



## 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 – *Continued from June 3, 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 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.

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 3<sup>rd</sup> 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 1<sup>st</sup> meeting.

## **ANALYSIS**

### Design Issues

The applicant has submitted revised plans for the project, which indicate that the rooftop deck has been eliminated, and that the height of the proposed home has been lowered to the existing structure height. The applicant had indicated at the last meeting that he would eliminate the swimming pool as part of the compromise; however, the swimming pool remains on the revised set of plans.

The overall design and floor plan of the home have not changed. 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. At the June 3<sup>rd</sup> meeting, the Board re-iterated that the mass and bulk of the proposed home was a design issue that still needed to be addressed.

Staff visited the uphill neighbors' properties at 1808 and 1812 Centro West Street to view the revised story poles. Although the roof height has been lowered approximately three feet, nine inches (3'9"), both of the uphill neighbors still express concern with the potential for view impacts on their respective lagoon views.

Staff recommends that the Board visit the site and surrounding properties to evaluate the proposal.

### 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 April 15, 2010 Staff report indicated that sufficient evidence had 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 at that time.

### Public Comment

Since the April 15, 2010 Design Review Board meeting, two letters have been received in opposition to 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) and 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 July 15, 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. Application and Supplemental Materials
  3. Email dated June 23, 2010 from John Bridges
  4. Email dated June 23, 2010 from Joan and Martin Lasden
  5. Design Review Board Staff Report dated April 15, 2010
  6. Minutes of the April 15, 2010 Design Review Board Meeting
  7. Design Review Board Staff Report dated June 3, 2010
  8. Minutes of the June 3, 2010 Design Review Board Meeting
  9. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner

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 June 17, 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.



**TOWN OF TIBURON**  
 1505 Tiburon Boulevard  
 Tiburon, CA 94920

Design Review Board Meeting  
 July 1, 2010  
 Agenda Item: **2**

**STAFF REPORT**

**To:** Members of the Design Review Board  
**From:** Associate Planner Tyler  
**Subject:** 11 Raccoon Lane; File No. 21006; Site Plan and Architectural Review for Construction of an Addition with a Variance for Reduced Front Yard Setback and a Floor Area Exception  
**Reviewed By:** \_\_\_\_\_

**PROJECT DATA**

**OWNER:** DESMOND KING & GEORGEANN ECONOMY  
**APPLICANT/ARCHITECT:** JOHN SWAIN, ARCHITECT  
**ADDRESS:** 11 RACCOON LANE  
**ASSESSOR’S PARCEL NUMBER:** 059-052-13  
**FILE NUMBER:** 21006  
**LOT SIZE:** 5,946.6 SQUARE FEET  
**ZONING:** R-2 (SINGLE-FAMILY RESIDENTIAL)  
**GENERAL PLAN:** H (HIGH DENSITY RESIDENTIAL)  
**FLOOD ZONE:** X  
**DATE COMPLETE:** JUNE 8, 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.

**PROJECT DESCRIPTION**

The applicant is requesting to construct an addition with a variance for reduced front yard setback and a floor area exception on property located at 11 Raccoon Lane. Currently the property is improved with a single-family dwelling.

The main level of the home includes a living room, dining room, family room, kitchen, a bedroom and bathroom, two-car garage and an extra bathroom. The lower level of the home includes two bedrooms and a bathroom, the master bedroom suite and a laundry area. The proposal would slightly expand the lower level of the home by incorporating a larger bathroom for the master bedroom, as well as a walk-in closet and storage area.

The proposed structure would result in a lot coverage of 2,295.2 square feet (38.6%) which exceeds the maximum permitted lot coverage in the R-2 zoning district (35.0%). The existing lot coverage of the structure is 2,246.5 square feet (37.7%). The proposed addition would increase the lot coverage by 48.7 square feet. As the existing structure currently exceeds the maximum lot coverage, and the request to expand the deck is a less than 1% increase, a variance is not required for excess lot coverage.

The proposed structure would result in a gross floor area of 2,831.9 square feet, which exceeds the maximum permitted gross floor area for a parcel of this size (2,081.3 sq. ft.). Therefore, a floor area exception has been requested.

The home currently encroaches five feet (5') into the required fifteen foot (15') front yard setback. The proposed expansion at the lower level of the home would continue the same five foot (5') encroachment, for a continued reduced front yard setback of ten feet (10'). As the minimum required setback in the R-2 zone is fifteen feet (15'), a variance for reduced front yard setback has been requested.

