



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
February 7, 2008
Agenda Item:
D1

STAFF REPORT

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

From: **Community Development Department**

Subject: **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: _____

PROJECT DATA

OWNER: FIRUZE HARIRI
APPLICANT/ARCHITECT: MICHAEL HECKMANN, ARCHITECT
ADDRESS: 9 BURRELL COURT
ASSESSOR PARCEL NUMBER: 034-302-05
FILE NUMBER: 20633
LOT SIZE: 14,731 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN: M (MEDIUM DENSITY RESIDENTIAL)
FLOOD ZONE: C

BACKGROUND

On September 20, 2007, the Design Review Board denied the Site Plan and Architectural Review application for the construction of additions to the existing single-family dwelling at 9 Burrell Court, with variances for reduced front yard setback and excess lot coverage. The property owner appealed this decision to the Town Council, and the Council reviewed the project on November 7, 2007.

The Council was in favor of the project as proposed, which included the partial second story addition. The Council indicated its intention to partially grant the appeal, if four specific modifications were made to the project. The Council remanded the appeal back to the Board for further review and consideration of these modifications. The four requested modifications are as follows:

1. Study and modify the exterior color/materials of the home to appear less vivid.
2. Consider a reduction in square footage and explore additional architectural treatments to further articulate and reduce the roof/eave line to address the mass and bulk of the structure.
3. Modify the second story bathroom window to an opaque glass.
4. Increase the size of the two trees proposed along the adjacent property line with 7 Burrell Court to 24-inch box specimens.

The applicant has now submitted plans addressing each of these requested modifications.

PROPOSAL

The project site is currently improved with a single-story dwelling which contains three bedrooms, a living room, dining room, kitchen, and two-car garage. The proposed project would include expansion of the living area of the home at the rear of the dwelling, and conversion of the existing garage into an additional bedroom, bathroom and laundry area. A new two-car garage would be constructed in front of the existing garage.

In addition, a partial second story would be constructed at the center of the home, which would include a master bedroom suite, terrace and an extra bedroom. The interior of the home would be slightly reconfigured with the proposed improvement. Expanded decking at the rear of the home and an additional terrace off the family room are also proposed.

The proposed additions would result in a gross floor area of 3,464 square feet which is below the maximum gross floor area ratio for a property of this size (3,473 sq. ft.). As the proposed additions would result in lot coverage of 3,257 square feet (22.1%), which exceeds the maximum permitted lot coverage in the RO-2 zoning district (15%), the applicant requested a variance for excess lot coverage.

The proposed expansion of the home would result in an approximately 19 foot 5 inch front yard setback. As the required minimum front yard setback in the RO-2 zoning district is 30 feet, the applicant requested a variance for reduced front yard setback.

ANALYSIS

The applicant has attempted to address each of the four modifications requested by the Town Council as discussed below.

Modification #1: **Study and modify the exterior color/materials of the home to appear less vivid.**

Staff Response: A revised color/materials board was submitted which retains the original blend of the clay tile roof, but substitutes a darker beige color of stucco with a complimentary pre-cast door and window trim color. The original color scheme proposed a very light beige stucco color with a sand colored trim. Both versions of the color/materials boards will be available at the meeting for review.

Modification #2: **Consider a reduction in square footage and explore additional architectural treatments to further articulate and reduce the roof/eave line to address the mass and bulk of the structure.**

Staff Response: The roof pitch has been modified from a 3 ½ :12 to a 6:12 slope. This change in roof pitch tucks the upper floor windows and doors into the roof, and along with new dormers, creates a more articulated roof form. The ridge height of the lower portion of the home has also been raised two (2) feet in response to the change in roof pitch. The applicant feels that by modifying the roof pitch, the two lower floor roofs would engage the upper floor for a more integrated visual architectural effect, instead of an upper floor which is vertically prominent.

Modification #3: **Modify the second story bathroom window to an opaque glass.**

Staff Response: The master bathroom window on the upper level facing north towards 7 Burrell Court is now proposed as opaque glass.

Modification #4: **Increase the size of the two trees proposed along the adjacent property line with 7 Burrell Court to 24-inch box specimens.**

Staff Response: The two proposed Oleander trees at this location were originally 24-inch box specimens. The applicant has indicated that the landscape contractor will select 36-inch box specimens with as existing mature heights as possible to help screen the addition from the adjacent neighbor at 7 Burrell Court.

