



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
July 21, 2011
Agenda Item: **1**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: **NOTICE OF WITHDRAWAL**
1915 Straits View Drive; File #21101
Site Plan and Architectural Review for the Construction of a New Single-Family Dwelling with a Variance for Excess Lot Coverage
(Continued from May 5, 2011)

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:
- Other: The applicant has withdrawn this application.**



TOWN OF TIBURON
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Design Review Board Meeting
July 21, 2011
Agenda Item: **2**

STAFF REPORT

To: Members of the Design Review Board
From: Planning Manager Watrous
Subject: 42-46 Main Street; File #711072
Site Plan and Architectural Review for the Construction of Exterior Alterations to an Existing Commercial Building
Reviewed By: _____

PROJECT DATA

ADDRESS: 42-46 MAIN STREET
ASSESSOR'S PARCELS: 059-102-27
FILE NUMBER: 711072
PROPERTY OWNERS: ABRAMS TRUST
APPLICANT: ZWICK ARCHITECTS
LOT SIZE: 18,660 SQUARE FEET
ZONING: VC (VILLAGE COMMERCIAL)
GENERAL PLAN: VILLAGE COMMERCIAL
FLOOD ZONE: AE (SUBJECT TO 100-YEAR FLOOD)
DATE COMPLETE: JUNE 28, 2011

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 exterior alterations to an existing commercial building on property located at 42-46 Main Street. The commercial building on the subject site has been previously occupied by various different retail establishments and is currently vacant.

The project would replace the existing horizontal and vertical wood siding and shingled walls with new horizontal and vertical wood siding. The existing shingled and cloth awnings along the front of the building would be replaced with a metal roof on the eastern (right) side of the building frontage and an extended cloth awning on the western (right) side of the frontage. Existing cloth awnings on the rear and west side of the building would be replaced with awnings

of the same size and location. Railings for the stairway at the rear of the building would be modified. The proposed project would not increase the floor area or lot coverage or the existing building.

A color and materials board for the project has been submitted and will be present at the meeting for the Board to review. The siding would be light yellow, with brown and reddish brown trim and black trimmed windows. The metal roof would be blue-grey and the cloth awnings would be olive green.

ANALYSIS

Zoning

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

Design Issues

The proposed project would be consistent with the general exterior appearance of the existing building. The location and colors of the awnings would be compatible with the appearance of other buildings in the vicinity along Main Street.

In 2002, the Town Council adopted the *Downtown Tiburon Design Handbook*. The handbook includes the following recommendations for exterior colors and materials for buildings in Downtown Tiburon:

- *Use paint schemes and hues based upon the color palette of historical colors from major paint manufacturers, such as the Benjamin Moore Historical Colors, or the Cabot O.V.T. Solid Color Stains. The yellow color for the proposed siding is similar to the Benjamin Moore “Marblehead gold” color in their Historical Color palette.*
- *For non-documented properties on Main Street [such as the subject property], allow use of a three-color palette, with the third color used sparingly for accent elements such as doors (not trim) widow sash (not trim) fittings (mailboxes, etc.) and ornament. The project would include six different colors for the siding, awnings and trim. Staff recommends that the number of colors be limited to three, at the discretion of the Design Review Board.*
- *Use of horizontal wood siding is encouraged. One siding pattern is typically used for the entire façade; there are no wainscot treatments at the base, and no change of pattern at the upper stories. The project would replace existing horizontal and vertical wood siding with the same patterns, with existing shingled siding replaced with horizontal siding. The rear (north) façade would include both horizontal and vertical siding. Staff recommends that the rear façade be limited to horizontal siding.*

PUBLIC COMMENT

As of the date of this report, the Town has received no letters regarding this application.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Section 16-52.020 (H) (Guiding Principles) and the *Downtown Tiburon Design Handbook*, and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. 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

42-46 MAIN STREET

FILE #711072

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 June 27, 2011, or as amended by these conditions of approval. Any modifications to the plans of June 27, 2011 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 exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures. All exterior lighting fixtures or street furniture be consistent with the palette of furnishings listed in the *Downtown Tiburon Design Handbook* and its *Site Furnishings Supplement*.
7. The project shall comply with all requirements of the California Fire Code and the Tiburon Fire Protection District.
8. 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. An encroachment permit shall be obtained from the Town for all work within the Main Street right-of-way.
- 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.
- d. A memorandum of encroachment shall be required to ensure that all vegetation planted in the public right-of-way is maintained and irrigated properly to ensure no runoff over the curb and into the gutter.



