



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board
March 6, 2008
Agenda Item: **D3**

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 (Continued from February 7, 2008)**

Reviewed By: _____

BACKGROUND

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.

This application was first reviewed at the February 7, 2008 Design Review Board meeting. At that meeting, the surrounding neighboring property owners along Owlswood Road and Owlswood Lane raised concerns that the proposed new home was incompatible with the surrounding area. The neighbors also expressed concern that the proposed front gate would impact the flow of traffic along Owlswood Road. The Board suggested the idea of either relocating or eliminating the driveway gate, removing or reconfiguring the uphill facing windows and decreasing the mass and bulk of the proposed home. 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 applicant submitted revised plans showing various changes in response to the Board's suggestions. The proposed new home has been shifted 2 feet to the east. The entry gate has been removed. Various balconies have been removed. A portion of the previously proposed upper story has been relocated to the ground level.

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

Since the meeting of February 7, 2008, the applicant has made numerous changes to the proposal in order to address the concerns of the Board. A principal concern of the Board was that the proposed home was too massive and bulky. The applicant has relocated a portion of the upper level to the ground level behind the garage and decreased portions of the plate height and roof height in order to flatten and decrease the overall mass of the proposed home. Various balconies have also been eliminated in the process of the reconfiguration. The entry gate has been eliminated from the proposal. The gross floor area of the proposed home has not changed the revisions however the lot coverage has increased by 726 square feet. The proposed home would cover 3,400 square feet (17.1%) of the site, which is less than the 30.0% maximum lot coverage permitted in the R-1 zone.

The neighboring home uphill at 945 Owlswood Lane would have the most direct view of the proposed new home. Various surrounding property owners use Owlswood Road as access and would see the proposed new home on a daily basis. The property owners have expressed concern that the increase in mass and the closer proximity to Owlswood Road of the proposed home would be more intrusive compared to the previous home on the site. In response to the neighbor's concerns, the applicant has moved the proposed home 2 feet further away from Owlswood Road, reduced the plate height and the size of the windows that face the private access road. The portion of the second story above the garage has been relocated out of view from Owlswood Road further decreasing the perceived massiveness of the proposed home.

As stated earlier, dense mature oak trees exist along the property line between the subject property, Tiburon Boulevard and the adjacent properties. Additional landscaping would be added between the oak trees and the proposed new home. The oak trees and landscaping would sufficiently screen the proposed new home from the neighboring property and Tiburon Boulevard. No further changes have been made to the landscape plan compared to what was previously proposed.

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. Staff Report dated February 7, 2008
4. 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 February 25, 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.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
April 3, 2008
Agenda Item: **E2**

STAFF REPORT

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

From: **Assistant Planner Phillips**

Subject: **18 Tanfield Drive; File #708042**
Site Plan and Architectural Review for Construction of
Additions and Alterations to an Existing Single-Family Home

Reviewed By: _____

PROJECT DATA

ADDRESS: 18 TANFIELD DRIVE
OWNER: JOLYNN HARDIMAN
APPLICANT: MICHAEL HECKMANN (ARCHITECT)
ASSESSOR'S PARCEL: 039-081-04
FILE NUMBER: 708042
LOT SIZE: 43,230 SQUARE FEET
ZONING: RO-1 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN: MEDIUM-LOW DENSITY RESIDENTIAL
FLOOD ZONE: C
DATE COMPLETE: MARCH 11, 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 requesting Design Review approval for the construction of an addition and alterations to an existing single-family home located at 18 Tanfield Drive. The addition would include the expansion of the existing upper level entryway, kitchen and deck. The garage would be relocated to the upper level and the existing lower level garage would be converted into living space to include a new bedroom and bathroom. Also, 6 new skylights would be added as well as a new driveway accessing the garage.