The Board should determine whether the applicant has addressed each of the modifications in a manner which meets the Town Council's intent.

Zoning

With the exception of the requested variances for reduced front yard setback and excess lot coverage, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.

Variances

As noted in the September 6, 2007 Design Review Board Staff Report, Staff determined that sufficient evidence existed to support the findings for the requested variance for reduced front yard setback and excess lot coverage.

Public Comment

As of the date of this report, two letters have been received regarding the subject application.

RECOMMENDATION

Staff recommends that the Design Review Board:

1. Review the proposed modifications and project as a whole, with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles), 16-4.3 (Variances) and the Tiburon Hillside Design Guidelines; and
2. Determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303; and
3. Determine if the proposed modifications are consistent with the direction given by the Town Council. If the Board determines that the modifications do meet the Council's intent, then Staff would recommend that the project be approved, subject to the attached conditions of approval. If the Board determines that the modifications do not meet the Council's intent, then Staff would recommend that the Board give direction to the applicant and continue the application to a future meeting.

- Exhibits:
1. Conditions of Approval
 2. Application and Supplemental Materials
 3. Minutes of the Town Council meeting of November 7, 2007
 4. Design Review Board Staff Report dated September 6, 2007
 5. Letter dated January 25, 2008 from Spencer and Judy Bloch
 6. Letter dated January 25, 2007 from Christopher Wand
 7. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner

Exhibit 1

CONDITIONS OF APPROVAL
9 BURRELL COURT
FILE NO. 20633

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on July 11, 2007, or as amended by these conditions of approval. Any modifications to the plans of December 5, 2007, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
5. 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.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board
February 7, 2008
Agenda Item: **D2**

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 Variances for Reduced Rear Yard Setback and Excess Wall Height
(Continued from January 17, 2008)

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. A sound wall and trellis along the side property line is also included with the proposal.

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 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.

At the January 17, 2008 Design Review Board meeting, the Board discussed the merits of the revised project design without deliberation on the variance findings for excess wall height. The Board had no objection to the revised proposal but continued the item to allow the applicant to submit for the variance for excess wall height and for the required noticing takes place.

Since the Design Review Board meeting of January 17, 2008, the applicant has submitted for a variance for excess wall height along the side property line. No further changes have been made to the proposal.

ANALYSIS

Design Issues

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, 12 feet in height maximum, 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 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 12 foot sound wall and vine trellis would further reduce the potential for privacy impacts between the subject home and 33 Mark Terrace. The overall height of the sound wall has been measured from the downhill side to the top of the trellis.

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.

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 slopes substantially between the side property lines, dramatically exposing the side of the subject property to visual and noise impacts from adjacent properties. The topography is a special circumstance that would deprive the owners of this property from development privileges enjoyed by other properties in the vicinity.

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

Numerous other properties in the RO-2 or similar zones in Tiburon with similar site characteristics have been granted variances for excess fence and/or wall height in order to address noise or privacy issues that would not be adequately decreased by a fence 6 feet in height.

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

The construction of a 6 foot tall fence would result in undesirable noise and privacy impacts on the subject residence due to the location of the adjacent neighboring property below the side property line. The strict application of the fence height requirement would therefore place an unnecessary noise and privacy hardship on the applicant.

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

As noted above, the design of the subject wall and fence would not result in unwanted view or visual impacts on neighboring properties.

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

Public Comment

Since the last meeting, 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) , 16-4.3 (Variances) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board finds the design to be acceptable and in conformance with the Town's Design Guidelines, Staff recommends that the attached conditions of approval be applied.

ATTACHMENTS:

1. Conditions of approval
2. Application and supplemental material
3. Staff Report dated December 6, 2007
4. Minutes from Design Review Board Meeting of December 6, 2007
5. Staff Report dated January 17, 2008
6. 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.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
February 7, 2008
Agenda Item: **D3**

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 January 17, 2008)**

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. The 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 submitted revised plans for the house which pulled much of the upper floor level 4 feet back from the edge of the lower floor, with a roof overhang extending 6 inches beyond the lower level. The decks at the western end (facing 75 Rolling Hills Road) were shortened to 5 feet and the windows along the southern elevation were generally unchanged from the previous house design. At the January 17 meeting, the neighboring property owners raised similar objections to the revised project design. It was the consensus of the Board that the revised design was generally appropriate, but needed some modifications to further reduce the visual mass of the house. The application was continued to the February 7, 2008 meeting.

