



STAFF REPORT

To: Members of the Design Review Board

From: Associate Planner Tyler

Subject: 1801 Mar West Street; File No. 710026; Site Plan and Architectural Review for Construction of a New Single-Family Dwelling, with a Floor Area Exception; Assessor's Parcel Number: 059-061-21 (Continued from April 15, 2010)

Reviewed By: _____

BACKGROUND

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.

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 applicant asked the Board to deny the application, indicating that he would then work with the neighbors while awaiting the appeal hearing before the Town Council. After Staff indicated that the Town Council would respond to that approach by remanding the application back to the Design Review Board, the applicant agreed to a continuance to a future meeting. 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.

Since that time, the applicant has not submitted revised plans for the project. He has indicated his desire to either negotiate with the neighbors at the June 3 meeting or have the Design Review Board simply vote to either approve or deny the project as originally designed. The applicant has refused to submit additional copies of the previously submitted plans for the project.

ANALYSIS

Design Issues

As noted in the previous Staff report for this application, two of the adjacent uphill neighbors at 1808 and 1812 Centro West Street have expressed concerns that the height of the proposed structure would intrude into views of the Pt. Tiburon lagoon. The attic space and rooftop deck of the proposed house would increase the structure height approximately three feet, six inches (3'6") at the highest ridge point, above the current structure height. At the April 15, 2010 meeting, the Design Review Board acknowledged the importance of these views to the uphill residents.

Section 16-52.020 (H[2]) of the Tiburon Zoning Ordinance (Guiding principles in the review of Site Plan and Architectural Review applications) states that the Design Review Board shall consider "the location of proposed improvements on the site in relation to the location of improvements on adjoining sites, with particular attention to view considerations [and] privacy." The proposed roof deck would extend into the views of the Pt. Tiburon lagoon from the primary living areas of 1808 & 1812 Centro West Street. The proximity of this rooftop deck to these uphill neighbors could also reduce the privacy currently enjoyed by these neighboring homes.

Section 16-52.02 (H[3]) of the Tiburon Zoning Ordinance also states that the Design Review 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." At the April 15, 2010 meeting, the Board determined that the design of the proposed house was too massive and boxy, particularly in comparison to the character of other homes in the vicinity.

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. Although the previous Staff report indicated that sufficient evidence has been presented to make the findings necessary to approve the requested floor area exception, the Design Review Board felt that the additional floor area contributed to the massiveness of the house design and did not support the floor area exception request.

Public Comment

Since the April 15, 2010 Design Review Board meeting, no letters have been received regarding the subject application.

RECOMMENDATION

Staff recommends that the Design Review Board review the project with respect to Zoning Ordinance Section 16-52.020 (H) (Guiding principles in the review of Site Plan and Architectural Review applications) Section 16-52.020 (I) (Floor Area Ratio Guidelines). If the Board determines that the design of the house is inappropriate, the Board may ask the applicant if he is willing to accept a continuance to redesign the project. If the applicant does not agree to a

continuance, Staff recommends that the Board continue the application to the June 17, 2010 meeting and direct Staff to prepare a resolution denying the application.

If the Design Review Board finds the design of the house to be appropriate and can make the findings necessary to approve the floor area exception, Staff recommends that the Board determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 and approve the project subject to the attached draft conditions of approval.

EXHIBITS

1. Conditions of Approval
2. Design Review Board Staff Report dated April 15, 2010
3. Minutes of the April 15, 2010 Design Review Board meeting

Prepared By: Daniel M. Watrous, Planning Manager

Exhibit 1

**CONDITIONS OF APPROVAL
1801 MAR WEST STREET
FILE NO. 710026**

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 March 9, 2010, or as amended by these conditions of approval and plans of March 23, 2010. 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. 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
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.



STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 1980 Centro West Street; File #21002
Site Plan and Architectural Review for the Construction of Additions to an Existing Two-Family Dwelling with Variances for Reduced Front and Side Yard Setbacks (Continued from May 6, 2010)

Reviewed By: _____

BACKGROUND

The applicant is requesting Design Review approval for the construction of additions to an existing two-story two-family dwelling on property located at 1980 Centro West Street. A new master bedroom suite would be added to the left side and rear of the upper dwelling unit in the building, with a deck extending toward the middle of the site. A new two-car garage would be attached to the front of the building. A new parapet and decorative cupola would be constructed above the roofline at the front of the building, and a new pedestrian access gate would be installed at the left front corner of the lot. A new arbor would be constructed above the lower deck of the structure. Additional windows would be installed at various locations around the building. A detached arbor would be constructed along the right side of the rear of the site, with a new set of exterior stairs leading down toward the rear of the property. Variances are requested for reduced front and side yard setbacks.

This application was first reviewed by the Design Review Board on May 6, 2010. At that meeting, the Board indicated that the placement of the garage and other improvements at the front of the property were appropriate and that findings could be made for the front and side yard setback variances for the garage. However, the Board felt that the master bedroom suite addition was too close to the neighboring home at 1990 Centro West Street and that findings could not be made for the variance for reduced side yard setback for that addition. The Board continued the application to the June 3, 2010 meeting, with direction to the applicant to attempt to pull the proposed addition out of the required setback.

Since that time, the applicant has submitted revised plans for the project. The master bedroom suite has been pulled back from the side property line and moved adjacent to the existing living room, eliminating the previously proposed exterior deck between the addition and the living room. The general dimensions of the addition remain the same, but the adjoining hallway has increased in size. As a result, the floor area of the proposed addition has increased from 654 square feet to 691 square feet, resulting in a total floor area of 3,425 square feet, which is less than the 3,429 square foot floor area ratio for a lot of this size. The lot coverage would remain at

4,969 square feet (34.8%), which would be less than the 35.0% maximum lot coverage permitted in the R-2 zone. The addition would comply with the side yard setback requirement, as only a portion of a proposed chimney would extend into the required setback. As a result, a side yard setback variance would no longer be required for this portion of the project.

ANALYSIS

Design Issues

At the May 6, 2010 Design Review Board meeting the Board determined that the proposed garage addition and associated improvements at the front of the building would not substantially intrude into the views for any neighboring homes. The Board felt that this was the appropriate location for a garage, noting that the structure would simply replace the existing paved parking area on the site.

The modified location of the proposed master bedroom suite addition would provide an appropriate buffer between the addition and the adjacent residence at 1990 Centro West Street without intruding substantially into the northward views across the subject property from the neighboring dwelling.

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 requested variances for reduced front and side yard setbacks.

Variances

In order to grant the requested variances, the Board must make all of the following findings required by Section 16-52.030 (E) 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 is substantially larger than the 7,500 square foot minimum lot size in the R-2 zone and is generally rectangular in shape. The existing building is sited toward the upper end of the lot, leaving minimal area for the location of an enclosed garage. The siting of the structure is a physical characteristic which creates special circumstances which would cause the strict application of the R-2 development standards to deprive the owners of this property of 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.***

Other properties in the R-2 and similar zones have been granted variances for reduced setbacks or have nonconforming setbacks, including the residences at 1970, 1990 & 1992 Centro West Street.

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

There is no other practical location to construct an enclosed garage on the site to provide three covered parking spaces for the two dwelling units on the property. The strict application of the building setback requirements would therefore impose an unnecessary hardship on the applicants.

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

The proposed garage addition would not project into the views of or create privacy impacts for any neighboring residences.

