



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
September 2, 2010

Agenda Item: **1**

STAFF REPORT

To: Members of the Design Review Board

From: Community Development Department

Subject: **NOTICE OF CONTINUANCE**
2312 SPANISH TRAIL; FILE NO. 710021
Site Plan and Architectural Review for Construction of a Detached Two-Family Dwelling with Detached Two-Family Dwelling Exception

Reviewed By: _____

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

- No story poles have been erected/no certification received
- Requested information has not been received
- Item not properly advertised
- The applicant has requested a continuance to: **October 7, 2010**
- Other:

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



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Design Review Board Meeting
September 2, 2010
Agenda Item: **2**

STAFF REPORT

To: Members of the Design Review Board

From: Community Development Department

Subject: **NOTICE OF CONTINUANCE**
680 HAWTHORNE DRIVE; FILE NO. 709044;
Site Plan and Architectural Review for Construction of 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
- The applicant has requested a continuance to: **October 7, 2010**
- Other:

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



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Design Review Board Meeting
 September 2, 2010
 Agenda Item: **3**

STAFF REPORT

To: Members of the Design Review Board
From: Planning Manager Watrous
Subject: 1801 Mar West Street; File # 710101;
 Site Plan and Architectural Review for Construction of A New Single-Family Dwelling, with a Floor Area Exception
Reviewed By: _____

PROJECT DATA

OWNER: RON SIRES
 APPLICANT/ARCHITECT: JOHN LAU (ARCHITECT)
 ADDRESS: 1801 MAR WEST STREET
 ASSESSOR'S PARCEL NUMBER: 059-061-21
 FILE NUMBER: 710101
 LOT SIZE: 10,845 SQUARE FEET
 ZONING: R-2 (TWO-FAMILY RESIDENTIAL)
 GENERAL PLAN: H (HIGH DENSITY RESIDENTIAL)
 FLOOD ZONE: X
 DATE COMPLETE: AUGUST 23, 2010

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.

PROJECT DESCRIPTION

The applicant is submitting a request to construct a new single-family dwelling and remodel an existing detached two-car garage and guest cottage, with a floor area exception, on property located at 1801 Mar West Street. Currently the property is improved with a two-family dwelling, and two accessory structures that have previously included nonconforming dwelling units.

The proposed home would be constructed as a single-family dwelling. The main level of the home would include a living room, dining/family room, kitchen, pantry, and one bedroom and bathroom. A large entry porch would be located at the front of the home, and a large deck would extend off the back of the home. The upper level of the home would include the master bedroom suite, along with two additional bedrooms, two bathrooms, and a laundry area. A balcony would

extend off the master bedroom at the front of the home, with two other balconies at the rear and right (east) side of the upper level. One skylight would be installed on the roof.

The existing two-car garage and attached guest cottage would be retained and remodeled to match the proposed dwelling. No additions are proposed for this detached structure. The guest cottage would remain single-story and would contain a living area, bedroom and bathroom with no kitchen. A new deck would extend off the front of the cottage, over the garage. Additional decking would be located along the side of the cottage and at the entry area.

Landscaping includes a new swimming pool and spa with a surrounding patio at the rear of the property. A small fruit orchard would be located along the eastern side of the lot. A new six foot (6') high redwood fence would extend along the side and rear property lines and a vehicle entry gate would be installed at the driveway.

The proposed structure and existing detached garage and guest cottage would result in a lot coverage of 3,603 square feet (33.2%) which is below the 35.0% maximum permitted lot coverage in the R-2 zoning district. The proposed structures combined would create a gross floor area of 3,758 square feet, which exceeds the maximum permitted floor area for a parcel of this size (3,085 sq. ft.) by 673 square feet. A floor area exception has therefore been requested as part of this application.

Proposed color and materials of the new dwelling and remodeled guest cottage include stucco siding in shades of light and dark gray, white trim around the windows, fascia and porch railings, black iron deck guardrails, slate gray composition shingle roofing and gray interlocking concrete pavers at the driveway. A color/materials palette will be available at the board meeting for review.

BACKGROUND

A previous application for Site Plan and Architectural Review and a floor area exception (File #710026) was filed on March 9, 2010. The following is a chronology of the Design Review Board's review of the previous application:

April 15, 2010 meeting

The plans originally submitted for the previous application were similar to the current project design, although the original house design was larger (3,825 square feet vs. 3,758 square feet) and taller (30 feet in height vs. 24 feet) than the current project design and included a rooftop deck.