The lot coverage on the site would increase by 274 square feet (0.6%) to a total of 2,262 square feet (5.2%), which is 9.8% less than the 15.0% maximum lot coverage permitted in the RO-1 zone. The floor area on the site would increase by 1,027 square feet to a total of 3,519 square feet, which is 2,804 square feet less than the maximum allowed floor area of 6,323 square feet.

The submitted plans indicate that the proposed shingle roof and wood siding of the addition would match the exterior walls and roof of the existing structure.

ANALYSIS

Design Issues

The subject property is a large rectangular lot located on the cul-de-sac at the end of Tanfield Drive. The subject lot slopes down from Tanfield Drive with mature landscaping lining the street and the neighboring property lines.

The addition would extend toward Tanfield Drive from the existing home and would incorporate 3 ridgetines and 4 four new skylights within the new roof section. The portion of the proposed addition containing the garage would extend the furthest out. On the opposite side of the home, the existing upper level deck would be extended 2.5 feet outward. Although the proposed addition would increase the mass of the existing home, the addition would be marginally visible from any neighboring property or the public right-of-way on Tanfield Drive.

The new driveway would be relocated further up Tanfield Drive in order to access the new location of the garage. As the front property line is set back from the edge of the roadway, the new driveway would encroach into the public right-of way. Existing mature landscaping within this area would be removed as part of the process. The applicant has staked the entrance to the proposed driveway. An additional condition of approval has been added requiring the applicant to apply for an encroachment permit through the Public Works Department for the proposed changes within the public right-of-way.

The submitted plans show the proposed garage eave encroaching 4 feet into the required side yard setback. No eaves shall project into a required yard more than 3 feet without the granting of variance to encroach into the required setback. The applicant has agreed to decrease the projection of the eave in order to comply with this requirement. An additional condition of approval has been added requiring the eave to be decreased in size to comply with this requirement.

Zoning

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

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

ATTACHMENTS:

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

EXHIBIT 1

CONDITIONS OF APPROVAL

18 TANFIELD DRIVE

FILE #708042

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 March 5, 2008, or as amended by these conditions of approval. Any modifications to the plans of March 5, 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. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All requirements of the Director of Public Works shall be met.
6. 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 including the removal of landscaping and the addition of the driveway.
7. Eaves shall not encroach more than 3 feet into any required setback.
8. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.
9. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.

10. 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
April 3, 2008

Agenda Item: **E3**

STAFF REPORT

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

From: **Community Development Department**

Subject: **34 Old Landing Road; File #20801
Site Plan and Architectural Review to Construct Additions to an
Existing Single-Family Dwelling, with a Variance for Reduced Rear
Yard Setback**

Reviewed By: _____

PROJECT DATA

ADDRESS: 34 OLD LANDING ROAD
OWNER: JOAN & MARSHALL FOSTER
APPLICANT: MICHAEL ALBRECHT (ARCHITECT)
ASSESSOR'S PARCEL: 038-171-62
FILE NUMBER: 20801
LOT SIZE: 19,535 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL OPEN)
GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE: C
DATE COMPLETE: MARCH 11, 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 and detached garage located at 34 Old Landing Road. The additions would add two bedrooms, a bathroom and master bedroom suite to the second floor. The first floor would be remodeled and expanded during the process. The detached garage would be demolished and expanded to include two garage spaces, an office and bathroom.

The lot coverage on the site would increase by 905 square feet (4.5%) to a total of 2,250 square feet (11.5%), which is 3.5% less than the 15.0% maximum lot coverage permitted in the RO-2 zone. The floor area on the site would increase by 1,252 square feet to a total of 2,597 square feet, which is 1,356 square feet less than the maximum allowed floor area of 3,953 square feet.

The proposed second floor addition and deck would extend to within 8 feet, 8 inches of the rear property line, in lieu of the 25-foot rear yard setback required in the RO-2 zone. Therefore, a variance is requested for a reduced rear yard setback.

