



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

Design Review Board Meeting  
August 4, 2011  
Agenda Item: **1**

## **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 (Continued from July 21, 2011)

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

## **BACKGROUND**

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. A variance is requested for reduced front yard setback to accommodate a change in the roofline from a flat roof and mansard to a new pitched roof.

This application was first reviewed at the July 21, 2011 Design Review Board meeting. At that time, the owners of the home across the street at 97 Sugarloaf Drive objected to the modified roofline, stating that the project would block views of the East Bay from their living room and kitchen. The Board shared these concerns and determined that the applicant's stated need to replace the existing flat roof did not justify the view blockage that would occur with the proposed roofline. The Board continued the application to allow the applicants to revise the project design.

The applicants have now submitted revised plans for the project. The previously proposed pitched roofline has been replaced with a new flat roof and mansard design. The ridgeline of the revised roof design would be 11 inches above the ridgeline of the existing roof. The previous roof design would have been 2.5 to 4.25 feet taller than the top of the existing mansard.

## **ANALYSIS**

### **Design Issues**

The revised roofline would substantially reduce the amount of view that would be blocked by the proposed project when compared to the original project design. However, the project would still result in a change to the views across the existing house from the home at 97 Sugarloaf Drive.

The previous staff report for this project includes an analysis of the principles of the Hillside Design Guidelines pertaining to potential view impacts. This analysis included views from the living room deck of the neighboring home at 97 Sugarloaf Drive, but did not include views from the side windows of the living room or from the kitchen. Although the living room has other windows facing away from the subject property with substantial, panoramic views, the view from the side window of the living room is limited to views of the East Bay across the subject property. The Design Review Board is encouraged to view the revised story poles from the residence at 97 Sugarloaf Drive to evaluate the potential view impacts of the revised project design.

### **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. The revised project design would still include additional roof volume that would encroach into the required front yard setback.

In the July 21, 2011 staff report, staff was able to make the required findings to support the requested variance. However, the Design Review Board determined that the view blockage that would be caused by the originally submitted project design would be injurious to the property at 97 Sugarloaf Drive. If the Board believes that the revised project design would minimally affect this neighboring residence, the variance could be supported. However, if the Board determines that the additional roof height cannot be justified due to its potential view impacts, the Board would be unable to make the required findings to support the requested variance.

## **PUBLIC COMMENT**

As of the date of this report, no letters have been received regarding the subject application since the July 21, 2011 meeting.

## **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 determines that the revised project design would minimize the potential view impacts on the home at 97 Sugarloaf Drive, it is recommended that the attached conditions of approval be applied. If the Board cannot support the proposed increase in roof height, it is recommended that the application be

continued to direct the applicant to return with a revised project design that does not increase the roof height above the height of the existing house.

**ATTACHMENTS**

1. Conditions of approval
2. Supplemental application material
3. Design Review Board staff report dated July 21, 2011
4. Revised 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 July 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.



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

Design Review Board Meeting  
August 4, 2011  
Agenda Item: **2**

## **STAFF REPORT**

**To:** Members of the Design Review Board  
**From:** Associate Planner Tyler  
**Subject:** 525 Hilary Drive; File No. 21114; Site Plan and Architectural Review for Construction of Additions to an Existing Single-Family Dwelling with Variances for Reduced Rear Yard Setback and Excess Lot Coverage  
**Reviewed By:** \_\_\_\_\_

### **PROJECT DATA**

**OWNER:** TOM AND JEN YIN  
**APPLICANT/ARCHITECT:** MICHAEL HECKMANN, ARCHITECT  
**ADDRESS:** 525 HILARY DRIVE  
**ASSESSOR'S PARCEL NUMBER:** 039-133-11  
**FILE NUMBER:** 21114  
**LOT SIZE:** 8,806 SQUARE FEET  
**ZONING:** R-1(SINGLE-FAMILY RESIDENTIAL)  
**GENERAL PLAN:** MH (MEDIUM-HIGH DENSITY RESIDENTIAL)  
**FLOOD ZONE:** X  
**DATE COMPLETE:** JULY 12, 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.

### **PROJECT DESCRIPTION**

The applicant is proposing to construct an addition to the existing single-family dwelling located at 525 Hilary Drive, with variances for reduced rear yard setback and excess lot coverage. Currently the property is improved with a single-story dwelling.

The existing dwelling includes a living room, family room, dining room, kitchen, three bedrooms, one bathroom, the master bedroom suite and a two-car garage. The proposed addition would infill an existing deck area between the family room and master bedroom, for an expanded kitchen, dining room, family room, and breakfast nook. An increase in roof height of three feet (3') would be visible from the front of the dwelling, due to the area of addition. However, the

increase in height would appear to be minor and would not substantially change the appearance of the dwelling.

The proposed addition would result in a gross floor area of 2,495 square feet, which is below the maximum permitted gross floor area ratio for the property (2,881 sq. ft.). The proposed addition would increase the lot coverage by 327 square feet, for total lot coverage of 3,103 square feet (35.2%). It should be noted that currently the property exceeds the maximum permitted lot coverage by 1.5%. As the maximum lot coverage in the R-1 zone is 30.0%, a variance has been requested for the increase in excess lot coverage.

