIRONMENTAL DETERMINATION

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 to construct two signs for a new restaurant (Cottage Eatery) on property located at 114 Main Street. The restaurant building has a double frontage on both Ark Row and the Main Street parking lot. A new 4.5 square foot wooden wall-mounted projecting sign would be mounted perpendicular to the front and back of the building. Each sign would have a dark blue background, black lettering with white outlines for the words "Cottage Eatery," and a gold colored foodstuff logo.

ANALYSIS

Sign Area/Sign Number

Section 16A-5 (1) of the Sign Ordinance allows two signs per business and one square foot of signage for each four linear feet of building frontage. The subject building has 24 linear feet of building frontage on both the Ark Row and parking lot sides of the structure. Therefore, two signs with a maximum of 12 square feet of sign area are permitted for the business. The two proposed signs would not exceed the area or the number of signs allowed for this business per the Sign Ordinance.

Sign Design

The Downtown Design Handbook includes guidelines for business signs in Downtown Tiburon. The Handbook states that wooden signs and wall-mounted projecting signs are both considered to be appropriate for Downtown Tiburon buildings and storefronts. The signs would be similar to other projecting wooden signage found along Ark Row and storefronts which face the Main Street parking lot.

Public Comment

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

RECOMMENDATION

Staff recommends that the Board:

1. Review this project with respect to the Sign Ordinance and the Downtown Design Handbook; and
2. Approve the application, subject to the attached conditions of approval

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

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

CONDITIONS OF APPROVAL

114 MAIN STREET

FILE #50714

1. This permit approves signs for the business located at 114 Main Street (Cottage Eatery). The total area of the sign displayed at any one time shall not exceed 9.0 square feet. The development of this project shall conform with the application dated by the Town of Tiburon on December 13, 2007, or as amended by these conditions of approval. Any modifications to the plans of December 13, 2007, must be reviewed and approved by the Design Review Board.
2. Prior to erection of the signs, permittee shall obtain all building, electrical, or structural permits required by the Town's adopted Uniform Building Code or Electrical Code.
3. The issuance of this sign permit shall not be valid if the approval constitutes a violation of the Tiburon Sign Ordinance (Chapter 16A of the Tiburon Municipal Code). No permit presuming to give authority to violate or cancel the provisions of said chapter shall be valid.
4. 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.
5. Permittee shall maintain the signs 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.
6. This sign permit shall be valid for 90 days following approval, and shall expire and become null and void unless the signs, as approved, are erected prior to that date, unless an extension, filed in writing with the Planning Department, is granted by the Planning Director.
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
January 17, 2008
Agenda Item: **E3**

STAFF REPORT

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

From: **Community Development Department**

Subject: **NOTICE OF CONTINUANCE**
9 BURRELL COURT; FILE NO. 20633
Site Plan and Architectural Review for Construction of Additions to
An Existing Single-Family Dwelling with Variances for Reduced
Front Yard Setback and Excess Lot Coverage

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: **February 7, 2008**
- Other:

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



TOWN OF TIBURON
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Design Review Board Meeting
January 17, 2008
Agenda Item: **E4**

STAFF REPORT

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

From: **Community Development Department**

Subject: **NOTICE OF CONTINUANCE**
85 East View Avenue; File #20720
Site Plan and Architectural Review for the Construction of
a New Single-Family Dwelling, with Variances for Reduced Front, Side
and Rear Yard Setbacks, Excess Lot Coverage and Excess Building
Height, and a Floor Area Exception

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: **February 21, 2008**
- Other:

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



TOWN OF TIBURON
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Design Review Board Meeting
January 17, 2008

Agenda Item: **E5**

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 December 20, 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.

Revised plans were approved by the Architectural Control Committee of the Tiburon Highlands Homeowners Association and reviewed at the December 20 Design Review Board meeting. These plans 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.

The Design Review Board could not reach a consensus on the revised plans at the December 20 meeting. Chair Doyle and Vice-Chair Frymier were absent from the meeting and Boardmember Corcoran had to recuse himself from discussing this application as he lives within 500 feet of the subject property. Boardmembers Teiser and Glassner disagreed on the merits of the project, but agreed to continue the hearing to the January 17 meeting to allow participation by more Boardmembers.