The applicant has again submitted revised plans for the project. A 20 square foot opening would now be included at the southwest corner of the second story roof overhang. The height of the

second story living room windows has been lowered by 4 feet. The remainder of the house design remains unchanged. Variances are still requested for reduced front and side yard setbacks.

ANALYSIS

Design Issues

The opening at the southwest corner of the second story roof overhang would create a more open appearance for this projecting roofline from both neighboring homes at 75 Rolling Hills Road and 9 Owlswood Road. This change addresses Goal 1, Principle 6 of the Hillside Guidelines which states that projects should “avoid massive roof overhangs and cantilevers on downhill faces of buildings” by reducing the visual mass of this overhang at its most visible point to nearby homes.

The reduced height of the living room windows would break up the massive expanse of glass along this side of the house. This change addresses Goal 1, Principle 3 of the Hillside Guidelines which states that projects should “avoid large expanses of any material in a single plane” and “break of masses of [the] building with horizontal and vertical elements” on downhill elevations. The revised window sizes would also be more consistent with Goal 2, Principle 6, which encourages projects that “control window placement for sun, privacy and view.”

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 January 17, 2008 report on this project, 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.

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. 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. Design Review Board Staff Report dated January 17, 2008
5. Minutes of the December 20, 2007 Design Review Board meeting
6. 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 25, 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
February 7, 2008
Agenda Item: **E4**

STAFF REPORT

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

From: **Community Development Department**

Subject: **775 Tiburon Boulevard; File No. 708005
Site Plan and Architectural Review for Additions to an Existing
Single-Family Dwelling**

Reviewed By: _____

PROJECT DATA

OWNER: SUSIE & TOBY MUMFORD
APPLICANT/ARCHITECT: MEREDITH MILL
ADDRESS: 775 TIBURON BOULEVARD
ASSESSOR'S PARCEL NUMBER: 055-253-03
FILE NUMBER: 708005
LOT SIZE: 16,416 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: MH (MEDIUM HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: C
DATE COMPLETE: JANUARY 18, 2008

PRELIMINARY ENVIRONMENTAL DETERMINATION

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

PROPOSAL

The applicant is submitting a request for construction of additions to the existing single-family dwelling located at 775 Tiburon Boulevard.

The existing dwelling is single-story and includes a living room, dining room, multi-purpose room, family room, an atrium, four bedrooms and two bathrooms. A detached four car carport is located at the rear of the home. The proposed project includes conversion of the existing carport into a 3-car garage and enclosure of the atrium within the dwelling. Interior renovations are also proposed for structural and mechanical upgrades and for an overall improvement of the

functionality of the home. New windows and doors would also be installed, as well as new skylights above the enclosed atrium area.

The roof would be upgraded on the dwelling to meet Title 24 requirements, with the installation of insulation which would minimally increase the roof height. The roof of the proposed garage would also be modified from a flat roof to a pitched roof.

The proposed additions would result in a gross floor area of 2,833 square feet, which is below the maximum permitted floor area ratio for a property of this size (3,642 sq. ft.). The proposed additions would result in lot coverage of 3,433 square feet (21.0%), which is below the maximum permitted lot coverage in the R-1 zone (30.0%).

The façade of the home would remain as is with the exception of new paint, in a neutral grey color. A color/materials board will be available at the meeting for review.

ANALYSIS

The subject site is designed to take advantage of views of Richardson Bay, with its main access off Tiburon Boulevard. The property shares its driveway with the dwelling to the north at 773 Tiburon Boulevard. The existing dwelling is situated several feet back from the roadway, with the useable yard space between the dwelling and Tiburon Boulevard.

The proposed project would enhance the existing structure with both interior and exterior improvements. The overall appearance of the structure would not be dramatically altered. Existing windows and doors would be upgraded and the color of the structure would be enhanced with a similar shade of grey. Most of the improvements would be to the interior of the home, with the conversion of the existing atrium, which would add 621 square feet of floor area to the home.