The proposed addition would also encroach into the rear yard setback, for a reduced rear yard setback of 17 feet, 1 inch. As the minimum rear yard setback in the R-1 zone is 20% of the depth of the lot (23 feet), or 25 feet (whichever is less), the applicant has requested a variance for reduced rear yard setback.

The proposed colors and materials for the area of addition would match the existing structure.

## **ANALYSIS**

### Design Issues

The subject property is located behind Del Mar Middle school in a subdivision with fairly smaller lot sizes. While the topography of the site is relatively level, the site itself is slightly higher in elevation than the neighbor to the north (left), just as the neighbor to the south (right) is slightly higher than the subject property. This is due to the slope of the hillside above, combined with the slope of Hilary Drive as it curves around the middle school.

The proposed addition, while small (327 sq. ft.), would allow for improved functionality of the home while not resulting in a structure that would be visually prominent from the street. The only visible portion of the addition would be the new roof pitch. The location of the proposed addition would appear to be practical, as the rear yard is currently small, leaving the front yard as usable yard space. Mature vegetation at the rear of the property would aid in screening the area of addition from the residence above the site on Rowley Circle and continue to maintain privacy between the two dwellings. The neighbor to the south at 535 Hilary Drive would be able to see the new area of addition, but the addition would not likely result in view blockages or privacy infringements.

The neighbor to the north at 515 Hilary Drive would appear to be the only potentially affected neighbor, as the area of addition would be adjacent to this property. Staff spoke with this neighbor who expressed concerns with privacy due to the proposed windows as part of the addition on this elevation. Sheet A.9 of the plan set depicts these new windows. A window is proposed for a bathroom that would face the neighbor's property, in addition to a small clearstory window being modified to a full size window for the expanded kitchen/breakfast nook area.

Staff visited both the neighbor's property and the subject property, and determined that while a bathroom window could result in privacy concerns, the expanded kitchen/breakfast nook window would not. There would appear to be enough mature vegetation and fencing between the two properties to aid in maintaining privacy. However, Staff has included a condition of approval that

would require the bathroom window to be an opaque glass to ensure privacy for both properties, while still allowing light into the bathroom.

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 remaining development standards for the R-1 zone with the exception of the previously noted variances for reduced rear yard setback and excess lot coverage.

In order to grant the requested variances for reduced rear 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 substantially the same zone.**

Many properties located in the R-1 zone have substandard lot sizes, in that they do not meet the required minimum size. In this case the property is 8,806 square feet, which is well below the minimum lot size of 10,000 square feet. This results in a reduced amount of buildable area for the lot, as well as a reduced amount of permitted lot coverage for the property. In addition, the depth of the lot is short, which results in a smaller rear yard setback than the typical 25 feet. These are special circumstances applicable to the property.

- 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.**

It is not uncommon for properties in the R-1 zoning district to request and have been granted a reduced rear yard setback variance in order to construct small encroachments, such as this request, into the rear setback. Many properties have also been granted excess lot coverage variances, in particular when the lot is substandard in size. Both the reduced rear yard setback and excess lot coverage variances would therefore not constitute a grant of special privileges.

- 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.**

Staff is unable to make the findings for both the reduced rear yard setback and excess lot coverage, as there is no practical difficulty or unnecessary hardship if the applicant is unable to construct the requested addition/expansion at the rear of the dwelling.

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

The area of addition would not be detrimental to the public welfare or injurious to other properties in the vicinity, as the addition would be located at the rear of the existing dwelling, between two existing areas of the home, which is mostly screened from public view. The additions would not appear to affect or infringe upon any of the adjacent neighbors viewsheds, nor result in significant privacy impacts.

There would appear to be insufficient evidence to support the findings for the variances requested, in particular, the practical difficulty or unnecessary hardship finding.

Public Comment

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

**CONCLUSION**

While the proposed addition is minor and would not substantially alter the appearance of the home, nor result in view blockages or substantial privacy impacts, there is no practical difficulty or unnecessary hardship if the addition is not constructed. If the Board can articulate findings for both variances, then Staff would recommend approval of the application. However, if findings cannot be made, then Staff would recommend denying the 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. Deny the application. If the Board disagrees with Staff's recommendation, then findings should be articulated for the requested variances, and Staff would recommend that the application be approved, subject to the attached 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  
525 HILARY DRIVE  
FILE NO. 21114**

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 23, 2011, or as amended by these conditions of approval and plans of June 23, 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. The project shall comply with the following requirements of the California Fire Code and the Tiburon Fire Protection District:
  - a) The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2
  - b) Approved smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
  - c) The vegetation on this parcel shall comply with the requirements of the Tiburon Fire District and the recommendations of Fire Safe Marin. CFC 304.1.2
11. The proposed bathroom window shall be an opaque glass.