TOWN OF TIBURON
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Design Review Board Meeting
July 21, 2011
Agenda Item: **3**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 36 Linda Vista Avenue; File #21110
Site Plan and Architectural Review for the Construction of Additions to an Existing Single-Family Dwelling, with Variances for Reduced Side Yard Setback and Excess Building Height and a Floor Area Exception

Reviewed By: _____

PROJECT DATA

ADDRESS: 36 LINDA VISTA AVENUE
ASSESSOR'S PARCEL: 059-193-21
FILE NUMBER: 21110
PROPERTY OWNERS: DAVID AND JAYNE LOVE
APPLICANT: OBERHAUSER INTERIORS
LOT SIZE: 6,665 SQUARE FEET
ZONING: R-2 (TWO-FAMILY RESIDENTIAL)
GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE: X
DATE COMPLETE: JUNE 27, 2011

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 three-story single-family dwelling on property located at 36 Linda Vista Avenue. The upper level of the house would be demolished and reconstructed with expansions to the living room and dining room, a new entry and an expanded deck to the rear. The interior of the middle floor would be reconfigured and the deck to the rear would be widened. The lower floor interior would also be reconfigured with existing partial height window seats replaced by full height additions and the deck widened on this level as well. The existing wood siding on the house would be replaced with a combination of stucco and wood siding.

The existing pitched roof would be removed and replaced with a new flat roof system on several planes. The front portion of the roof would extend at a higher plane, with clerestory windows on the sides and rear.

The proposed additions would increase the calculated lot coverage on the site by 181 square feet to a total of 2,244 square feet (33.7%), which is less than the 35.0% maximum lot coverage allowed in the R-2 zone. The proposed additions would increase the floor area of the house by 237 square feet to a total of 3,545 square feet, which is 1,212 square feet greater than the floor area ratio for a lot of this size. A floor area exception is therefore requested.

The proposed entry addition would extend to within 3 feet, 6 inches of the west (right) side property line. As an 8 foot side yard setback is required in the R-2 zone, a variance is requested for reduced side yard setback.

The existing house has a maximum building height of 35 feet. The highest portion of the proposed new roofline would be 36 feet, 4 inches tall. As the maximum building height in the R-2 zone is 30 feet, a variance is also requested for excess building height.

A color and materials board has been submitted and will be present at the meeting for review by the Board. The exterior of the house would be finished with white stucco and cedar siding. The flat roof would utilize a dark grey membrane system.

ANALYSIS

Design Issues

The subject property is situated on the south side of a private driveway extending from the end of Linda Vista Avenue. The site slopes downhill to the rear and faces Angel Island, Raccoon Straits and San Francisco.

The existing front door to the house is directly adjacent to the parking deck at the front of the site and can be easily blocked in by vehicles parking in front of the home. The proposed entry would provide access to the house via a series of at-grade stairs at the edge of the parking deck. The entry would extend into the required side yard setback but would not extend beyond the property line into the Paseo Walk pathway to the west of the property.

The proposed additions and roof changes would not appear to encroach into views from residences on either side of the subject property. The adjacent homes on Linda Vista Avenue are also oriented to the south, and the additions should not intrude into these views.

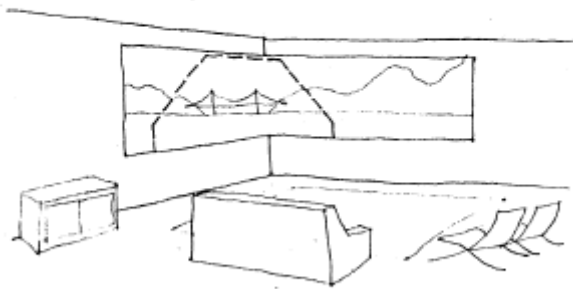
Several homes uphill from the site have views across the subject residence toward Raccoon Straits. The homes at 2350 and 2360 Paradise Drive have views across the existing roofline that could be affected by the modified roofline of the project.

The following portions of the Tiburon Hillside Design Guidelines should be used to evaluate the potential view impacts of the proposed roofline on those neighboring homes:

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

NO

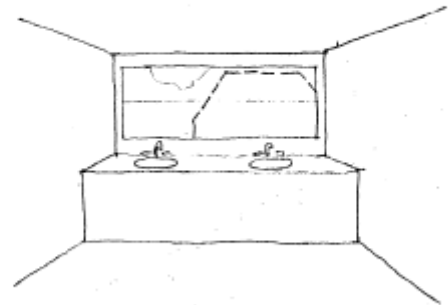
• PROPOSED STRUCTURE
BLOCKS LIVING ROOM VIEW -



• GREAT IMPACT ON
LIVABILITY

YES

• PROPOSED STRUCTURE
BLOCKS BATHROOM VIEW



• LITTLE IMPACT ON
LIVABILITY

The proposed roofline change would be visible from the living rooms of both homes.