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

PUBLIC COMMENT

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

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (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 Design Review Board agrees with Staff's conclusions, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Minutes of the May 6, 2010 Design Review Board meeting
3. Submitted plans

CONDITIONS OF APPROVAL

1980 CENTRO WEST STREET

FILE #21002

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 2, 2010, or as amended by these conditions of approval. Any modifications to the plans of May 19, 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 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 Tiburon Fire Protection District:

- a. Approved smoke alarms shall be installed to provide protection to all sleeping areas (CFC 907.2.10).
 - b. The vegetation on this parcel shall comply with the requirements of the Tiburon Fire Protection District and the recommendations of Fire Safe Marin. (CFC 304.1.2).
9. All requirements of the Marin Municipal Water District shall be met.
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 construction movement to and from the private shared driveway and to control construction staging and parking.
 - 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.



STAFF REPORT

To: Members of the Design Review Board

From: Associate Planner Tyler

Subject: 1490 Vistazo West Street: File No. 21003; Site Plan and Architectural Review for Construction of a New Single-Family Dwelling with Variances for Reduced Side Yard Setback and Excess Building Height (Continued from May 6, 2010)

Reviewed By: _____

BACKGROUND

The applicant is proposing to construct a new three-story single-family dwelling, with variances for reduced side yard setback and excess building height, on property located at 1490 Vistazo West Street. Currently the property is improved with a two-story dwelling that is structurally attached to the adjacent dwelling at 1486 Vistazo West Street. The existing residence would be demolished as part of this project.

This application was first reviewed at the May 6, 2010 Design Review Board meeting. At that meeting, several neighboring property owners raised concerns about potential privacy issues and the visual and structural effects of separating the subject house from the adjoining home. The Board found the design of the proposed house to be generally acceptable, but requested additional information on the appearance of the currently adjoining house once the subject dwelling has been separated from it. The Board also recommended that the applicant more fully explore the structural aspects of the proposed project to ensure that necessary structural elements would not result in changes to the appearance of the building. The Board continued the application to the June 3, 2010 meeting to allow the applicant time to address these issues.

The applicant has now submitted revised plans for the project. The revised plans include exterior elevation drawings for the adjoining house at 1486 Vistazo West Street, indicating that the resulting side of that residence would be finished with materials matching the existing exterior materials of the building.

ANALYSIS

Design Issues

At the May 6, 2010 Design Review Board meeting, the Board expressed concerns that proposed project should not create structural, drainage or exterior appearance issues for the adjoining

neighbor at 1486 Vistazo West Street. Although structural components of a project are generally not within the purview of the Design Review Board, the Town Building Official has preliminarily reviewed the revised plans. The Building Official will require that a complete engineering assessment be performed for the adjoining homes at 1482 & 1486 Vistazo West Street prior to issuance of a building permit for the proposed project. The applicant would be responsible all work necessary to ensure the structural safety of the adjoining residences at 1482 & 1486 Vistazo West Street as a result of separating the existing house on the subject property from the adjoining dwellings. Any future changes to the exterior of the proposed house design that may occur as a result of addressing the structural challenges of this project would need to be reviewed through the Design Review process.

Several neighbors also raised concerns about drainage issues resulting from the proposed project. These issues are also not generally within the purview of the Design Review Board and have been reviewed by the Town Public Works Department, which shall continue to monitor potential drainage issues through the building permit process.

The Design Review Board expressed concern that the exterior appearance of the adjoining dwelling at 1486 Vistazo West Street not be damaged by the separation of the existing house on the subject property. The applicant has submitted exterior elevation drawings for the neighboring house with the revised plans for this project. The plans indicate that the house would be finished with exterior colors and materials that would match the existing exterior of the neighboring home. A condition of approval is recommended that would require the applicant to be responsible for completing these exterior improvements consistent with the submitted plans.

The adjacent neighbor at 1494 Vistazo West, to the east of the subject site, previously raised concerns about potential privacy impacts resulting from several windows of the proposed house that would face toward the neighbors' home. At the May 6, 2010 meeting, the Design Review Board felt that the potential privacy concerns were minimal and minimized by the existing mature trees between the homes.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-1 zone, with the exception of the previously noted variances for reduced side yard setback and excess building height. As noted in the previous Staff report, Staff believes that there is sufficient evidence to support the findings for the requested variances.