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 appear to address the concerns raised by the Design Review Board at the November 1, 2007 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.

In reviewing the revised plans at the December 20, 2007 meeting, Boardmember Glassner agreed that the applicant had addressed all of the issues previously raised by the Board and felt that there was no way to move the house one way or the other without affecting other neighbors. Boardmember Teiser advocated a one-story house design for the site, stating that he felt that the applicant had not adequately explored other potential design options for the site. It should be noted that there are few, if any, other one-story homes in the Tiburon Highlands subdivision.

Public Comment

As of the date of this report, letters have been received since the December 20 meeting from the owners of the adjacent homes at 3 Cayford Drive and 1 Southridge Drive reiterating previously raised concerns about the design of the proposed house and landscaping issues.

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. Design Review Board Staff Report dated December 20, 2007
4. Minutes of the November 1, 2007 Design Review Board meeting
5. Letter from Barbara Linn, dated January 10, 2008
6. Letter from John and Tracey Van Hooser, dated January 10, 2008
7. Submitted plans (previously distributed)

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
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Design Review Board
January 17, 2008
Agenda Item: **E6**

STAFF REPORT

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

From: **Community Development Department**

Subject: **13 Roseville Court; File #20732
Site Plan and Architectural Review to the Construction of a Pool
Cabana and the Relocation of the Pool and Spa, with a Variance for
Reduced Rear Yard Setback (Continued from December 6, 2007)**

Reviewed By: _____

BACKGROUND

The applicant is requesting Design Review approval for the construction of a pool cabana and the relocation of the pool and spa at an existing single-family dwelling located at 13 Roseville Court. The addition would include a vine trellis and fire pit between the new location of the spa and the proposed cabana.

This application was first reviewed at the December 6, 2007 Design Review Board meeting. At that meeting, the adjacent neighboring property owners at 33 Mark Terrace raised concerns regarding potential privacy impacts that would be caused by the proposed pool cabana and the relocation of the pool. The property owners at 182 Stewart Drive expressed concerns that the proposal has the potential to increase light pollution and that the submitted plans did not show the location of any additional exterior light fixtures. The Board reviewed the proposal, but continued the project to give the applicant time to rethink and revise the proposal and to allow for additional dialogue between the neighbors. The Board also suggested the idea of a sound wall along the property line to decrease the potential privacy impacts on the neighboring property from the subject property.

The applicant has submitted revised plans showing the cabana, the spa and pool reduced in size and shifted to the west, the location of proposed exterior lighting and the addition of a stone sound wall. The existing fence along the eastern property line would be relocated and replaced with the stone sound wall, 8 feet in height. An existing wall would be reconfigured on the side of the pool in order to accommodate an infinity edge to the pool. Landscaping would be added between the previously approved lower walls and along the eastern property line.

The proposed sound wall exceeds the maximum allowed height for walls within the required setbacks. Therefore, a variance for excess wall height is required. As to date of this report, the

applicant has not submitted an application for a variance and the required noticing for the variance has not taken place.

By scaling back the cabana, the proposed lot coverage and floor area have decreased by 80 square feet from what was previously proposed. The lot coverage on the site would increase from what is existing by 640 square feet (1.1%) to a total of 4,330 square feet (7.5%), which is 7.5% less than the 15.0% maximum lot coverage permitted in the RO-2 zone. The proposed increase in lot coverage does not exceed the maximum allowed lot coverage therefore; a variance for excess lot coverage is not required. The floor area on the site would increase from what is existing by 640 square feet to a total of 6,385 square feet. The maximum allowed floor area is 7,734 square feet. The proposed total square footage does not exceed the maximum allowed floor area therefore; a floor area exception is not required.

The proposed detached pool cabana would still extend to within 15 feet of the rear property line, in lieu of the 25-foot rear yard setback required in the RO-2 zone. Therefore, a variance is still requested for a reduced rear yard setback.