The roof of the home would also be updated but not altered dramatically. In order to meet Title 24 Energy requirements, insulation would be added to the slightly pitched roof, increasing the height minimally by 5-6 inches. The roof over the carport would be modified from a mostly flat roof to a slightly pitched roof. The changes in the roof height of both the dwelling and the proposed garage would not appear to block any views for the neighboring residences uphill to the east, off Gilmartin Drive.

Staff does not foresee any other designs issues with the proposed project.

Zoning

The project appears to be in conformance with the remaining development regulations of the R-1 Zoning district.

Public Comment

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

RECOMMENDATION

Staff recommends that the Design Review Board:

1. Review the project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles); and
2. Determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301; and
3. Approve the project, subject to the attached conditions of approval.

Exhibits:

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

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

Exhibit 1

**CONDITIONS OF APPROVAL
775 TIBURON BOULEVARD
FILE NO. 708005**

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 January 3, 2008, or as amended by these conditions of approval and plans of January 3, 2008. Any modifications to the plans must receive Design Review approval.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
8. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney’s fees that might result from the third party challenge.
9. All requirements of the Director of Public Works/Town Engineer shall be met.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board
February 7, 2008
Agenda Item: **E5**

STAFF REPORT

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

From: **Community Development Department**

Subject: **8 Audrey Court; File #20745
Site Plan and Architectural Review to Construct Additions to an
Existing Single-Family Dwelling, with a Variance for Reduced Side
Yard Setback and a Floor Area Exception**

Reviewed By: _____

PROJECT DATA

ADDRESS: 8 AUDREY COURT
OWNER: RICHARD & TRACI GOLDMAN
APPLICANT: MICHAEL HECKMANN (ARCHITECT)
ASSESSOR'S PARCEL: 058-231-06
FILE NUMBER: 20745
LOT SIZE: 19,530 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL OPEN)
GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE: C
DATE COMPLETE: JANUARY 18, 2008

PRELIMINARY ENVIRONMENTAL DETERMINATION

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

PROPOSAL

The applicant is requesting Design Review approval for the construction of additions and alterations to an existing single-family dwelling located at 8 Audrey Court. The addition would include converting and expanding the existing greenhouse into a study. Wood lattice screening and a lattice door would be added to the side of the addition in order to screen the crawlspace and portions of the covered terrace. The plans indicate that the clay tile roofing material of the addition would match that of the existing roof of the primary structure.

The lot coverage on the site would increase by 77 square feet (0.3 %). The existing lot coverage exceeds the 15.0% maximum lot coverage permitted in the RO-2 zone. However, Town policy does not require a variance for excess lot coverage if the total lot coverage increases by less than 1.0% of the lot area. The floor area on the site would increase by 139 square feet to a total of 4,628 square feet. The maximum allowed floor area is 3,953 square feet. The proposed total square footage exceeds the maximum allowed floor area therefore; a floor area exception is requested.

The proposed conversion and expansion of the lower level greenhouse into a study would extend to within 8.5 feet of the side property line, in lieu of the 15-foot side yard setback required in the RO-2 zone. Therefore, a variance is requested for a reduced side yard setback.

ANALYSIS

Design Issues

The subject home is located on a lot at the end of Audrey Court. The lot is surrounded by neighboring properties. The lot is on a shallow slope with tall landscaping along the property lines.

The proposed expansion of the lower level study is in a location that is slightly below natural grade. The lower level study would be completely screened by existing landscaping and the topography. The roof height of the proposed study expansion would be at least 13 feet lower than the existing roof of the existing structure. Therefore, the expansion would not appear to impact the views or privacy of any of the surrounding neighbors.

The proposed addition is rectangular, projecting into the required side yard setback. It would appear that the addition could be easily redesigned to either move the entire addition onto the upper terrace or limit the addition to the space of the existing greenhouse, thereby eliminating the encroachment into the required side yard setback.

Zoning

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

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

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

As noted earlier, the overall topography of the subject property slopes slightly. The subject property is of standard size and shape for the RO-2 zone. It is apparent that a special circumstance applicable to this property does not exist.