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
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Design Review Board Meeting  
August 4, 2011  
Agenda Item: **3**

## **STAFF REPORT**

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

**From:** Planning Manager Watrous

**Subject:** 20 Seafirth Road; File #21115  
Site Plan and Architectural Review for the Construction of Additions to an Existing Single-Family Dwelling, with Variances for Reduced Front Yard Setback and Excess Lot Coverage

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

### **PROJECT DATA**

**ADDRESS:** 20 SEAFIRTH ROAD  
**ASSESSOR'S PARCEL:** 039-092-15  
**FILE NUMBER:** 21115  
**PROPERTY OWNERS:** RUDY AND CHARLENE BORNEO  
**APPLICANT:** MARK SWANSON/JOHN MAITLAND  
**LOT SIZE:** 13,800 SQUARE FEET  
**ZONING:** RO-2 (TWO-FAMILY RESIDENTIAL)  
**GENERAL PLAN:** MEDIUM LOW DENSITY RESIDENTIAL  
**FLOOD ZONE:** X  
**DATE COMPLETE:** JULY 19, 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 two-story single-family dwelling on property located at 20 Seafirth Road. The main level of the house would be reconfigured, demolishing an existing solarium at the rear of the building and constructing two additions to the rear for an expanded family room and master bedroom suite. A pantry on the side of the house would be demolished and a new interior stairway would be added to provide an enclosed connection between the upper level and the garage below. Three new skylights would be installed. The pitch of the roof would be modified to accommodate the proposed additions, but the ridgeline of the roof would remain at the same height.

The proposed additions would increase the floor area of the house by 191 square feet to a total of 3,171 square feet, 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 218.5 square feet to a total of 2,614.5 square feet (18.9%), which is greater than the 15.0% maximum lot coverage allowed in the RO-2 zone. A variance is therefore requested for excess lot coverage.

The proposed stairway addition would extend to within 18 feet of the front property line. As a 30 foot front yard setback is required in the RO-2 zone, 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 light beige colored wood siding with grey trim. Grey composition shingles would be installed on the roof.

## **ANALYSIS**

### **Design Issues**

The subject property slopes downhill from the south (right) side to the north (left) side of the lot. The house has a split-level design, with the garage located beneath the main floor on the north side of the site. The existing garage is situated within the required front yard setback, 20 feet from the front property line at its closest point.

The lower level of the house contains a two-car garage, an office, a children's study, laundry room and a bathroom. The only interior connection between this level and the main level of the house is a stairway adjacent to the study. Residents parking in the garage that wish to enter the main level of the house must either use outside stairs or walk through the office and study before using the interior stairway. The proposed stairway addition would allow residents to walk directly upstairs from the garage to the kitchen.

The subject site is well screened from neighboring residences. Mature landscaping and changes in elevation between the property and neighboring lots provides substantial visual screening. The additions to the rear of the house would not appear to be visible from off-site and the proposed stairway addition would only be visible from the street. The additions should not create view or privacy impacts for any nearby homes.

### **Zoning**

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

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.***

Front yard setback:

The existing house, including much of the attached garage, is situated within the required front yard setback. The front property line is curved and the location of the existing house limits the available area in which to locate a stairway that would provide direct access between the garage and main living areas of the house on the main level. 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 front yard setback requirement is strictly applied.

Lot coverage:

The existing house exceeds the 15.0% maximum lot coverage by 2.3%. This physical condition is a special circumstance that would deprive the property owner of the privilege of construction an appropriate enclosed stairway connection between the garage and the floor above if the maximum lot coverage 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.***

Front yard setback:

Numerous other properties in the RO-2 and similar zones have been granted variances for reduced front yard setbacks.

Lot coverage:

Numerous other properties in the RO-2 and similar zones have been granted variances for excess lot coverage.

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

Front yard setback:

The strict application of the required front yard setback would make it practically difficult to create an appropriate enclosed connection between the garage and the main living areas on the upper floor of the house.

Lot coverage:

The strict application of the maximum lot coverage requirement would force the applicant to maintain the existing indirect or exterior access to the garage, which is a practical difficulty for the applicants.

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

Front yard setback:

As noted above, the proposed additions would not create any view or privacy impacts for neighboring residences.

Lot coverage:

As noted above, the proposed additions would not create any view or privacy impacts for neighboring residences.

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

## **PUBLIC COMMENT**

As of the date of this report, three letters have been received supporting the proposed project.

## **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 Sandra Swanson, dated July 22, 2011
4. Letter from Dion Cominos and Tracey Gross, dated July 25, 2011
5. Letter from Mike and Mari Pautler, dated July 26, 2011
6. Submitted plans

## CONDITIONS OF APPROVAL

### 20 SEAFIRTH ROAD

#### FILE #21115

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 23, 2011, or as amended by these conditions of approval. Any modifications to the plans of July 18, 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. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
8. 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
9. All requirements of the Marin Municipal Water District shall be met.
10. All requirements of the Town Engineer shall be met.