In addition to the proposed expansion, landscaping improvements are also proposed including, but not limited to: a new permeable paver driveway, replacement of an existing entry deck and addition of a new entry overhang, replacement of the entry stairs, new landscape pathways, a stone wall, an arbor and plantings. A small gable roofline would also be installed on the front elevation of the home.

## **ANALYSIS**

### Design Issues

The existing dwelling is designed to take advantage of views to the south of downtown Tiburon, Belvedere and San Francisco. Existing mature vegetation screens most of the front of the home from Raccoon Lane. Currently, lattice screens the area where the proposed addition would be located.

The addition would not be extremely visible from Raccoon Lane, as it would infill an existing crawlspace area. The only noticeable change would be the new windows added to the front elevation of the home, combined with the installation of a new small gable roofline and the front yard landscaping modifications. As part of the landscaping modifications, a new covered patio is proposed adjacent to the front entry. It should be noted that the pergola structure is detached from the dwelling, and therefore is permitted to be constructed within the front yard setback without the need for a variance.

Staff does not foresee any other design issues with the project.

### 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 variance for reduced front yard setback and floor area exception.

## Variance

In order to grant the requested variance for reduced front yard setback, 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 property is a small, unusually shaped parcel off Raccoon Lane, and slopes steeply upward from south to north. These are special circumstances applicable to the property.

- 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.**

Many of the adjacent dwellings along Raccoon Lane are located within the required thirty foot (30') front yard setback, along with other required setbacks, due to the steep topography and smaller parcel size(s).

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

The applicant has indicated that the proposed addition would allow for a larger master bathroom, closet and storage area, which the home currently lacks, and which neighboring properties currently enjoy. Staff does not view this explanation as a practical difficulty or unnecessary hardship, particularly as the house already exceeds the allowable lot coverage and floor area ratio for a lot of this size, and is therefore unable to make this finding.

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

The proposed infill addition would not be detrimental or injurious to other properties as the addition would be located within the existing footprint of the home, and would not overly change the appearance of the structure, with the exception of a few new windows to the front elevation.

From the evidence provided, Staff believes that there is insufficient evidence to support the findings for the requested variance, specifically with the practical difficulty or unnecessary hardship finding.

## Floor Area Exception

In order to grant the requested floor area exception, the Design Review Board must make the following findings as 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.**
- 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 proposed addition would infill an existing crawlspace area, which would not dramatically change the appearance of the home, nor be visually prominent from Raccoon Lane. The only visible change to the dwelling would be the addition of new windows to the front elevation, installation of a small gable roofline, and the landscaping modifications at the front of the property. Therefore, the dwelling would remain compatible with the existing structures in the surrounding neighborhood, and with the physical characteristics of the site.

From the evidence provided, Staff believes 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 in support of the subject application.

#### **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 Section 16-52.020 (I) (Floor Area Ratio Guidelines); and
2. Determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301; and
3. Continue the project, with direction given to the applicant to redesign the addition so that it does not encroach into the front yard setback. If the Board disagrees with staff's conclusions, then findings should be articulated for the requested front yard setback variance, and staff would recommend approval of the project, subject to the attached draft conditions of approval.

Exhibits:

1. Conditions of Approval
2. Application and Supplemental Materials
3. Email dated June 22, 2010 from Rick Cattell of 8 Raccoon Lane
4. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner

Exhibit 1

CONDITIONS OF APPROVAL  
11 RACCOON LANE  
FILE NO. 21006

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 April 14, 2010 and June 22, 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. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.
6. All skylights shall be bronzed or tinted 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. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney’s fees that might result from the third party challenge.
9. 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.

10. The new stone paver driveway should employ a standard concrete driveway approach.
11. The new rock wall in the public right-of-way is not permitted, unless the applicant can show that the wall is necessary and vital for the safety of the property, and with due-diligence, demonstrate that it cannot be placed within private property.
12. Public right-of-way should be protected from damage during construction, or repairs will be made to the satisfaction of the Town.
13. 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.
14. 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 shall be extended to cover the additional area. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2
  - b. 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.



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
July 1, 2010  
Agenda Item: **3**

## STAFF REPORT

**To:** Members of the Design Review Board  
**From:** Associate Planner Tyler  
**Subject:** 55 Upper North Terrace; File No. 21011; Site Plan and Architectural Review for Construction of an Addition with Variances for Reduced Front Yard Setback and Excess Lot Coverage  
**Reviewed By:** \_\_\_\_\_

### PROJECT DATA

OWNER: SARA & FERGUS COAKLEY  
APPLICANT/ARCHITECT: KOUROSH BARADARAN, ARCHITECT  
ADDRESS: 55 UPPER NORTH TERRACE  
ASSESSOR'S PARCEL NUMBER: 034-304-03  
FILE NUMBER: 21011  
LOT SIZE: 8,443 SQUARE FEET  
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL)  
GENERAL PLAN: M (MEDIUM DENSITY RESIDENTIAL)  
FLOOD ZONE: X  
DATE COMPLETE: JUNE 8, 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.

