



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
November 3, 2011
Agenda Item: **1**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 460 Ridge Road; File #711085
Site Plan and Architectural Review for the Construction of a New Single-Family Dwelling, with a Floor Area Exception
(Continued from October 6, 2011)

Reviewed By: _____

BACKGROUND

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 460 Ridge Road. The subject site is currently developed with an existing two-story dwelling. The project will demolish most (over 50%) of the floor area of the existing building.

This application was first reviewed at the October 6, 2011 Design Review Board meeting. At that meeting, several neighbors raised concerns about the location of the house in relation to present and future homes in the vicinity; light and glare from windows of the proposed house; potential privacy impact; and the amount of grading and landscaping to be removed associated with the project.

The Design Review Board shared many of these concerns. The Board determined that the project did not reasonably minimize grading on the site and that the landscaping plan was inadequate. The Board determined that the amount of glazing on the house was excessive and would result in nighttime light impacts on nearby residences. The Board also felt that the location of the new portions of the house would be inconsistent with the pattern of development in the vicinity and could affect the placement of a new home or future additions on the adjacent property at 480 Ridge Road.

The application was continued to the November 2, 2011 meeting to allow the applicant time to redesign the proposed project to address these concerns.

The applicant has now submitted revised plans for the project, which include the following changes to the project design:

- The master bedroom suite has been modified to reduce the size of the bedroom and bathroom, but to increase the size of the closet. The pantry has been reduced

by almost 8 feet and the kitchen has been reduced in width by one foot. The foyer has been expanded. As a result, the proposed floor area of the house has increased by 91 square feet from the previously proposed 4,340 square feet to 4,431 square feet.

- The floor level of the lower level and basement areas has been raised 3 feet, lowering the ceiling heights in the lower level from 15 feet to 12 feet. The floor level of the garage has been raised 4.5 feet. The roof elevation of the proposed house remains unchanged.
- The windows on the front of the house have been slightly modified. The number and location of the upper floor windows are unchanged, but the windows are somewhat smaller. The lower level windows have been more substantially reduced in size.
- The overall height of the retaining walls along the driveway has been reduced. However, the proposed walls are over 6 feet in height in certain areas within the required side yard setback; these walls would need to be reduced to 6 feet to comply with the maximum wall height allowed within a required setback.
- A new two-car parking bay is proposed adjacent to the driveway within the front yard.
- The terraced patio and lawn areas to the rear of the house have been scaled back to a series of decks that would not extend as far into the rear of the site. A swimming pool and fire pit are now requested. Screened pool equipment would be located on the lower portion of the site.
- More detailed landscaping plans have been provided that would keep much of the existing screening vegetation along the front of the property. A new fenced lawn area is now proposed between the front of the house and the driveway.

The lot coverage for the proposed house has been reduced by 3 square feet to 3,593 square feet (14.5%) of the site, which would be less than the 15.0% maximum lot coverage permitted in the RO-2 zone. As noted, the floor area of the proposed house has been increased by 91 square feet from the previously proposed 4,340 square feet to 4,431 square feet, which is less than the floor area ratio of 4,479 square feet for a lot of this size. The size of the basement area has been reduced from 700 square feet to 665 square feet.

A revised color and materials board has been submitted and will be present at the meeting for the Board to review. The exterior of the proposed house would include slightly darker brown cedar siding with bronze and copper trim. The flat roofs would utilize a light brown colored pebble finish over a membrane roof system.

ANALYSIS

Design Issues

The revised project design is somewhat responsive to the concerns raised by the Design Review Board and neighboring residents at the previous meeting. The raised level of the lower floor, basement and garage and shortened rear terraced areas would reduce the overall amount of grading required for the project. However, the project would still require substantial excavation for the lower level expansion, driveway modification and rear deck areas. The revised project design also includes a swimming pool and parking deck, which would require additional grading that was not anticipated as part of the previous project design. The preserved “meadow” area at the rear of the property would still add up to 4 feet of earth to this portion of the site. The end result of the project would leave few areas untouched and re-contoured from their current condition.