This application was first reviewed at the April 15, 2010 Design Review Board meeting. At that meeting, several neighboring property owners raised concerns about potential view and privacy impacts from the roof deck of the proposed house, and concerns about the overall mass and scale of the proposed house. The Design Review Board shared these concerns, finding that the proposed house design was too massive and boxy and that the proposed roof deck would result in view and privacy impacts for several neighboring uphill residences. The Board encouraged the applicant to work with the neighboring property owners to come up with a more appropriate house design. The Board continued the application to the June 3, 2010 meeting. The applicant

subsequently agreed to a 90 day extension to the Permit Streamlining Act deadlines for this application.

June 3, 2010 meeting

Prior to the June 3, 2010 meeting, the applicant did not submit revised plans for the project. He indicated his desire to either negotiate with the neighbors at the June 3rd meeting, or have the Design Review Board simply vote to either approve or deny the project as originally designed.

At the June 3rd meeting, the applicant proposed a compromise that would include reducing the height of the home and eliminating the rooftop deck and swimming pool if the Board would grant the requested floor area exception. The applicant stated that if the Board agreed to grant the floor area exception, he would then have his designer revise the plans. The Board explained to the applicant that the intention of the Design Review Board was not meant to be treated as a “workshop,” and that they needed revised plans to review, and the revised plans should address the Board’s previous concerns of lowering the height of the home, eliminating the rooftop deck and addressing the mass and bulk issues. As no plans were provided for the Board to review, public comments were postponed, and the project was continued to the July 1st meeting.

July 1, 2010 meeting

Prior to the July 1 meeting, the applicant submitted revised project plans that eliminated the rooftop deck and lowered the height of the proposed home to the height of the existing structure on the site (approximately 25 feet, 9 inches). No other changes were made to the design of the proposed house.

At the July 1 meeting, the Design Review Board determined that the removal of the roof deck and lowered height were beneficial, but the proposed house would still result in unacceptable view impacts on several uphill homes. A vote to approve the house without several dormer roof components failed (a vote of 1-2). As a decision on the application needed to be made at that meeting due to Permit Streamlining Act requirements, the applicant agreed to withdraw the application and to resubmit a new application at a later date.

ANALYSIS

Design Issues

The design of the proposed house has not substantially changed from the plans reviewed by the Design Review Board on July 1, 2010. The height of the house has been reduced from approximately 25 feet, 9 inches to 24 feet. The dormer roof extensions have been eliminated. A small portion of the east side of the upper level has been recessed, with a balcony extending in that location. The depth of the house (41 feet, 10 inches) is unchanged, and the width of the house has increased from 36 feet, 10 inches to 37 feet, 10 inches. The architectural style of the house is nearly identical, with the exception of the removed dormers and additional side balcony.

In comparison to the existing house on the site, however, the height reduction would lower the roofline of the proposed dwelling substantially below the ridgeline of the existing house. The proposed project design would replace the peaked roof of the existing residence with a flatter

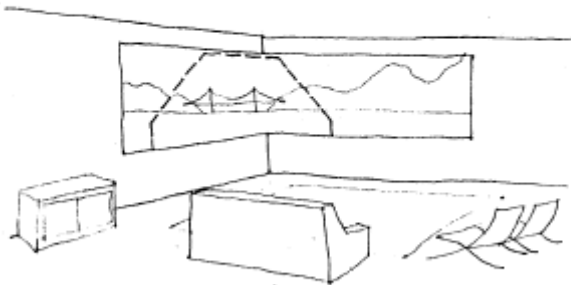
roof. It should also be noted that the proposed house would be wider than the existing structure, expanding in particular to the east side.

Two of the adjacent uphill neighbors, at 1808 & 1812 Centro West Street, have previously expressed concerns regarding potential view impacts that would be caused by the proposed house. The following portions of the Tiburon Hillside Design Guidelines should be used to evaluate the potential view impacts of the proposed dwelling on these neighboring homes:

- Goal 3, Principle 7 (A) of the Hillside Design Guidelines states that “view protection is more important for the primary living areas of a dwelling (e.g. living room, dining room, family room, great room, kitchen, and decks associated with these rooms) than for the less actively used areas of a dwelling (e.g. bedroom, bathroom, study, office, den).”