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

NO

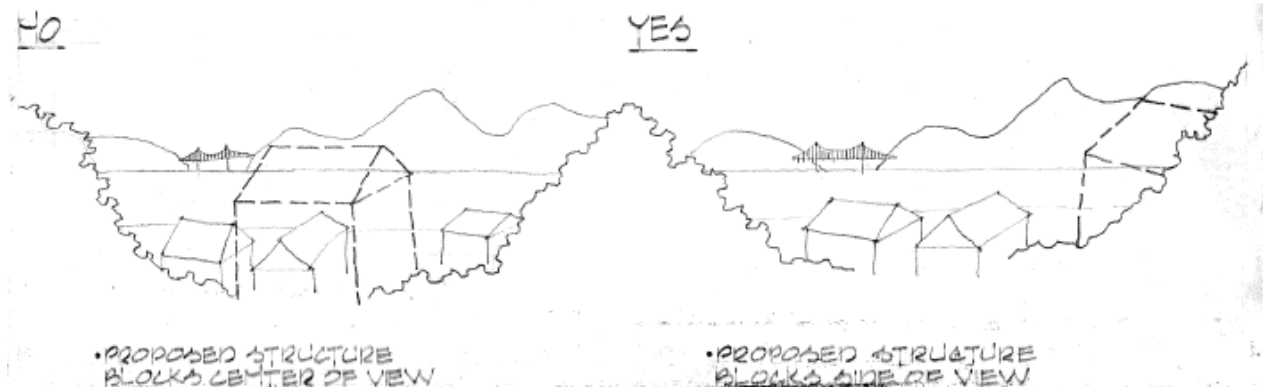


YES



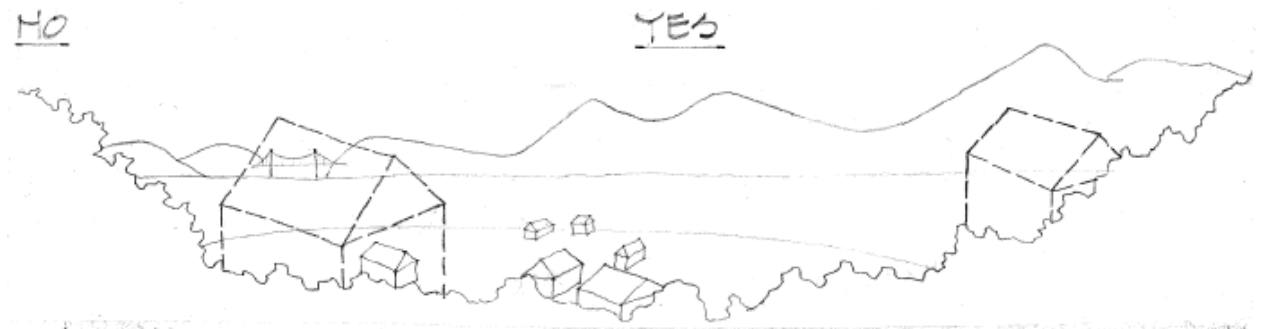
The proposed roofline would intrude into the foreground view from the neighboring homes.

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



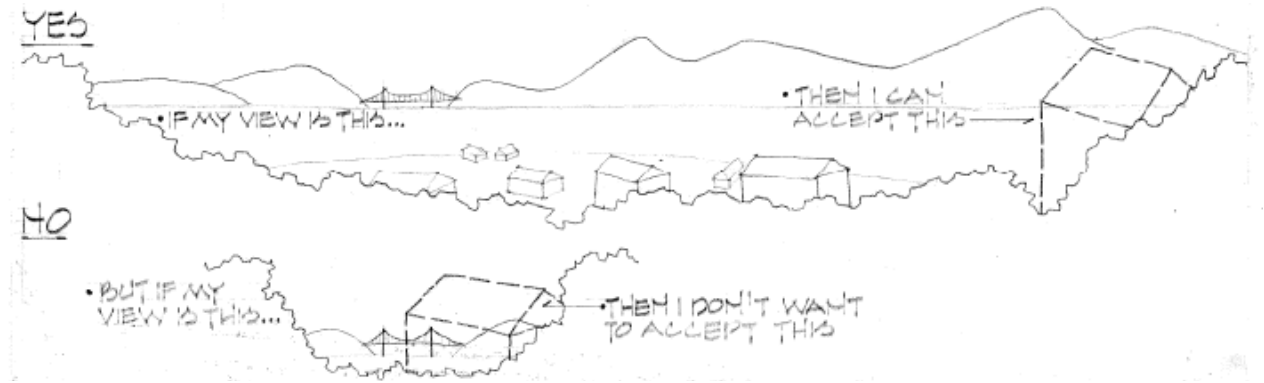
The proposed roofline would intrude into the far left side of the view from both homes.