### PROJECT DESCRIPTION

The applicant is submitting a request to construct an addition with variances for reduced front yard setback and excess lot coverage, on property located at 55 Upper North Terrace. Currently the property is improved with a single-family dwelling.

The existing dwelling is a two-story structure. The lower level of the home includes a play room, sitting room, storage area, a bathroom and a two-car garage. The main level of the home includes a living room, dining room, kitchen, two bedrooms, a bathroom, and the master bedroom suite. The proposal would incorporate a larger dining room addition at the main level, and reconfiguration of the existing kitchen, living and dining areas.

The proposed structure would result in a gross floor area of 2,462 square feet, which is below the maximum permitted gross floor area for a parcel of this size (2,844.3 sq. ft.). The proposed structure would result in a lot coverage of 2,104.3 square feet (24.9%) which exceeds the maximum permitted lot coverage in the RO-2 zoning district (15.0%). Therefore, a variance for excess lot coverage has been requested.

The existing structure is currently located within the front yard setback, a distance of thirteen feet, ten inches (13'10"). The addition of the larger dining room would continue the same setback line, but come closer to the front property line at the western corner of the addition, for a reduced front yard setback of eleven feet, eleven inches (11'11"). As the required front yard setback in the RO-2 zone is thirty feet (30'), a variance for reduced front yard setback has been requested.

Proposed color and materials of the addition would match the existing color and materials of the dwelling.

## **ANALYSIS**

### Design Issues

The existing dwelling is designed to take advantage of views to the south of Richardson Bay. The home is located on a corner parcel where Upper and Lower North Terrace intersect. This results in an unusually shaped parcel, with a small building area. The entrance to the existing dwelling is located below the street level of Upper North Terrace; however, due to sloping topography, the garage is located at the street level of Lower North Terrace.

The addition would not be extremely noticeable from the street level of Upper North Terrace, as the addition itself would have a slightly lower roof height than the existing structure, and an existing wood fence would continue to screen the home from the street level. Although the addition would bring the structure closer to the adjacent neighbor at 51 Upper North Terrace, the proposal maintains the fifteen foot (15') required side yard setback. The addition would not appear to impact views or privacy from any of the adjacent neighbors.

Staff does not foresee any other design issues with the proposal.

### 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 previously noted variance for reduced front yard setback and excess lot coverage.

### Variance

In order to grant the requested variances for reduced front yard setback and excess lot coverage, 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 property is an unusually shaped corner parcel, sloped north to south. Due to zoning setback restrictions, the allowable building area is small and oddly-shaped. These are special circumstances applicable to the property.

**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.**

It is not uncommon for properties to be granted front yard setback and/or excess lot coverage variances where a parcel is oddly shaped and has a small building area, such as the subject parcel.

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

Front Yard Setback: Requiring the addition to be located outside of the required thirty foot (30') front yard setback would impact the functionality of the living areas at the main level of the home. In addition, shifting the addition would result in a larger two-story addition, as the topography slopes south towards the rear of the site, and would also require removal of an existing rear yard deck, which provides most of the usable private recreational space on the property.

Excess Lot Coverage: If the addition were proposed above the existing structure as a third level, it would impact views for the neighbors located across the street and above the subject site. The proposed location for the addition at the main level of the home is the only practical spot on the site upon which to add and the addition would not exceed the maximum permitted gross floor area for the parcel.

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

The proposed addition would not be detrimental or injurious to other properties as it would not impact views or result in privacy issues for the adjacent neighbors. The addition would be well screened from the street level, and would not project higher than the existing structure.

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 the subject application.

## **RECOMMENDATION**

Staff recommends that the Design Review Board:

1. Review the project with respect to Zoning Ordinance Section 16-52.020 (H) (Guiding Principles), and Section 16-52.030 (Variances); and
2. Determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301; and
3. Approve the project, subject to the attached draft conditions of approval.