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

Numerous other properties in the RO-2 or similar zones with similar site characteristics have been granted variances for reduced side yard setback in order to accommodate the most appropriate home design on the property.

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

The strict application of the side yard setback requirement would force the design of the addition to be located where the upper terrace exists, eliminating the need for the side yard variance. It is apparent that this could be accomplished without creating a practical difficulty or unnecessary hardship associated with the applicant and owner.

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

As noted above, the proposed detached pool cabana does not appear to result in substantial view or privacy impacts on the primary living space from neighboring homes.

Floor Area Exception

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

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

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

From the evidence provided, Staff believes that there is insufficient evidence to support the findings for the requested variance but the findings can be made for the floor area exception.

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 agrees with Staff's conclusions, it is recommended that either the applicant be given direction to move the proposed addition out of the required side yard setback, or Staff be directed to prepare a resolution denying the application. If the Board can make the necessary findings and wishes to approve the application, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS:

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

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

EXHIBIT 1

CONDITIONS OF APPROVAL

8 AUDREY COURT

FILE #20745

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 December 19, 2007, or as amended by these conditions of approval and plans of December 19, 2007. Any modifications to the plans must receive Design Review approval.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
7. 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
February 7, 2008
Agenda Item: **E6**

STAFF REPORT

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

From: **Community Development Department**

Subject: **949 Tiburon Boulevard; File #707117
Site Plan and Architectural Review for Construction of a
New Single-Family Home**

Reviewed By: _____

PROJECT DATA

ADDRESS: 949 TIBURON BOULEVARD
OWNER: JACK & LEONOR ZHANG, ALBERT & BELINDA VELASCO
APPLICANT: LUIS S. RABUT (ARCHITECT)
ASSESSOR'S PARCEL: 058-121-29
FILE NUMBER: 707117
LOT SIZE: 19,900 SQUARE FEET
ZONING: R-1 (SINGLE FAMILY RESIDENTIAL)
GENERAL PLAN: MEDIUM HIGH DENSITY RESIDENTIAL
FLOOD ZONE: C
DATE COMPLETE: JANUARY 18, 2008

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 949 Tiburon Boulevard. The subject property was previously developed with a single-family residence which has been demolished.

The first floor of the proposed house would include a library, foyer, living room, dining room, kitchen, family room and laundry area. The second floor would include three bedrooms, three bathrooms and a master bedroom suite. A three-car garage and carport would be situated on the first floor of the home.

The floor area of the proposed house would be 3,984 square feet, which is less than the maximum floor area permitted for a lot of this size. The proposed house would cover 2,674 square feet (13.4%) of the site, which is less than the 30.0% maximum lot coverage permitted in the R-1 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 stucco and river rock with brown colored fascia, corbel and gutters. 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 R-1 zone.

Design Issues

The proposed new home is located on the corner of Owlswood Road and Tiburon Boulevard. The rectangular lot is benched but slopes suddenly towards Tiburon Boulevard. Mature oak trees line the property lines and have been topped in order to retain the views of the uphill neighboring properties.

The neighboring home uphill at 945 Owlswood Lane would have the most direct view of the proposed new home. The property owners have expressed concern in regard to the increase in mass and the closer proximity to Owlswood Road of the proposed home compared to the previous house on the site. As noted earlier, dense mature oak trees exist along the property line between the subject property and the residence at 945 Owlswood Lane. The oak trees would sufficiently screen the proposed new home from the neighboring property. In order to further decrease the potential impact, the applicant has increased the proposed landscaping of evergreen shrubs and trees along the Owlswood Lane side of the subject property.

When viewing the subject property from Tiburon Boulevard, the location of building footprint is completely screened. The property slopes dramatically adjacent to Tiburon Boulevard. Mature landscaping further screens the property from the Boulevard.

The proposed new home is well articulated, with the exterior broken up by multiple material choices and varying roof planes. A home of similar architectural style and design has recently been approved at 955 Owlswood Lane.

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

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

EXHIBIT 1

CONDITIONS OF APPROVAL

949 TIBURON BOULEVARD

FILE #707117

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on August 22, 2007, or as amended by these conditions of approval. Any modifications to the plans of January 3, 2008, 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.