NO

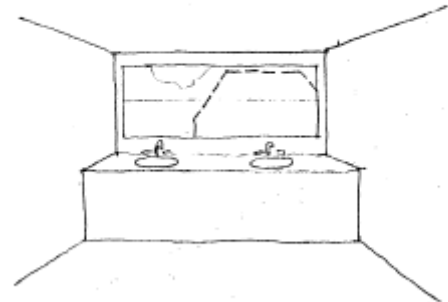
• PROPOSED STRUCTURE
BLOCKS LIVING ROOM VIEW -



• GREAT IMPACT ON
LIVABILITY

YES

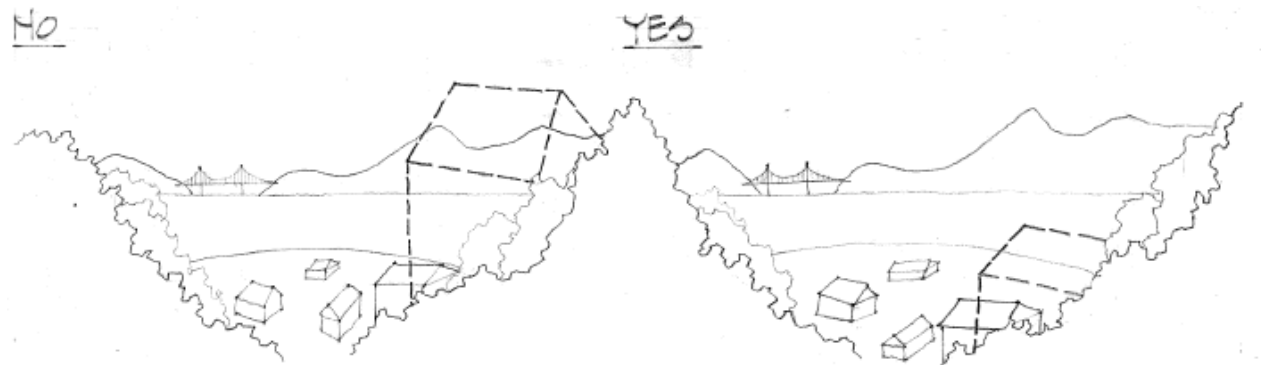
• PROPOSED STRUCTURE
BLOCKS BATHROOM VIEW



• LITTLE IMPACT ON
LIVABILITY

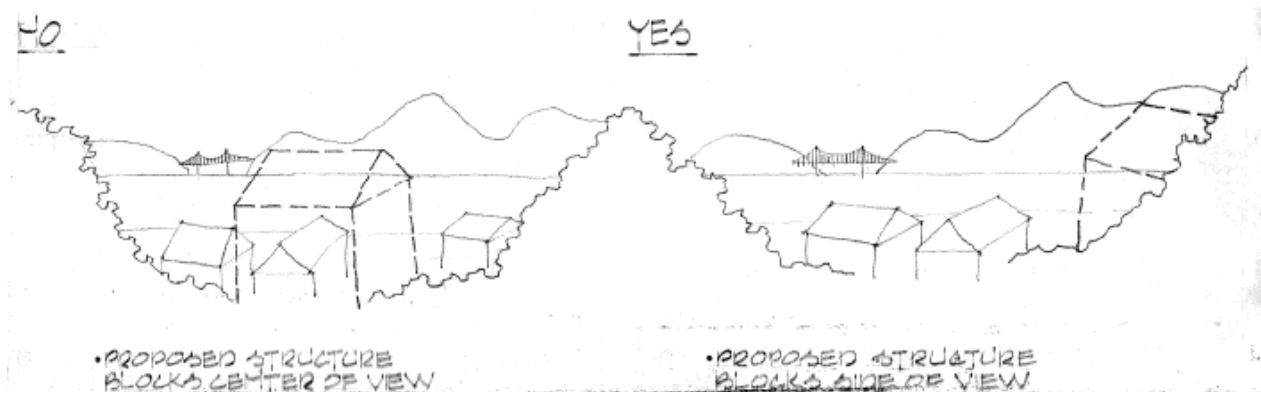
The proposed dwelling would be visible from the living rooms of the homes at 1808 Centro West Street and from the den/sunroom of the home at 1812 Centro West Street.

- Goal 3, Principle 7 (B) of the Guidelines states that the “horizon line is [the] most sensitive part of [a] view, then foreground, then middleground.”



The proposed house would intrude into the foreground views from the neighboring homes.

- Goal 3, Principle 7 (C) of the Guidelines states that “blockage of [the] center of view [is] more damaging than blockage of [the] side of view.”



The proposed dwelling would intrude into the center of the views from the neighboring homes.