ANALYSIS

Design Issues

The proposed pool location would be more visible from the adjacent property at 33 Mark Terrace than the existing pool. However, the pool would be relocated further away from the neighboring residence. Plans indicate that additional landscaping would be planted along the property line between the subject property and 33 Mark Terrace for screening of the pool area. The proposed sound wall and vine trellis would further reduce the potential for privacy impacts between the subject home and 33 Mark Terrace.

The existing 6 foot fence along the eastern property line which encroaches into the property at 33 Mark Terrace would be removed. A stone sound wall and vine trellis, 8 feet in height, would be constructed in a location setback from the property line, thereby eliminating the encroachment. Additional landscaping would be added along the fence line.

The Design Review Board is encouraged to view the project from the home at 33 Mark Terrace.

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 rear yard setback and excess wall height.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance for reduced rear yard setback. The applicant has yet to submit for a variance for excess wall height.

Public Comment

Since the last meeting, one letter has been submitted to Staff from the homeowners at 33 Mark Terrace and one letter from the homeowners at 182 Stewart Drive.

RECOMMENDATION

As stated earlier, the required noticing for the variance for excess wall height has not taken place. The Board is unable to act on this proposal until the applicant submits for a variance for excess wall height and such noticing takes place. It is therefore recommended that the Board discuss the merits of the revised project design without deliberation on the variance findings for excess wall height and continue the application to the February 7, 2008 meeting.

ATTACHMENTS:

1. Conditions of approval
2. Application and supplemental material
3. Letter from Barry F. Thornton and Karen M. Land, dated January 9, 2008
4. Letter from Barry and Victoria Fong, dated January 10, 2008
5. Staff Report dated December 6, 2007
6. Minutes from Design Review Board Meeting of December 6, 2007
7. Submitted plans

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

EXHIBIT 1

CONDITIONS OF APPROVAL

13 ROSEVILLE COURT

FILE #20732

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 August 21, 2007, or as amended by these conditions of approval and plans of January 8, 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.



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Design Review Board Meeting
January 17, 2008
Agenda Item: **E7**

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 (Continued from December 20, 2007)**

BACKGROUND

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. Variances have been requested for reduced front and side yard setbacks.

This application was first reviewed at the December 20, 2007 Design Review Board meeting. At that meeting, the neighboring property owners at 75 Rolling Hills Road and 9 Owlswood raised objections to the two-story portion of the project design. Both property owners objected to the visual mass of the upper level addition, primarily when viewed from their rear yard areas. The applicant presented revised plans at the meeting that pulled portions of the upper level addition back from the side property line, but kept the roof unchanged.

Design Review Board shared the neighbors' concern regarding the visual mass of the proposed addition. The Board requested a formal submission of the revised plans and erection of new story poles for the project and continued the application to the January 17, 2008 meeting.

The applicant has now submitted the revised plans for the house. The footprint of the first floor of the house would remain unchanged. Much of the upper floor level would be pulled back 4 feet from the edge of the lower floor, with a roof overhang that would extend 6 inches beyond the lower level. The decks at the western end (facing 75 Rolling Hills Road) have been shortened to 5 feet. Windows along the southern elevation would be generally unchanged from the previous house design.

The floor area of the proposed house would be 3,594 square feet, 152 square feet smaller than the previous design and less than the maximum floor area permitted for a lot of this size. The lot coverage of the house would now decrease from 15.8% to 15.1% 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 locations of the proposed swimming pool and the lower level of the proposed house within the respective front and side yard setbacks remain unchanged. Therefore variances are still requested for reduced front and side yard setbacks.

ANALYSIS

Design Issues

The visibility of the story poles for the revised house design is little changed from the original proposal. The poles would be most noticeable from the rear portion of the property at 75 Rolling Hills Road and the front and rear yards at 9 Owlswood Road. Although the increased setback for the second story master bedroom area would give some visual articulation to the design, the remaining roof structure would not substantially reduce the massiveness of the second story, particularly when viewed from below the site.