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



The proposed house and retaining walls would not block views of any “important objects” from the neighboring home. The existing and proposed roofline intrude into the lower portion of views of Raccoon Straits.

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



Both homes have wide panoramic views stretching from the Marin Headlands across to Angel Island.

It appears that the proposed roofline would slightly increase the blockage of a small portion of the water view for Raccoon Straits for both homes. The appearance of the home at the far end of a larger panoramic view is very similar to the “yes” illustrations for Goal 3, Principles 7 (B, C, D & E) above. The Design Review Board is encouraged to view the story poles for the proposed project from this neighboring residence.

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 side yard setback and excess building height and floor area exception.

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.***

Side yard setback:

The location of the entire existing house frontage directly adjacent to the parking deck does not allow any space for separation between the parking spaces and the front door of the residence. The parking deck does not have sufficient depth to provide adequate parking without vehicles parking almost directly against the house. The existing house is situated directly adjacent to the side yard setbacks, leaving no room to create a new entry without encroaching into these setbacks. The lot has a substandard area for the R-2 zone, further limiting the location for parking and building improvements on the site. These physical conditions are

special circumstances that would deprive the applicants of the privilege of an appropriate house entry enjoyed by other properties in the vicinity and in the same or similar zones if the minimum side yard setback requirement is strictly applied.

Building height:

The existing house exceeds the 30 foot maximum building height due to the significant downhill slope of the property. This physical condition is a special circumstance that would deprive the property owner of the privilege of construction any modifications to the existing house if the maximum building height requirement is applied.

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.***

Side yard setback:

Numerous other properties in the Old Tiburon neighborhood in the R-2 and similar zones have been granted variances for reduced side yard setbacks.

Building height:

Numerous other properties in the Old Tiburon neighborhood in the R-2 and similar zones have been granted variances for excess building height when building additions on significant slopes such as that found on the subject property.

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

Side yard setback:

The strict application of the required side yard setback would make it difficult to create an appropriate entry to the house without encroaching into the only parking spaces available on the site.

Building height:

The strict application of the maximum building height requirement would force the roofline of the house to be lower than that of the existing structure, which would be 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.***

Side yard setback:

The proposed entry addition would not substantially intrude into views or create any privacy impacts for neighboring residences.

Building height:

As described above, the proposed roofline changes would not substantially intrude into the views of the neighboring homes uphill from the site.

Floor Area Exception

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

- 1. The applicant has demonstrated that the visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood.***

The surrounding Old Tiburon neighborhood contains many dwellings on sloping lots with multiple stories similar to the existing house on the subject property. The floor area additions proposed by this project would involve only relatively minor changes to the visual size and scale of the existing house. The resulting structure would therefore continue to be 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, shape and steepness of the lot, ease of access, and the presence of natural features worthy of retention, such as trees, rock outcroppings, stream courses and landforms.***

The proposed additions would not substantially alter the existing physical relationship of the house to the slope of the site.

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

PUBLIC COMMENT

As of the date of this report, one letter has been received from the owners of the property at 2350 Paradise Drive raising concerns about potential view impacts caused by the proposed roofline changes.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Section 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. Letter from Peter and Tracy Dempsey, dated July 12, 2011
4. Submitted plans

CONDITIONS OF APPROVAL

36 LINDA VISTA AVENUE

FILE #21110

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 24, 2011, or as amended by these conditions of approval. Any modifications to the plans of June 7, 2011 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 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 California Fire Code and the Tiburon Fire Protection District:
 - a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2

- b. Approved smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
 - c. The vegetation on this parcel shall comply with the changes made on the vegetation plan stamped by the Fire District. CFC 304.1.2
8. All requirements of the Marin Municipal Water District shall be met.
9. All requirements of the Town Engineer shall be met.



TOWN OF TIBURON
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Design Review Board Meeting
July 21, 2011
Agenda Item: **4**

STAFF REPORT

To: Members of the Design Review Board

From: Associate Planner Tyler

Subject: **NOTICE OF WITHDRAWAL**
10 APOLLO ROAD; File #21111
Site Plan and Architectural Review for Construction of Additions to and Existing Single-Family Dwelling with Variances for Reduced Rear Yard Setback and Excess Lot Coverage

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:
- _____ **Other: The applicant has withdrawn the application.**



TOWN OF TIBURON
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Design Review Board Meeting
July 21, 2011
Agenda Item: **5**

STAFF REPORT

To: Members of the Design Review Board
From: Associate Planner Tyler
Subject: 9 Burrell Court; File No. 21112; Site Plan and Architectural Review for Construction of Additions to an Existing Single-Family Dwelling with Variances for Reduced Front Yard Setback and Excess Lot Coverage
Reviewed By: _____

PROJECT DATA

OWNER: FIRUZE HARIRI
APPLICANT/ARCHITECT: MICHAEL HECKMANN, ARCHITECT
ADDRESS: 9 BURRELL COURT
ASSESSOR'S PARCEL NUMBER: 034-302-05
FILE NUMBER: 21112
LOT SIZE: 14,731 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN: MH (MEDIUM-HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: JUNE 27, 2011

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.