Public Comment

Since the previous Design Review Board meeting no letters have been received regarding the subject application. The neighboring property owner at 1486 Vistazo West Street has expressed continued concerns over structural issues related to the proposed project.

RECOMMENDATION

Staff recommends that the Design Review Board:

1. Review the project with respect to Zoning Ordinance Section 16-52.020 (H) (Guiding Principles), Section 16-52.030 (Variances); and
2. Determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303; and
3. Approve the application, subject to the attached conditions of approval.

EXHIBITS

1. Conditions of Approval
2. Minutes of the May 6, 2010 Design Review Board meeting
3. Submitted Plans

Prepared By: Dan Watrous, Planning Manager

Exhibit 1

**CONDITIONS OF APPROVAL
1490 VISTAZO WEST STREET
FILE NO. 21003**

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 March 4, 2010 and May 25, 2010, 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 replacement structure must be in compliance with CBC Chapter 7A.
 - d. 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
 - e. The placement of shrubs that will reach a mature height of 8' cannot be placed under the existing pine trees unless the lower limbs are removed to provide proper clearance from ladder fuels.
 - f. All dead wood must be removed from the existing pine trees to remain.
 - g. All existing bamboo shall be completely removed from the property.
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 sate 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 existing drainage inlet and pipe that appears to be in conflict with the proposed remodeling must be addressed on plans submitted for building permits.
 17. The public right-of-way shall be protected from damage during construction, or repairs will be made to the satisfaction of the Town.
 18. The project shall comply with the applicable green building standard for compliance as set forth by resolution of the Town Council.
 19. The applicant shall be responsible for all work necessary to ensure the structural safety of the adjoining residences at 1482 & 1486 Vistazo West Street as a result of separating the existing house on the subject property from the adjoining dwellings. A complete engineering assessment of the homes at 1482 & 1486 Vistazo West Street shall be prepared to the satisfaction of the Town Building Official and shall be submitted prior to issuance of a building permit for this project.
 20. The applicant shall be responsible for constructing exterior finishes for the adjoining house consistent with the elevation drawings submitted with this application.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
June 3, 2010
Agenda Item: **4**

STAFF REPORT

To: Members of the Design Review Board
From: Planning Manager Watrous
Subject: 698 Hawthorne Drive; File #710036
Site Plan and Architectural Review for the Construction of an Addition
to an Existing Single-Family Dwelling
Reviewed By: _____

PROJECT DATA

ADDRESS: 698 HAWTHORNE DRIVE
ASSESSOR'S PARCEL: 055-213-04
FILE NUMBER: 710036
PROPERTY OWNERS: ANTOINE AND BERYL SALEH
APPLICANT: SIGFRIDO OROZCO (ARCHITECT)
LOT SIZE: 7,200 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: MEDIUM HIGH DENSITY RESIDENTIAL
FLOOD ZONE: X
DATE COMPLETE: MAY 12, 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 15301.

PROPOSAL

The applicant is requesting Design Review approval for the construction of an addition to an existing one-story single-family dwelling on property located at 698 Hawthorne Drive. A new master bedroom suite would be added to the left side and rear of the house, replacing a deck that currently extends across that portion of the site. The existing family room would be expanded. A 302 square foot basement would be constructed below the new master bedroom.

The proposed addition would increase the lot coverage of the site by 497 square feet to a total of 2,125 square feet (29.5%), which would be less than the 30.0% maximum lot coverage permitted in the R-1 zone. The proposed project would increase the calculated floor area of the house by

497 square feet to a total of 2,148 square feet, which is less than the 2,520 square foot floor area ratio for a lot of this size.

A color and materials board has not been submitted, as the proposed addition would match the exterior appearance of the existing house.

ANALYSIS

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-1 zone.