The following principles of the Hillside Guidelines should be used in evaluating the proposed house design:

- Goal 1, Principle 3 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 revised plans step back the master bedroom suite from the lower level. However, the two-story area above the living room would still create a large single plane when viewed from below.
- Goal 1, Principle 6 states that projects should “avoid massive roof overhangs and cantilevers on downhill faces of buildings.” The proposed roofline would extend 4 feet beyond the southern side of the master bedroom area and cover the 5 foot deep decks on the western side of the house.
- Goal 2, Principle 6 encourages projects that “control window placement for sun, privacy and view.” The windows on the southern side of the living room extend 17 feet, 9 inches and cover a wide portion of the structure.

The Design Review Board is encouraged to view the story poles for the revised house design from the adjacent homes at 75 Rolling Hills Road and 9 Owlswood Road and determine whether the revised design would be in compliance with the principles cited above.

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.

As noted in the previous report for this application, Staff believed that there was sufficient evidence to support the findings for the requested variances for reduced front yard setback and

reduced eastern side yard setback, but insufficient evidence to support the findings for the requested variance for the reduced western side yard setback. The upper level of the western addition has been pulled out of the required side yard setback, with the lower level to be situated in the location of the existing one-story home which currently encroaches into this setback. The Design Review Board has generally found that it would be an unnecessary hardship to make a new structure comply with more restrictive setbacks than an existing building. As a result, Staff believes that the required findings can now be made for each of the requested variances.

Public Comment

As of the date of this report, no letters have been received regarding this application since the previous Board meeting. Staff has spoken to the owners of 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 address the concerns noted above regarding the proposed second story addition. 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. Goal 1, Principles 3 & 6 and Goal 2, Principle 6 of the Hillside Design Guidelines
3. Design Review Board Staff Report dated December 20, 2007
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 dated by the Town of Tiburon on November 19, 2007 and plans dated by the Town of Tiburon on January 7, 2008, 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.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
January 17, 2008
Agenda Item: **F8**

STAFF REPORT

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

From: **Community Development Department**

Subject: **NOTICE OF REMAND**
4639 Paradise Drive; File No. 707169
Site Plan and Architectural Review for Construction of Additions
to an Existing Single-Family Dwelling

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. Staff recommends a continuance to
- The applicant has requested a continuance to:
- Other: Applicant has modified project to qualify for Staff-level review. Application has been remanded from the Design Review Board to Planning Division Staff.

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



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board
January 17, 2008
Agenda Item: **F9**

STAFF REPORT

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

From: **Community Development Department**

Subject: **5 Saint Bernard Lane; File #707152
Site Plan and Architectural Review for Construction of a
New Single-Family Home with a Secondary Dwelling Unit**

Reviewed By: _____

PROJECT DATA

ADDRESS: 5 SAINT BERNARD LANE
OWNER: MO BASTANMEHR
APPLICANT: DANIEL HUNTER (ARCHITECT)
ASSESSOR'S PARCEL: 059-071-29
FILE NUMBER: 707152
LOT SIZE: 17,161 SQUARE FEET
ZONING: R-1 (SINGLE FAMILY RESIDENTIAL)
GENERAL PLAN: MEDIUM HIGH DENSITY RESIDENTIAL
FLOOD ZONE: C
DATE COMPLETE: DECEMBER 19, 2007

PRELIMINARY ENVIRONMENTAL DETERMINATION

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

PROPOSAL

The applicant has submitted a request for construction of a new single-family dwelling on the property located at 5 Saint Bernard Lane. Currently a single-family dwelling occupies the property. The proposal calls for the demolition of more than 50% the existing walls of the home. By demolishing more than 50% of the structure, the project is therefore classified as "new construction."

The proposed project would maintain a two-level home design. The existing home has a two level floor plan containing a master bedroom, a living room, dining room, family room, kitchen, a car port and large wooden decks. The proposal would reconfigure and enlarge the home on the second floor to include an additional bedroom and a two car garage. The first floor would be expanded to include an additional bedroom and a secondary dwelling unit. The existing carport would be eliminated. The existing flat roofline would be expanded and reconfigured to include three ridges. The existing chimneys would be expanded and copper caps added to the tops. A front entry tower and steps would be added. The concrete driveway would be expanded to allow access to the proposed garage. The existing portion of the driveway would remain for additional off-street parking spaces required for the secondary dwelling unit. Two existing pine trees in the rear of the home would be removed.