BACKGROUND

On September 20, 2007, the Design Review Board denied a Site Plan and Architectural Review application for the construction of additions to an existing single-family dwelling located at 9 Burrell Court, which included variances for reduced front yard setback and excess lot coverage. The property owner appealed the Board's decision to the Town Council, which reviewed the appeal on November 7, 2007. The Council supported the project as proposed, including the proposed partial second story addition. The Council indicated its intention to partially grant the appeal if four specific modifications were made to the project. The Council remanded the application back to the Design Review Board for further review and consideration of these modifications.

On February 7, 2008, the Design Review Board reviewed the revised plans which addressed the modifications requested by the Council. After much deliberation, the Board approved the project, with an additional condition of approval which required the applicant to further reduce the depth and width of the proposed partial second story. Minutes of both the September 20, 2007 and February 7, 2008 Design Review Board meetings, as well as the November 7, 2007 Town Council meeting are attached for reference.

Design review applications become null and void after three years from the approval date. As the applicant received design review approval for this project on February 7, 2008, the approval expired in February 2011. The applicant has now re-submitted the previously approved plans for re-approval by the Board.

PROJECT DESCRIPTION

The applicant is requesting to construct additions to an existing single-family dwelling with variances for reduced front yard setback and excess lot coverage, on property located at 9 Burrell Court. Currently the property is improved with a single-story dwelling.

The existing dwelling includes three bedrooms, a living room, dining room, kitchen, and a two-car garage. The proposal would include expansion of the living area of the home at the rear of the dwelling, and conversion of the existing garage into an additional bedroom, bathroom, and laundry area. A new two-car garage would be constructed at the front of the existing garage.

Additionally, a partial second story is proposed to be constructed at the center of the dwelling, which would include a master bedroom terrace and an extra bedroom and bathroom. The interior of the home would be slightly reconfigured with the proposed improvements, as well as expanded decks at the rear of the home, and construction of an additional terrace off the family room.

The proposed additions would result in a gross floor area of 3,344 square feet which is below the maximum permitted gross floor area for a property of this size (3,473 sq. ft.). The proposed additions would increase the lot coverage to 3,257 square feet (22.1%) which exceeds the maximum permitted lot coverage in the RO-2 zone (15.0%). Therefore, the applicant has requested a variance for excess lot coverage.

The proposed expansion would encroach into the front yard setback and result in an approximately 19 foot 2 inch reduced front yard setback. As the required minimum front yard setback in the RO-2 zone is 30 feet, the applicant has requested a variance for reduced front yard setback.

Colors and materials for the project include stucco siding in a tan/beige color with white door and window trims. The roofing material would be multi-colored tiles with copper gutters. A color/materials board will be available at the meeting for review by the board.

ANALYSIS

The proposal before the Board is essentially the same project that was reviewed and approved at the February 7, 2008 Design Review Board meeting, with a few exceptions. The final condition of approval from the previous approval required the applicant to reduce the upper level in depth

(pulled back) by 2 feet from the north-east side (facing Reed Ranch Road), and reduce the overall width by 2 feet. Staff has scaled the drawings from both the previous approval and the current proposal and has confirmed that this condition of approval has been met. By reducing the width and depth of the second story, the total FAR has also been reduced by 120 square feet from what was previously proposed.

Two of the modifications required by the Town Council that were reviewed at the February 7, 2008 Design Review Board meeting were to ensure that the second story bathroom window on the second story facing north towards 7 Burrell Court was opaque glass, and to increase the size of the two Oleander trees that are proposed adjacent to the property line with 7 Burrell Court, to 24-inch box specimens.

The second story bathroom window is not indicated to be opaque on the current plan set. Staff has therefore included a condition of approval to ensure that this window is opaque. The applicant had indicated at the February 7, 2008 Design Review Board meeting that the landscape contractor would select 36-inch box specimens with an existing mature height as possible to ensure proper screening of the addition from the adjacent neighbor at 7 Burrell Court. The landscape planting list still indicates 24-inch box Oleander trees; therefore, staff has included a condition of approval to increase the size of these two trees to 36-inch box specimens.