ANALYSIS

Design Issues

The subject home is located on a lot at the end of Old Landing Road on the bay side of the street. The lot is slightly sloping and narrows towards the rear property line at mean high tide. A perennial creek runs along the north side property line. Various trees and grasses have been planted between the existing home and Old Landing Road. The home is located towards the rear of the lot close to the bay shore with the detached garage between the home and the road.

The proposed second story addition was designed with the intent of maintaining the overall structural and architectural style of the existing home. The second story addition would increase the height of the home 8.25 feet and add 1,035 square feet of living space. An upper level deck and French doors would be added to the bay side above the first floor living space.

The detached garage in the front yard would be rebuilt, expanded and redesigned to include living space and one additional enclosed parking space. The new parking spaces would be accessed by doors on both the east and west sides of the garage. The double doors would allow the owners to drive through the detached garage and access the home at the rear of the property. A breezeway would be added along the south side of the detached garage covering the entryway to proposed office space and windows along that side. The detached garage would maintain the architectural style of the existing home and proposed addition.

The detached garage as proposed does not meet the requirements of the Tiburon Fire Protection District. The location of the additional enclosed parking space eliminates access along the existing driveway to the home at the rear of the subject property. Modifications to the current detached garage proposal would be required in order to comply with the access requirement.

The property across Old Landing Road and uphill from the subject property is currently undeveloped. The proposed upward expansion would be more visible from this neighboring property. However, due to the size and shape the neighboring property the proposed expansion does not appear to impact views from any future development.

The adjacent home at 32 Old Landing Road is built on the side property line closest to the subject home. There are no windows on this particular side of the neighboring home with only the sloping roof facing the proposed addition. Therefore, the proposal would not impact the privacy of the neighboring property.

The home just north of the subject property at 36 Old Landing is setback from the rear property line. The proposed second story addition appears to be visible within the corner of the panoramic view from this neighboring property.

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 rear yard setback. The required noticing for the variance inaccurately indicated the distance of the proposed encroachment. Accurate noticing is required to take place before the Board can deliberate on the variance findings.

Many of the homes in the surrounding neighborhood have two or more floor levels with relatively vertical house designs. The proposed second story encroachment does not appear to impact the privacy or views as the rear property line is adjacent to the bay.

Public Comment

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

RECOMMENDATION

As stated earlier, the required noticing for the variance for reduced rear yard setback was inaccurate in regard to the distance of the proposed encroachment. The Board is unable to act on this proposal until accurate noticing takes place. It is therefore recommended that the Board discuss the merits of the proposed project design without deliberation on the variance findings for reduced rear yard setback and continue the application to the April 17, 2008 meeting. The applicant should also utilize this additional time to address the concerns raised by the Fire District.

ATTACHMENTS:

1. Application and supplemental materials
2. Submitted plans

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



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
April 3, 2008
Agenda Item: **E4**

STAFF REPORT

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

From: **Associate Planner Tyler**

Subject: **21 Gilmartin Drive; File No. 707104
Site Plan and Architectural Review for Construction of a New
Single-Family Dwelling**

Reviewed By: _____

PROJECT DATA

OWNER: TENNY DOONE
APPLICANT/ARCHITECT: MOHAMAD SADRIEH, ARCHITECT
ADDRESS: 21 GILMARTIN DRIVE
ASSESSOR'S PARCEL NUMBER: 055-253-14
FILE NUMBER: 707104
LOT SIZE: 16,603 SQUARE FEET
ZONING: RPD (RESIDENTIAL PLANNED DEVELOPMENT)
PRECISE PLAN: TIBURON SHORES – PD#28
GENERAL PLAN: M (MEDIUM DENSITY RESIDENTIAL)
FLOOD ZONE: C
DATE COMPLETE: MARCH 13, 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 submitting a request for construction of a new two-story single-family dwelling on property located at 21 Gilmartin Drive. The subject property is currently vacant.