As noted in the previous staff report, Goal 1, Principle 4 of the Hillside Design Guidelines is to “follow hillside contours and slope with building forms, particularly roof forms, to increase the integration of dwelling and site.” Section 16-52.020 (H[5]) of the Tiburon Zoning Ordinance (Guiding principles in the review of Site Plan and Architectural Review applications – Grading and tree removal) states that the Design Review Board shall consider “the extent to which the site plan reasonably minimizes grading and/or removal of trees, significant vegetation, or other natural features of the site such as rock outcroppings or watercourses.” The Design Review Board should review the revised project design to determine whether the reduction in proposed grading would bring the project into compliance with these principles.

The changes to the floor plans only minimally alter the orientation of the building to the site and do not substantively address the concerns of the Board and neighbors regarding the relationship of the house to the pattern of other development in the vicinity. The width of the house has been reduced by only one foot and the actual floor area of the house has been increased by 91 square feet. These changes are not substantially responsive to the previous direction of the Board.

Similarly, there has been little done to address the issue of potential lighting impacts on uphill neighbors. The amount of glazing proposed for the upper level windows on the front of the house has only been marginally decreased by increasing the post size between windows. Although keeping more of the vegetation along the front property line could help screen some of the windows from homes across Ridge Road, the new windows would still be more prominently visible from the adjacent home at 480 Ridge Road until new vegetation grows sufficiently to screen these windows.

The revised plans include more detailed information about proposed landscaping and exterior improvements, but still lack essential details about many of the proposed improvements. The plans indicate many walls and fences without showing basic height information or detail drawings. In particular, there is little or no information about the retaining walls at the rear of the deck areas; walls around the parking bay; screening around the pool equipment; the wall near the outdoor shower; and the fence around the lawn area in front of the house. More information on these improvements is essential to provide adequate information to neighboring residents about

the overall project parameters and before the Design Review Board can make an informed decision on the application.

The sheer number of changes that continue to be made to the project make the application a “moving target” that is difficult to properly evaluate. Although the applicant has made some changes as requested by the Board, numerous other changes have been made have little or nothing to do with the previously raised concerns about the project. The newly proposed swimming pool, parking bay, fire pit, outdoor shower and fenced front lawn area are all components of the project that had not been previously discussed with neighboring property owners or evaluated by staff or the Design Review Board. Staff believes that these ongoing changes, combined with the lack of appropriate detailed information for the improvements noted above, reflect a premature application that is not suitable for action by the Board.

PUBLIC COMMENT

As of the date of this report, the Town has not received any letters regarding this application since the October 6, 2011 meeting.

CONCLUSION

The revised project design addresses some, but not all, of the concerns raised by the Design Review Board and neighboring property owners at the previous meeting. Although improvement has been made to the overall amount of grading required to undertake this project, the house, driveway and outdoor living spaces would alter the existing grade for much of the site, which would appear to be inconsistent with the principles of the Hillside Design Guidelines and the Zoning Ordinance to minimize grading on the site. Few changes have been made to address concerns regarding potential nighttime lighting impacts and the orientation of the house in relationship to other homes in the vicinity. At the same time, the applicant has chosen to introduce other extraneous modifications to the project design without providing sufficient information to properly evaluate these changes. Staff recommends that the Design Review Board once again continue the application to a later meeting and direct the applicant to redesign the proposed house to better address these issues and provide adequate information to allow the Board to make a completely informed decision on the application.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Design Review Board agrees with Staff’s conclusions, it is recommended that the application be continued to a later date, and that the Board give direction to the applicant regarding requested project design modifications. If the Board wishes to approve the application, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Revised project details, dated October 24, 2011
3. Design Review Board staff report dated October 6, 2011
4. Revised plans

CONDITIONS OF APPROVAL

460 RIDGE ROAD

FILE #711085

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on August 15, 2011, or as amended by these conditions of approval. Any modifications to the plans of October 24, 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. 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.