Staff does not foresee any other design issues with the proposal. Approval of the current proposal would be consistent with what the Design Review Board previously approved in 2008. It should be noted that the previously approved application went through approximately 12 months of review by the Design Review Board and Town Council before being approved on February 7, 2008. A full chronological history of the project, including staff reports, minutes and exhibits, are on file with the Planning Division.

Zoning

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

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 substantially the same zone.**

Front Yard Setback: The proposed expansion of the home would push the entry area into the 30 foot front yard setback, resulting in a 19 foot 2 inch front yard setback at this location. The home is situated towards the end of a cul-de-sac and has a circular front yard, which results in a curvilinear front yard setback line. This is a special circumstance applicable to the property.

Lot Coverage: The home is situated on a lot that is below the minimum lot size for the RO-2 zoning district (14,731 sq. ft. in lieu of 20,000 sq. ft.) Combined with the steep drop off in the

topography of the lot, this results in a difficult site in which to work with. It is not unusual to see lot coverage requests on substandard parcels.

- 2. The variance will not constitute a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.**

Front Yard Setback: Other homes that are located within cul-de-sacs commonly run into front yard setback issues because the front setback line is curvilinear.

Lot Coverage: Properties in the vicinity of the subject site, specifically on Burrell Court and along Reed Ranch Road have previously been granted variances for excess lot coverage. Therefore, it is not uncommon for this type of variance request.

- 3. The strict application of this Ordinance would result in practical difficulty or unnecessary physical hardship. Self-created hardships may not be considered among the factors that might constitute special circumstances. A self-created hardship results from actions taken by present or prior owners of the property that consciously create the very difficulties or hardships claimed as the basis for an application for a variance.**

Front Yard Setback: Currently, the existing structure is located within the front yard setback. It would be an unnecessary physical hardship to not allow a small section of the entryway to encroach additionally into the setback.

Lot Coverage: Due to the existing topography and orientation of the home and surrounding homes, adding floor area as a full second story to the house to gain additional living space would impede on possible viewsheds from 7 Burrell Court, and would also increase the mass and bulk of the structure. The applicant has opted to convert the existing garage into usable space at the lower level at the front of the property where it is concealed.

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

Front Yard Setback: Granting the front yard setback variance would not be detrimental or injurious to other properties as most of the homes along Burrell Court appear to be located within the front yard setback.

Lot Coverage: The proposal indicates a partial second story. If the home was proposed with a full second story and the existing garage was left unconverted, this may result in additional view blockages for the neighboring residence.

As indicated in the previous approval by the Design Review Board on February 7, 2008, there would appear to be sufficient evidence to support the findings for the variances requested.

Public Comment

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

RECOMMENDATION

Staff recommends that the Board:

1. Review the project with respect to Zoning Ordinance Section 16-52.020(H) (Guiding Principles) and Section 16-52.030(E) (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 conditions of approval.

- Exhibits:
1. Draft Conditions of Approval
 2. Application and Supplemental Materials
 3. Minutes of the September 20, 2007 Design Review Board Meeting
 4. Minutes of the November 7, 2007 Town Council Meeting
 5. Minutes of the February 7, 2008 Design Review Board Meeting
 6. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner

Exhibit 1

CONDITIONS OF APPROVAL 9 BURRELL COURT FILE NO. 21112

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 June 8, 2011, or as amended by these conditions of approval and plans of June 8, 2011. 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. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
7. 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.
8. 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.
9. 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.
10. All requirements of the Southern Marin Fire Protection District, as outlined in the letter dated June 27, 2011, shall be met, prior to issuance of building permits.
11. The second story bathroom window, facing north towards 7 Burrell Court, shall be an opaque glass.
12. The two Oleander tree's proposed adjacent to the shared property line of 7 Burrell Court shall be 36-inch box specimens.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
July 21, 2011
Agenda Item: **6**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 98 Sugarloaf Drive; File #21113
Site Plan and Architectural Review for the Construction of Additions to an Existing Single-Family Dwelling, with a Variance for Reduced Front Yard Setback

Reviewed By: _____

PROJECT DATA

ADDRESS: 98 SUGARLOAF DRIVE
ASSESSOR'S PARCEL: 058-281-02
FILE NUMBER: 21113
PROPERTY OWNERS: JOLYNN HARDIMAN
APPLICANT: BRYAN MURDOCK (ARCHITECT)
LOT SIZE: 18,850 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE: X
DATE COMPLETE: JUNE 27, 2011

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 single-family dwelling on property located at 98 Sugarloaf Drive. The lower level of the house would be reconfigured from an existing family room, library and bedroom into a living room, dining room kitchen and family room, with the lower level expanded to the rear. One existing garage space on the lower level would be expanded to the west to accommodate the new family room. A new deck and spa would be added to the lower level.