The lower level of the home would include a family room, living room, dining room, kitchen and breakfast nook, and one half bathroom. The upper level would include the master bedroom suite, three bedrooms with corresponding bathrooms, and a study. An attached two-car garage would

be situated adjacent to the upper level, and a detached one-car garage with a rooftop deck would be constructed on a lower portion of the site. Two chimneys and four skylights would be installed as part of the home.

The proposed house would result in lot coverage of 3,400 square feet (20.5%). Due to the established building envelopes for the subject property, there is no maximum allowable coverage. The proposed house would result in a gross floor area of 3,660 square feet which is the maximum floor area ratio permitted for a lot of this size.

The façade of the home would include beige stucco siding, sandstone rock façade as an accent, and copper roofing on the arched vaulted roofs. A color/materials board will be available at the meeting for review.

BACKGROUND

A previous Site Plan and Architectural Review application for construction of a new single-family dwelling on the subject site was reviewed by the Design Review Board on September 5, 2002. During the meeting, several of the adjacent neighbors along Gilmartin Drive expressed concern with the potential for view impacts if the home proposed was to be constructed. The Board found that the proposed residence would result in significant view impacts and visual mass and bulk when viewed from the uphill residence, located at 31 Gilmartin Drive. The board voted 5-0 to deny the application.

The applicant submitted revised plans on July 25, 2007. The application was deemed complete on October 12, 2007; however, the applicant officially withdrew the application on October 23, 2007. On March 13, 2008, the applicant re-instated the application for review by the Design Review Board.

ANALYSIS

Design Issues

The proposed home is designed to take advantage of views of Belvedere, the Golden Gate Bridge, Sausalito and Richardson Bay. The site slopes east to west and currently has access to the site from a driveway that also provides access to 25 Gilmartin Drive, a vacant parcel to the north. This application indicates that two new driveway approaches would need to be constructed off Gilmartin Drive, in order for the vacant parcel to the north to solely utilize the existing driveway.

From the residence at 31 Gilmartin Drive (uphill), the proposed dwelling would impact views of Richardson Bay from within the kitchen, dining room and living room of the residence. Views of the bay would be heavily impacted when sitting in the dining room. The view impacts would appear to solely result from the arched vaulted ceiling proposed over the master bedroom. As the vaulted ceiling in this location does not appear to serve any specific design purpose other than providing a high ceiling height combined with natural lighting for one room, elimination of this element would not negatively affect the design of the structure. Views of Richardson Bay would then be preserved for 31 Gilmartin Drive. A condition of approval has been included requiring this modification with the additional component that the roof height shall not exceed elevation 116.5.

It should also be noted that the previous denied application, proposed to plant Myoporum shrubs along the right (east) side of the property as privacy screening between 31 Gilmartin Drive and the subject site. One of the Design Review Boardmembers at the time noted that these shrubs were fast growing and could pose view impacts for the residence uphill. The current proposal still shows myoporum shrubs proposed in the same location. Staff has determined that myoporum shrubs would be the best option for providing privacy screening between properties, as these shrubs are fast growing; however, maintenance of any shrub or tree in this location would need to be performed on a regular basis so as not to impact the viewshed for 31 Gilmartin Drive. The owners of 31 Gilmartin are requesting that trees be installed along with the proposed myoporum, to create a privacy barrier similar to other residences along Gilmartin Drive. Staff has included a condition of approval requiring installation of trees in addition to the myoporum, which can be reviewed by staff during the building plan check process.