Design Issues

The subject property is situated at the northwest corner of the intersection of Hawthorne Drive and Rock Hill Road, with the rear of the site bordering Tiburon Boulevard. The site is relatively level and is developed with a one-story residence and a number of mature trees.

The roofline of the proposed addition would have a maximum height of 14 feet, 9 inches, extending slightly above the 13 foot maximum height of the existing house. The location of the basement beneath the proposed master bedroom pushes up the height of the addition, but the 8 foot plate height within the master bedroom minimizes the extent of the height increase.

The homes in the surrounding Hawthorne Terrace subdivision are shallowly terraced, with views toward Richardson Bay extending across the rooftops of other buildings in their foreground view. As a result, increased roof heights in this neighborhood often protrude into the water views of uphill neighbors. However, the proposed addition would not appear to interfere with the views from the homes across the street at 697 & 699 Hawthorne Drive due to mature trees and landscaping to the rear of the addition and in front of these nearby residences.

PUBLIC COMMENT

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

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (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 Design Review Board agrees with Staff's conclusions, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

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

CONDITIONS OF APPROVAL

698 HAWTHORNE DRIVE

FILE #710036

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 23, 2010, or as amended by these conditions of approval. Any modifications to the plans of April 22, 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 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 Tiburon Fire Protection District:

- a. Approved smoke alarms shall be installed to provide protection to all sleeping areas (CFC 907.2.10).
 - b. The vegetation on this parcel shall comply with the requirements of the Tiburon Fire Protection District and the recommendations of Fire Safe Marin. (CFC 304.1.2).
9. All requirements of the Marin Municipal Water District shall be met.
10. The applicants shall obtain any necessary sewer permits from 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.
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. 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.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
June 3, 2010
Agenda Item: **5**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 490 Ridge Road; File #21007
Site Plan and Architectural Review for the Construction of a Detached Garage with Variances for Reduced Front Yard Setback and Excess Lot Coverage

Reviewed By: _____

PROJECT DATA

ADDRESS: 490 RIDGE ROAD
ASSESSOR'S PARCEL: 059-082-06
FILE NUMBER: 21007
PROPERTY OWNERS: DANIEL DUNPHY
APPLICANT: MAHONEY ARCHITECTS
LOT SIZE: 21,630 SQUARE FEET
ZONING: RO-2 (TWO-FAMILY RESIDENTIAL)
GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE: X
DATE COMPLETE: MAY 12, 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 15301.

PROPOSAL

The applicant is requesting Design Review approval for the construction of a detached garage on a site currently developed with a two-story single-family dwelling on property located at 490 Ridge Road. The detached garage would be situated in the same location as a previous carport on the property.

The proposed 500 square foot garage would not increase the calculated floor area of the property, as 600 square feet of garage space are allowed in addition to the floor area ratio for this site. The proposed garage would increase the previously approved lot coverage of the site by 180 square

feet to a total of 3,368 square feet (15.6%), which would be greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Therefore a variance is requested for excess lot coverage.

The proposed garage would extend to within 4 feet, 4 inches of the front property line. As a 30 foot front yard setback is required in the RO-2 zone, a variance is requested for reduced front yard setback.

A color and materials board has not been submitted, as the cedar shingle siding and composition shingle roofing for the garage would match the colors and materials of the existing house on the site.

BACKGROUND

In 2006, a Site Plan and Architectural Review application was submitted for construction of 960 square feet of additions, to the existing single-family home on the subject property, with a variance for reduced side yard setback. Although the application would have increased the lot coverage to a level greater than 15.0%, a variance for excess lot coverage was not required, as the increase in lot coverage was less than 1.0%. The application was first scheduled for review at the July 6, 2006 Design Review Board meeting. Prior to that meeting, the applicant requested a continuance to address issues raised in the Staff report for the application regarding potential view impacts for the neighboring house at 500 Ridge Road.