8. The project shall comply with the requirements of the California Fire Code to the satisfaction of the Building Official. The Tiburon Fire Protection District recommends the following conditions of approval:
 - 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 Protection District and the recommendations of Fire Safe Marin. CFC 304.1.2
 - d. The access gate shall have a minimum unobstructed width of 12 feet. The gate shall be operable using the Fire District's "Knox" key system. CFC 503.6.2
9. All requirements of the Marin Municipal Water District shall be met.
10. The applicants shall obtain any necessary sewer permits from Sanitary District No. 5 and pay all applicable fees prior to construction of a side sewer and connection to the sewer main. After connection to the sewer main but prior to commencement of discharge and prior to covering of the pipe, the District shall be contacted and allowed to inspect the connection for conformance to standards.
11. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
 - a. The location of the front property line shall be confirmed and the proposed wall must be moved at least three feet (3') onto the private property to provide appropriate line of sight at the driveway entrance/exit.
 - b. The plans must show how stormwater drainage will be handled on impermeable areas, especially the asphalt driveway.
 - c. Any proposal that would encroach onto public right-of-way is not permitted. This would include fences, retaining walls and permanent improvements. Under special circumstances the Town may consider these encroachments. Should the applicant consider their case to be a unique circumstance their proposal should be clearly documents and resubmitted. An encroachment permit will be required for the driveway approach.

- d. All encroachments, such as driveway approaches, sidewalks, small drainage facilities and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans or schematics for review. Unless the encroachment is minor or routine in nature, a permit shall be accompanied by a Memorandum of Encroachment that must be recorded by the property owner with the County of Marin.

- e. 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
November 3, 2011
Agenda Item: **2**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 8 Wilkins Court; File #21117
Site Plan and Architectural Review for the Construction of Deck
Additions to an Existing Single-Family Dwelling, with a Variance for
Reduced Side Yard Setback

Reviewed By: _____

PROJECT DATA

ADDRESS: 8 WILKINS COURT
ASSESSOR'S PARCEL: 039-032-10
FILE NUMBER: 21117
PROPERTY OWNERS: RANDALL DOCTOR
APPLICANT: MILES BERGER (ARCHITECT)
LOT SIZE: 18,070 SQUARE FEET
ZONING: RO-2 (TWO-FAMILY RESIDENTIAL)
GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE: X
DATE COMPLETE: OCTOBER 11, 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 deck additions to an existing single-family dwelling on property located at 8 Wilkins Court. The existing deck to the rear of the main level living room would be expanded. A new exterior stairway would connect the deck to the rear yard below. Several windows on the rear of the house would also be expanded.

On May 5, 2011, the Design Review Board approved a previous Design Review application for a deck addition for this property, with a variance for reduced side yard setback. The previous deck extended to within 7 feet, 4 inches of the left (western) side property line, within the 15 foot side yard setback required in the RO-2 zone. The applicant now wishes to further expand the

previously approved deck to a location within 5 feet of the side property line. A new variance is therefore requested for this additional encroachment into the required side yard setback.

The proposed deck additions would increase the calculated lot coverage on the site by 74.5 square feet to a total of 2,661 square feet (14.7%), which is less than the 15.0% maximum lot coverage allowed in the RO-2 zone. The proposed project would not increase the floor area of the existing house on the site.

A color and materials board has not been submitted, as the exterior colors and materials would match those of the existing house.

ANALYSIS

Design Issues

The existing and proposed deck is visible from the end of Wilkins Court below. The adjacent home to the northwest at 6 Wilkins Court is situated well above the site of the deck. The difference in elevation and the existing side property line fence would minimize any views of the proposed deck addition and stairway from this neighboring residence. The owners of 6 Wilkins Court have submitted a letter supporting the requested deck modification.