Tiburon Hillside Design Guidelines

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

- *Goal 1, Principle 1 states that cutting a building into the hillside reduces effective visual bulk.* The proposed two-story structure would be cut into the hillside, and each story would be stepped, resulting in a structure that is not visually prominent when viewed from Gilmartin Drive.
- *Goal 3, Principle 1 states that all new dwelling should be located so that they interfere minimally with views of adjacent dwellings.* The proposed structure would impact views for the residence uphill at 31 Gilmartin Drive, due to the arched vaulted ceiling over the master bedroom.
- *Goal 3, Principle 2 states that landscaping should be planned so that it does not grow into a view blockage for neighboring dwellings.* Proposed myoporum shrubs along the right side of the property (east) could have the potential to block views for the residence at 31 Gilmartin Drive. Maintenance of landscaping is a private matter between property owners and particular maintenance of this species of shrub would need to be performed on a regular basis to prevent potential view blockage.
- *Goal 3, Principle 7(a) states that view protection is more important for the primary living areas of a dwelling than for less actively used areas of a dwelling.* The residence at 31 Gilmartin Drive would have potential view impacts from the proposed structure from within the kitchen, dining room, living room and adjacent outdoor patio.
- *Goal 3, Principle 7(c) states that blockage of the center of a view is more damaging than blockage of a side view.* The proposed arched vaulted ceiling over the master bedroom would impact the center view for the residence at 31 Gilmartin Drive.

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

Zoning

The project appears to be in conformance with the development standards for the Tiburon Shores Precise Development Plan (PD #28), with regard to building envelope and height limits.

Public Comment

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

RECOMMENDATION

Staff recommends that the Board:

1. Review the project with respect to Zoning Ordinance Section 16-4.2.7 (Guiding Principles), and the Hillside Design Guidelines; and
2. Determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303; and
3. Approve the project, subject to the attached conditions of approval.

- Exhibits:
1. Conditions of Approval
 2. Application and Supplemental Materials
 3. Hillside Design Guideline Goal 1, Principle 1
 4. Hillside Design Guideline Goal 3, Principle 1, 2, 7(a)(c)
 5. Minutes of the September 5, 2002 Design Review Board meeting
 6. Resolution No. 2002-09
 7. Letter dated March 26, 2008 from Holly and Don Pruett
 8. Email with attachments dated March 26, 2008 from Tenny Doone
 9. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner

Exhibit 1

**CONDITIONS OF APPROVAL
21 GILMARTIN DRIVE
FILE NO. 707104**

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 July 25, 2007, as amended by these conditions of approval. Any modifications to the plans must receive Design Review approval.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
7. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.
8. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
9. Prior to the issuance of building permits, the applicant shall submit verification from a licensed landscape architect that the proposed landscape plan conforms to M.M.W.D.

landscape regulations.

10. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
11. Prior to under-floor inspection, a certified survey of the structure foundation will be required. Required documents shall include: 1) graphic documentation accurately locating the building on a site plan; 2) specific distances from property lines and other reference points to the foundation as appropriate; and 3) elevations relative to mean 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 California Fire Code and the Tiburon Fire Protection District:
 - a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2
 - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
 - c. The vegetation on this parcel shall comply with the requirements of the Tiburon Fire District and the recommendations of Fire Safe Marin. CFC 304.1.2
13. The following requirements of the Marin Municipal Water District shall be met:
 - a. A High Water Pressure Water Service application shall be completed.
 - b. A copy of the building permit shall be submitted.
 - c. Appropriate fees shall be paid.
 - d. The structure's foundation shall be completed within 120 days of the date of application.
 - e. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
14. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and

emergency contact (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site.

15. All requirements of the Director of Public Works/Town Engineer shall be met. An encroachment permit shall be filed and issued with the Town of Tiburon Public Works Department, for all work to be conducted within Town right-of-way, or Town-owned land, as defined in Chapter 19 of the Tiburon Municipal Code.
16. The arched vaulted ceiling located over the master bedroom shall be eliminated from the design of the structure, to reduce the roof height at this location by 4.5 feet. The height of the structure shall not exceed elevation 116.5.
17. Trees shall be installed in conjunction with the proposed myoporum screening at the right (east) side of the property, to provide adequate privacy screening between the residence at 31 Gilmartin Drive and the subject property. Modified landscaping plans shall be reviewed and approved by staff, prior to issuance of building permits.