The upper level of the house would also be reconfigured, with the existing kitchen, dining room and living room converted into a master bedroom suite and den. A small addition to the rear

would expand the area of the master bathroom. The existing upper level deck would be removed and replaced with a new balcony.

The existing flat roof and mansard would be removed and replaced with a new pitched roof. The ridgeline of the proposed roof would be 2.5 to 4.25 feet taller than the top of the existing mansard.

The proposed additions would increase the floor area of the house from the existing 3,093 square feet of living space and 735 square feet of garage to 3,679 square feet of living space and 684 square feet of garage, which is less than the floor area ratio for a lot of this size. The proposed additions would increase the calculated lot coverage on the site by 223 square feet to a total of 2,623 square feet (13.9%), which is less than the 15.0% maximum lot coverage allowed in the RO-2 zone.

The existing house is situated within the required 15 foot front yard setback for this property. The proposed roof changes would increase the building volume within a portion of the required front yard and would extend to within 13 feet, 4 inches of the front property line. A variance is therefore requested for reduced front yard setback.

A color and materials board has been submitted and will be present at the meeting for review by the Board. The exterior of the house would be finished with tan and light brown colored stucco with dark grey trim. The roof would utilize light brown colored mission tile.

ANALYSIS

Design Issues

The subject property is situated on the northeast side of Sugarloaf Drive. The rear of the house faces San Francisco Bay and the East Bay.

The proposed additions to the rear of the house would not appear to encroach into views from nearby residences. The adjacent homes on the same side of Sugarloaf Drive are also oriented to the north, and views across the line of the rear of the house are already screened by dense vegetation.

The home across the street at 97 Sugarloaf Drive has some views across the existing roofline of the house toward the East Bay. Although this nearby residence is oriented in general away from the subject property to capture views to the south and west, the proposed pitched roofline could intrude into a portion of the home's views to the east.

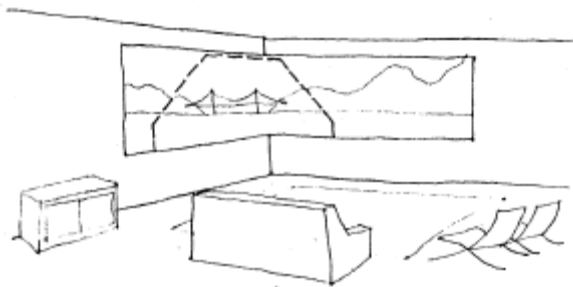
The following portions of the Tiburon Hillside Design Guidelines should be used to evaluate the potential view impacts of the proposed roofline on that neighboring home:

- Goal 3, Principle 7 (A) of the Hillside Design Guidelines states that “view protection is more important for the primary living areas of a dwelling (e.g. living room, dining room, family room, great room, kitchen, and decks associated with

these rooms) than for the less actively used areas of a dwelling (e.g. bedroom, bathroom, study, office, den).”

NO

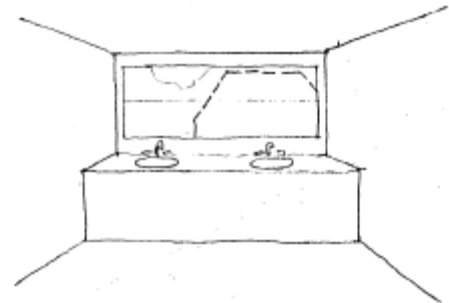
• PROPOSED STRUCTURE
BLOCKS LIVING ROOM VIEW -



• GREAT IMPACT ON
LIVABILITY

YES

• PROPOSED STRUCTURE
BLOCKS BATHROOM VIEW



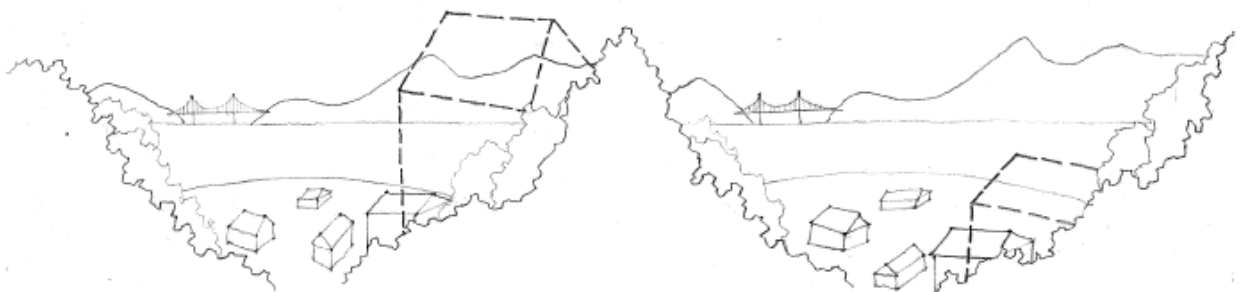
• LITTLE IMPACT ON
LIVABILITY

The proposed roofline would be visible from the left side of a deck off the living room, the lower level kitchen and a gallery at the top of the stairs of the upper level.