The applicant made several modifications to the proposed addition, in particular reducing the size of the upper floor additions to eliminate any view impacts for the home at 500 Ridge Road. The Board subsequently reviewed and approved the application at the August 3, 2006 meeting.

A building permit was issued on April 13, 2007 for construction of additions to the existing house. On July 19, 2007, a Stop Work Order was issued by the Building Official after it was discovered that almost the entire house had been demolished.

The property owner subsequently submitted an application (File No. 20727) to construct a new single-family dwelling on the site, with variances for reduced side yard setback and excess lot coverage. The application was first reviewed by the Design Review Board on August 16, 2007. At that time, it was noted that several changes had been made to the previously approved plans, including an increase in the roof height of up to 3 feet. Several neighbors with views across the property objected to the revised plans, citing intrusion into their views toward San Francisco Bay and the Golden Gate Bridge. The Board shared these concerns and continued the request, with direction to the applicant to work with the neighbors and consider alternative designs for the house.

The applicant hired a new architect for the project and revised plans were discussed with the affected neighbors and presented to the Design Review Board on October 18, 2007. The revised plans eliminated the need for the variances for reduced side yard setback and excess lot coverage and included an existing carport on the site. The Board approved these plans on October 18, 2007.

During construction of the house on the site, the carport was demolished. No replacement parking structure has been proposed to replace the carport until the submittal of the current application.

ANALYSIS

Design Issues

The location of the proposed garage is on the upper portion of the site. The property slopes down further to the location of the house below. A driveway leads from the street to a concrete parking pad in the location of the previously demolished carport on the site. A row of dense vegetation along the front of the site screens most of the garage location from view from the street.

The garage would be only partially visible from any of the surrounding properties. The garage roofline would not project above the height of the vegetation along the front of the property, and therefore would not intrude into the views for any homes across Ridge Road from the site.

The previous carport on the site was only 320 square feet in size, which was inadequate to house two vehicles. The proposed 500 square foot garage would have adequate space to park two vehicles and is smaller than the 600 square foot allowance for garage space under the Town's floor area ratio requirements.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-2 zone, with the exception of the requested variances for reduced front yard setback and excess lot coverage.

Variances

In order to grant the requested variances, the Board must make all of the following findings required by Section 16-52.030 (E) 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 previously existing carport was situated within the required front yard setback. The topography of the site is somewhat steep in comparison to the more terraced lots of the remainder of the Hillhaven subdivision. These physical conditions create special circumstances that would deprive the owners of this property of 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 have received variances for reduced front yard setbacks and excess lot coverage. Therefore, the granting of this variance would be consistent with the limitations upon other properties in the vicinity and in the same or similar zones.

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

The location of the house below the proposed garage location blocks access to any other location for covered parking spaces on the property. The previous carport on the site was situated in the same location within the required front yard setback. The lack of other suitable locations for a garage on the property create a practical difficulty in siting a garage structure on the property, and not allowing a garage to be located where a carport had been situated for many years would create an unnecessary hardship on the applicants.

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

As described above, the proposed garage would not project into the views of or create privacy impacts for any neighboring residences.

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

PUBLIC COMMENT

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

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (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 Design Review Board agrees with Staff's conclusions, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

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

CONDITIONS OF APPROVAL

490 RIDGE ROAD

FILE #2107

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 April 20, 2010, or as amended by these conditions of approval. Any modifications to the plans of April 29, 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.
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5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
7. The project shall comply with the following requirements of the Tiburon Fire Protection District:
 - a. Approved smoke alarms shall be installed to provide protection to all sleeping areas (CFC 907.2.10).

- b. The vegetation on this parcel shall comply with the requirements of the Tiburon Fire Protection District and the recommendations of Fire Safe Marin. (CFC 304.1.2).
8. All requirements of the Marin Municipal Water District shall be met.
9. 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.
10. 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 to control construction staging and parking.
 - 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.