The applicant indicates that the deck modification is requested due to “the smallness of the [previously approved] deck being difficult to furnish for reasonable use.” The proposed deck modification would add a semicircular space at the western corner of the deck, purportedly to site a large circular table owned by the property owners.

The previously approved deck space in front of the living room was 22 feet wide and ranged in depth from 10 to 18 feet. The size of that deck cannot be characterized as “small” and would afford ample space to place almost all furniture normally associated with an outdoor deck. It should also be noted that the deck wraps around the entire rear of the house, with additional deck space on the other side of the family room.

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 side 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 and the driveway access to this site are unusual, with the entryway to the house facing the rear of the site and rearmost portions of the residence facing downhill toward the front of the property. The lot also slopes steeply down to a cul-de-sac at the end of Wilkins Court and a portion of the existing house is situated within the side yard setback.

During the review of the previous variance request, the Design Review Board concluded that because of these circumstances, the strict application of the required side yard setback would deprive the applicants the ability to connect the main level of the house to its primary yard space, as enjoyed by other properties in the vicinity and in the same or similar zones. However, the requested modification does not involve any changes to the stairway area and the connectivity of the deck to the rear yard. The physical circumstances of the site would not preclude the applicant from having an adequately sized deck and would therefore not deprive the applicant of privileges enjoyed by other properties in the vicinity and 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 RO-2 and similar zones have been granted variances for reduced side yard setbacks.

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

The strict application of the required side yard setback would not result in any practical difficulty or unnecessary hardship for the applicant. The previously approved deck was over 300 square feet in size, which provides adequate space for any reasonably expected use of an exterior deck. If the applicant desires additional deck space for certain amenities, there are other locations at which the deck may be expanded without encroaching into the required side yard setback.

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

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

PUBLIC COMMENT

As of the date of this report, one letter has been received regarding this application from the neighboring property owner at 6 Wilkins Court, supporting the request.

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 Board agrees with staff's conclusions, the Board should direct staff to return to the next meeting with a resolution denying the application. If the Design Review Board wishes to approve the project, the necessary findings must be made to support the variance request and the attached conditions of approval should then be applied to the application.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Design Review Board staff report dated May 5, 2011
4. Minutes of the May 5, 2011 Design Review Board meeting
5. Letter from Laurie Smith and Jim Bowbliss, dated September 22, 2011
6. Submitted plans

CONDITIONS OF APPROVAL

8 WILKINS COURT

FILE #21117

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 October 6, 2011, or as amended by these conditions of approval. Any modifications to the plans of October 6, 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 all requirements of the Tiburon Fire Protection District:
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
November 3, 2011
Agenda Item: **3**

STAFF REPORT

To: Members of the Design Review Board
From: Associate Planner Tyler
Subject: 6 Apollo Road; File No. 711105; Site Plan and Architectural Review for Conversion of an Existing Garage into Floor Area for the Existing Single-Family Dwelling
Reviewed By: _____

PROJECT DATA

ADDRESS: 6 APOLLO ROAD
OWNER: SIMON AND JENNIFER BARKER
APPLICANT: SAME AS OWNER
ASSESSOR'S PARCEL: 034-271-03
FILE NUMBER: 711105
LOT SIZE: 7,590 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: MH (MEDIUM-HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: OCTOBER 11, 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 requesting to convert an existing 2-car garage into living space at an existing single-family dwelling located at 6 Apollo Road. The existing 2-car garage would be converted into either a bedroom or a family room with a bathroom. The garage door would be removed as part of the conversion and a boxed bay window would be installed, modifying the appearance of the front elevation of the home.