Exhibits:

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

Prepared By: Laurie Tyler, Associate Planner

Exhibit 1

CONDITIONS OF APPROVAL  
55 UPPER NORTH TERRACE  
FILE NO. 21011

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 May 27, 2010, or as amended by these conditions of approval and plans of May 27, 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. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.
6. All skylights shall be bronzed or tinted 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. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
9. 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.

10. 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.
11. As part of the remodeling, the property owner must trim and prune back trees and vegetation that are overhanging the pavement or blocking the sight lines of motorists.
12. Public right-of-way should be protected from damage during construction, or repairs will be made to the satisfaction of the Town.



**TOWN OF TIBURON**  
 1505 Tiburon Boulevard  
 Tiburon, CA 94920

Design Review Board Meeting  
 July 1, 2010  
 Agenda Item: **4**

**STAFF REPORT**

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

**From:** Planning Manager Watrous

**Subject:** 685 Hawthorne Drive; File #21012  
 Site Plan and Architectural Review for the Construction of Additions to an Existing Single-Family Dwelling, With a Variance for Excess Lot Coverage

**Reviewed By:** \_\_\_\_\_

**PROJECT DATA**

**ADDRESS:** 685 HAWTHORNE DRIVE  
**ASSESSOR'S PARCEL:** 055-191-03  
**FILE NUMBER:** 21012  
**PROPERTY OWNERS:** LORENA FRANCO  
**APPLICANT:** STUDIO PABLO (ARCHITECTS)  
**LOT SIZE:** 7,500 SQUARE FEET  
**ZONING:** R-1 (SINGLE-FAMILY RESIDENTIAL)  
**GENERAL PLAN:** MEDIUM HIGH DENSITY RESIDENTIAL  
**FLOOD ZONE:** X  
**DATE COMPLETE:** JUNE 8, 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 additions to an existing one-story single-family dwelling on property located at 685 Hawthorne Drive. A 253 square foot family room and entry would be added to the front of the house and a 142 square foot music room would be added to the rear of the dwelling. Five new skylights would be installed on the roof of the house.

The proposed project would increase the calculated floor area of the house by 395 square feet to a total of 2,335 square feet, which is less than the 2,750 square foot floor area ratio for a lot of this size. The proposed addition would increase the lot coverage of the site by 395 square feet to a

total of 2,593 square feet (34.6%), which would be greater than the 30.0% maximum lot coverage permitted in the R-1 zone. Therefore a variance is requested for excess lot coverage.

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

## **ANALYSIS**

### **Design Issues**

The subject property is situated on the uphill side of Hawthorne Drive, with homes along Hilary Drive uphill and to the rear of the lot. The site is relatively level and is developed with a one-story residence. A solid wood fence which extends across the front of the site screens much of the front of the house from view from the street.

The proposed additions would not extend above the existing roofline of the house. 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. The limited rooflines of the proposed additions would not interfere with the views from homes uphill from the site.

### **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 requested variance for excess lot coverage.

In order to grant the requested variance, 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 existing house sits on a level lot with shallow views across on the site from uphill neighboring residences along Hilary Drive. These shallow views create special circumstances that limit the development privileges of constructing second story additions enjoyed by other properties in the same or similar zones.

- 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 R-1 or similar zones have received variances for excess lot coverage to avoid view impacts on neighboring homes. 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 strict application of the lot coverage requirements for the subject property would require the construction of a second story addition that would result in substantial view impacts on residences uphill from the site. As a result, the strict application of the maximum lot coverage requirement would create a practical difficulty and unnecessary hardship on the applicant by limiting the floor area available to the applicant.

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

As described above, the proposed addition would not project into the views of any neighboring residences.

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

## **PUBLIC COMMENT**

As of the date of this report, no letters have been received regarding this application. The applicant has submitted sets of plans approved by the neighboring property owners at 682, 683, 684, 686, 687 & 698 Hawthorne Drive.

## **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**

### **685 HAWTHORNE DRIVE**

#### **FILE #21012**

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 May 27, 2010, or as amended by these conditions of approval. Any modifications to the plans of May 27, 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. 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. The existing fire sprinkler system shall be replaced or modified to properly protect the new configuration (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 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 applicant shall prune back vegetation along the front property line, particularly around the utility pole, to increase visibility. Any sidewalk and curb damage, such as cracks, old patches, and uplifting of 0.5 inch or greater, shall be remedied.
  - b. Encroachments, if any, such as driveway approaches, sidewalks, small drainage facilities and short-height landscaping, shall be processed through a standard Public Works encroachment permit application with plans or schematics for review.
  - c. 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  
July 1, 2010  
Agenda Item: **5**

### 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: **July 15, 2010**
- Other:

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