- Goal 3, Principle 7 (D) of the Guidelines states that “blockage of important objects in the view (Golden Gate Bridge, Belvedere Lagoon, Sausalito, Angel Island) is more difficult to accept than blockage of other, less well known landmarks.”



The proposed house would not block views of the Golden Gate Bridge, San Francisco or Angel Island from the adjacent homes, but would block a portion of the view of the Pt. Tiburon Bayside lagoon. The reduced height of the proposed house would likely open up additional views of the water that are currently blocked from the house at 1808 Centro West Street. This height reduction would also help the views from the home at 1812 Centro West Street, but may be offset by views of the water that would be blocked by the expanded width of the proposed house.

- Goal 3, Principle 7 (E) of the Guidelines states that “a wide panoramic view can accept more view blockage than the smaller slot view.”



The neighboring homes have smaller slot views to the south toward Pt. Tiburon and Belvedere.

Section 16-52.020 (H[2]) of the Tiburon Zoning Ordinance (Guiding principles in the review of Site Plan and Architectural Review applications – Site layout in relation to adjoining sites) states that the Design Review Board shall review “the location of proposed improvements on the site in relation to the location of improvements on adjoining sites, with particular attention to view considerations.” The Board is encouraged to view the story poles for the project from the homes

at 1808 & 1812 Centro West Street to better evaluate the potential view impacts of the proposed house.

Section 16-52.020 (H[3]) of the Zoning Ordinance (Neighborhood character) also states that the Board shall consider whether “the height, size, and/or bulk of the proposed project bears a reasonable relationship to the character of existing buildings in the vicinity.” The Board has previously raised concerns about the mass and bulk of the previous project designs. It should be noted that this portion of Old Tiburon contains many homes from the railroad era of the town, which were often two-story, vertical house designs similar to that of the proposed house.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-2 zone, with the exception of the previously noted floor area exception.

In order to grant the requested floor area exception, the Board must make the following findings required by Section 16-52.020 (I[4]) of the Tiburon Zoning Ordinance.

- 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 characteristics 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.**

The Design Review Board has previously raised concerns about the visual mass and bulk of the proposed house design. As noted above, however, the project design appears to be compatible with the visual size and scale of many of the older railroad era homes in the vicinity. The site is relatively level and the proposed structure would appear to be compatible with the physical characteristics of the site.

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

Public Comment

As of the date of this report, one letter has been received regarding the subject application from the owners of the home at 1812 Centro West Street, describing the potential view impacts on their residence and requesting screening for the swimming pool and related equipment.

RECOMMENDATION

- 1. The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and the Hillside Design Guidelines.**

2. If the Design Review Board determines that the potential view impacts are consistent with the principles of the Hillside Design Guidelines and that the visual mass and bulk of the proposed house would be compatible with the character of other homes in the surrounding neighborhood, the Board should determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303 and approve the application, subject to the attached conditions of approval.
3. If the Design Review Board determines that the proposed house would result in view impacts that would not be consistent with the principles of the Hillside Design Guidelines and/or that the visual mass and bulk of the proposed house would be incompatible with the character of other homes in the surrounding neighborhood, it is recommended that the Board continue the application to a future meeting and give direction to the applicant about specific changes that should be made to the project design to address these issues.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Minutes of the April 15, 2010 Design Review Board meeting
4. Minutes of the June 3, 2010 Design Review Board meeting
5. Minutes of the July 1, 2010 Design Review Board meeting
6. Letter from Joan and Martin Lasden, dated August 24, 2010
7. Submitted plans

CONDITIONS OF APPROVAL

1801 MAR WEST STREET

FILE #710101

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 23, 2010, or as amended by these conditions of approval. Any modifications to the plans of August 11, 2010 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 in a non-reflective manner (minimum 25%) 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. The project shall comply with the following requirements of the California Fire Code and the Tiburon Fire Protection District:
 - a. Both structures 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 changes made on the vegetation plan stamped by the Fire District. 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
9. 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.
10. The applicants shall obtain any necessary sewer permits from the Sanitary District No. 5 and pay all applicable fees prior to construction of a side sewer and connection to the sewer main. After connection to the sewer main but prior to commencement of discharge and prior to covering of the pipe, the District shall be contacted and allowed to inspect the connection for conformance to standards.
11. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
- a. A Public Works encroachment permit will be needed for all work to be conducted within Town street rights-of-way.
 - b. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
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 applicable green building standard for compliance as set forth by resolution of the Town Council.