



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board
January 15, 2009
Agenda Item: **E1**

STAFF REPORT

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

From: **Assistant Planner Phillips**

Subject: **5035 Paradise Drive; File #708193
Site Plan and Architectural Review for Construction
of a New Single-Family Home**

Reviewed By: _____

BACKGROUND

The applicant has submitted a request for construction of a new single-family dwelling on the property located at 5035 Paradise Drive. Currently a one story single-family dwelling occupies the property which would be demolished as part of this application.

This application was first reviewed at the December 4, 2008 Design Review Board meeting. At that meeting, the two adjacent neighboring property owners at 5045 Paradise Drive and 6 Cibrian Drive raised concerns that the proposed new home would impact views from their primary living space. The Board concluded that views from the Scarpa residence along Cibrian Drive would not be substantially impacted by the proposed home but the slot views from the Borton residence along Paradise would be impacted and that the project needed to be revised in order to minimize this impact. The Board suggested the idea of moving the location of the proposed home and lowering the height of the roof. 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.

ANALYSIS

Design Issues

The applicant submitted revised plans showing various changes in response to the Board's suggestions and the concerns raised by the neighboring property owners. The proposed new home has been shifted 6 feet to the west in order to position the entry element out of the views from the residence at 5045 Paradise Drive. The size of the rear yard has been decreased with this shift and the in-ground spa has been eliminated from the project. The new location of the proposed home is at the maximum distance from the roadway allowed by the Tiburon Fire Protection District without the installation of an additional fire hydrant. The stairway accessing the driveway has been revised on request by the Fire Marshal. Substantial excavation would be required in order to

construct the home in the new location. The attached subterranean rainwater storage tank has been relocated to above-ground along the side of the residence. The revision to the tank would decrease the requested floor area by 150 square feet.

The entire roof has been redesigned and reduced in height. The direction of various roof planes has been revised in order to decrease view blockage from the Borton residence. The kitchen exhaust element has been eliminated, creating a more consistent roofline for the new home. The applicant has suggested thinning the trees along the side property line in order to increase the views from the neighboring home.

The Design Review Board is encouraged to view the revised story poles of the proposed home from the neighboring homes at 5045 Paradise Drive to better evaluate the potential view impacts of the project.

Zoning

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

As previously noted, the proposed new home would be the first in the Town of Tiburon required to comply with the recently adopted Green Building Ordinance. The ordinance states that all proposed new homes shall achieve at least 60 points through the Green Point Checklist published by Build It Green. The applicant intends to exceed this requirement by pursuing the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Platinum certification. Many of the Green Building features have already been designed into the project.

Public Comment

Since last meeting, no letters have been received from the surrounding neighbors but a letter was submitted from the applicant describing the changes to the 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. Revised supplemental material & Letter from Hélène Marsh, dated January 5, 2009
3. Staff Report dated December 4, 2008
4. Minutes from Design Review Board Meeting of December 4, 2008
5. Submitted plans

CONDITIONS OF APPROVAL

5035 PARADISE DRIVE

FILE #708193

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 5, 2009, 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 applicable MMWD landscape/water conservation regulations. Alternatively, a letter from MMWD verifying compliance or an MMWD-stamped-approved set of landscape plans will satisfy this requirement.
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. **A vegetation management plan shall be approved by the Fire District before a Building Permit is issued.** CFC 304.1.2
 - d. The access gate shall have a minimum unobstructed width of 12'. Gates shall be operable using the Fire District's "Knox" key system. CFC 503.6.2
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 project shall comply with the applicable green building standard for compliance as set forth by resolution of the Town Council. Failure to explicitly impose the condition on an approval shall not release a project from otherwise meeting applicable requirements of section 16-8 et seq. of this article.

(end)



TOWN OF TIBURON
1505 Tiburon Boulevard
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Design Review Board Meeting
January 15, 2009
Agenda Item: **E2**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

**Subject: NOTICE OF CONTINUANCE
5 Rolling Hills Road; File #20815
Site Plan and Architectural Review for the Construction of Additions to
an Existing Single-Family Dwelling, with Variances for Reduced Front
Yard Setback and Excess Lot Coverage and a Floor Area Exception**

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

- No story poles have been erected/no certification received
- Requested information has not been received
- Item not properly advertised
- The applicant has requested a continuance to: **February 5, 2009**
- Other:



TOWN OF TIBURON
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Design Review Board Meeting
January 15, 2008
Agenda Item: **F3**

STAFF REPORT

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

From: **Assistant Planner Phillips**

Subject: **NOTICE OF CONTINUANCE**
30 Pamela Court; File #708197
Site Plan and Architectural Review to Construct Additions to an Existing Single-Family Dwelling

Reviewed By: _____

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

- No story poles have been erected/no certification received
- Requested information has not been received
- Item not properly advertised
- This item has been continued to **March 5, 2009** Design Review Board meeting
- Other:

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