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

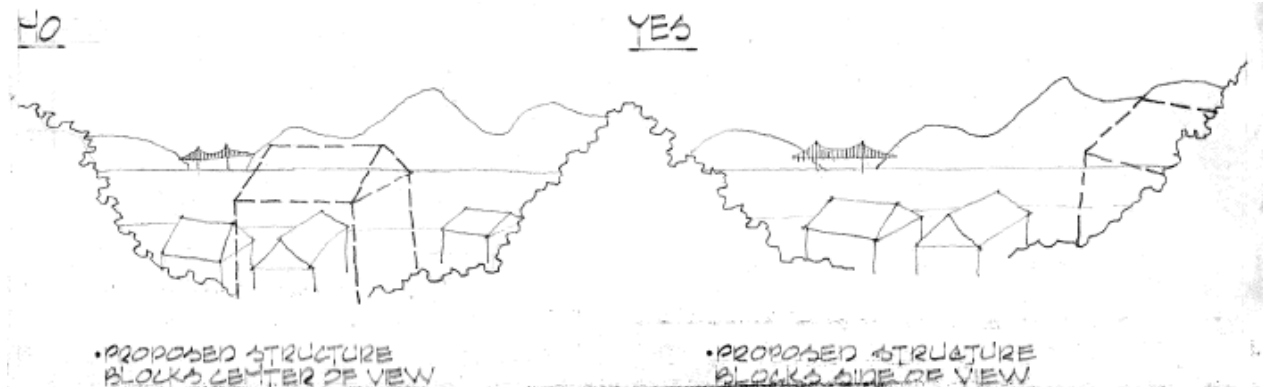
NO

YES



The proposed roofline would intrude into the foreground view from the neighboring home. The existing and proposed roofline extend across a portion of the horizon line when viewed from the kitchen and living room deck.

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



The proposed roofline would intrude into the far left side of the view from the living room deck and into the center of the views from the kitchen and gallery.

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



The proposed roofline would not block views of any “important objects” from the neighboring home.

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



The living room deck has a wide panoramic view to stretching from the Marin Headlands across to the East Bay. The kitchen has limited views to the east which are currently interrupted by the existing roofline of the subject house.

It appears that the proposed roofline would block a small portion of the water view toward the East Bay only when viewed from the upper level gallery, which is not considered to be a primary living area. When viewed from the kitchen or the side of the living room deck, the roofline would not block any views of the East Bay that are not blocked by the existing roofline. The proposed garage addition might extend into a very small portion of the East Bay water views from the living room deck, but this view is a very small portion at the far left side of a panoramic view from this deck. The Design Review Board is encouraged to view the story poles for the proposed project from this neighboring residence.

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 variance for reduced front yard setback.

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 location of the existing house within the required front yard setback and the relatively small level area at the front of the site are special circumstances that would deprive the applicants the ability to modify the flat roof of the house if the front yard setback requirement is strictly applied and would deprive the applicant of privileges enjoyed by other properties along Sugarloaf Drive with similar lot characteristics.

- 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 along Sugarloaf Drive and in the RO-2 and similar zones have been granted variances for reduced front yard setbacks.

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

The strict application of the required front yard setback would make it difficult to change the outmoded and impractical flat roof of the house into a more practical peaked roof configuration.

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

The only portion of the proposed roofline that would extend into the front yard setback would be lower than the ridgeline and would not intrude 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, one letter has been received from the owners of the property at 97 Sugarloaf Drive raising concerns about potential view impacts caused by the proposed roofline changes.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Section 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. Letter from Albert and Yvonne Martens, dated July 13, 2011
4. Submitted plans

CONDITIONS OF APPROVAL

98 SUGARLOAF DRIVE

FILE #21113

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 25, 2011, or as amended by these conditions of approval. Any modifications to the plans of May 25, 2011 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 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 California Fire Code and the Tiburon Fire Protection District:
 - a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2

- b. Approved smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
 - c. The vegetation on this parcel shall comply with the changes made on the vegetation plan stamped by the Fire District. CFC 304.1.2
8. All requirements of the Marin Municipal Water District shall be met.
9. All requirements of the Town Engineer shall be met.