The proposed structure would create a lot coverage of 3,234 square feet (22.2%) which is less than the maximum permitted lot coverage in the R-1 zoning district (30%). The proposed structure would create a gross floor area of 3,453 square feet, which is below the maximum permitted floor area for a parcel of this size (3,761 sq. ft.).

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The structure would be finished in a reddish earth-tone with cast stone. The roof would utilize red terra cotta tiles.

ANALYSIS

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 zone. Staff found the proposal for the secondary dwelling unit to be in conformance with the Town's standards for secondary dwelling units. Conditions of approval related to the secondary dwelling unit have been added.

Design Issues

The subject home is located on the downhill side of the roadway easement on Saint Bernard Lane. The rectangular lot is benched but slopes suddenly towards the rear property line. Mature landscaping exists between the subject home and the adjacent properties.

The neighboring home across the street and uphill at 1882 Vistazo West would have the most direct view of the expansion of the upper floor, roof line and chimneys of the subject home. It appears that the proposed home would narrow the existing slot view from the primary living space of this neighboring home. However, Staff observed that the narrowing of this slot view would interfere minimally with the views currently enjoyed from the neighboring home.

The property owners adjacent to the subject property at 8 Saint Bernard Lane have expressed concern that the proposed lower level expansion would have an impact on their privacy by the addition of windows facing their direction. In order to decrease the potential privacy impact, the applicant has included more landscaping along this side of the proposed home.

Public Comment

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

RECOMMENDATION

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

ATTACHMENTS:

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

EXHIBIT 1

CONDITIONS OF APPROVAL

5 SAINT BERNARD LANE

FILE #707152

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 November 5, 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. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.
8. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.

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

15. The Secondary Dwelling Unit Permit shall expire and become null and void one (1) year after issuance unless a Certificate of Occupancy has been issued by the Building Division.
16. The Director of Community Development may revoke or modify this Secondary Dwelling Unit Permit on any one or more of the following grounds:
 - a. That the approval was based on false information by the applicant.
 - b. That the use for which such approval was granted has ceased to exist or has been suspended for one (1) year or more.
 - c. That the permit granted is being or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.
17. On an annual basis, the owner of record shall verify in writing under penalty of perjury that the secondary dwelling unit is in compliance with all conditions of the Secondary Dwelling Unit Permit.
18. The owner of record shall maintain his/her principal place of residence on the subject property (either in the primary unit or in the secondary dwelling unit).
19. The owner of record shall maintain 50% interest in the real property on which the secondary dwelling unit is located.
20. Only one secondary dwelling unit shall exist on the property.
21. The secondary dwelling unit shall not be occupied by more than three (3) persons.
22. Principal access to the secondary dwelling unit shall be through an entrance other than the entrance to the primary unit.
23. The secondary dwelling unit shall be assigned a separate street address from the primary unit, and said address shall be plainly visible and legible from the street fronting the property.
24. The property size shall not be reduced to less than 10,000 square feet.
25. The secondary dwelling unit shall not exceed 1,000 square feet of floor area.
26. The secondary dwelling unit shall conform to the building height and minimum required yard regulations for the zone in which it is located.

27. One additional off-street parking space for each bedroom in the secondary dwelling unit shall be constructed and maintained on the subject property, beyond the two required off-street parking spaces for the primary unit. The additional parking spaces shall be served by the same driveway access to the street as the primary unit.
28. Landscaping to screen the secondary dwelling unit and associated parking areas shall be maintained.
29. All privacy enhancing techniques to reduce adverse privacy impacts for the secondary dwelling unit shall be maintained.
30. Adequate sanitary service capacity for the secondary dwelling unit shall be maintained.
31. The following requirements of the Sanitary District No. 5 shall be met:
 - a. A connection permit for the secondary dwelling unit shall be obtained from Sanitary District No. 5.
 - b. The applicant is required to be aware of the District Ordinance for secondary dwelling units, which reads the property owner will be assessed an additional sewer service charge on the tax role.