The proposed garage conversion would add 412 square feet of floor area to the dwelling, which would result in a gross floor area of 1,526 square feet, which is 1,233 square feet below the maximum permitted gross floor area (2,759 square feet). The addition of a boxed bay window would increase the lot coverage by 21 square feet, which would result in total lot coverage of

1,834 square feet (24.2%), which is below the maximum permitted lot coverage in the R-1 zone (30.0%). A color and materials board has not been submitted, as the proposed addition of a boxed bay window to the front elevation of the home would match the existing color and materials of the home.

The proposed garage conversion does not meet the standards set forth in the Town's garage conversion policy; therefore, in accordance with that policy, this application has been referred to the Design Review Board for review and consideration.

ANALYSIS

Design Issues

The existing dwelling is similar in size and layout to many of the homes located within the Belveron Subdivision. Most of the homes in this neighborhood were constructed with small attached garages and relatively small amounts of living space. Over the years, many homeowners in both the Belveron and Bel Aire neighborhoods have converted their garages into additional living space, in lieu of building second stories which might appear out of character with the neighborhood, or building additions which would increase lot coverage. There are currently numerous converted garages along Blackfield Drive, Cecilia Way, Leland Way and Apollo Road.

Because of the number of garage conversions which have occurred in Tiburon, in the late 1990's the Town established a policy regarding garage conversions. The policy states that when an application is submitted to convert an existing garage into living space, "it is the policy of the Town of Tiburon that a replacement garage or carport of equal or greater capacity be provided on the property." However, the policy states that a replacement garage or carport may not be required if the following criteria are met:

1. ***There is adequate space on the property to provide an improved but uncovered parking area of equal or greater capacity than that being converted, while meeting all setback requirements.***

According to both the site plan submitted and a visit to the site itself, there would still be an adequate sized off-street parking area to accommodate two vehicles. It should be noted that although the existing improved parking area (i.e. driveway) is mostly located within the front yard setback, flat work is permitted to be located within setbacks without the need for any variances.

2. ***There is adequate screening of that parking area provided as part of the proposal, either by a structure, trellis, existing and/or proposed landscaping, lattice or other means.***

Existing landscaping located to the left of the existing driveway area would continue to provide adequate screening of the improved parking area.

3. ***There is an adequate, screened storage area provided for items typically stored in a garage or carport (i.e. gardening equipment, bicycles, etc.).***

The site plan indicates a storage area on the left side of the property, adjacent to the garage area, which could be used for the placement of bikes and landscaping equipment. This area would be screened from public as it is located behind the existing fence and gate to the left of the garage.

4. ***The proposal allows for the future construction of a replacement garage or carport in a credible location on the property without the need for a Variance (i.e. a future garage or carport would conform to all zoning requirements regarding setbacks, lot coverage, height limits, etc.). The term “credible” is used to describe a location that is compatible with the layout of the site and provides safe, convenient, and legal vehicular access to the property.***

The site plan submitted would not appear to indicate a “credible” location for future construction of a replacement garage or carport. While there would be enough space to construct a replacement garage at the rear of the site without encroaching into a setback, there would not be adequate vehicular access to get from the front of the property to the back of the property. In addition, construction of a replacement garage at the front of the property would likely encroach into the required 15 foot front yard setback, which is not permitted without the granting of a variance. It should be noted that a typical 2-car garage is approximately 360-400 square feet in size. The property would allow for the additional lot coverage of a new garage or carport, without the need for a lot coverage variance.

From the above discussion, there would appear to be insufficient evidence to support the proposal, specifically due to the fourth criteria which cannot be met. Therefore the project has been forwarded to the Design Review Board for review and consideration. Staff recommends that the Board review the impact of not having a credible location for a future garage or carport replacement on the property, and determine if the lack of covered parking on the site would result in on-street parking difficulties that would negatively impact the surrounding neighborhood.

Zoning

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

Public Comment

As of the date of this report, no letters have been received regarding the subject application; however, the applicant did submit an approval form with neighbor signature approvals from 4, 5 and 7 Apollo Road.

RECOMMENDATION

Staff recommends that the Board:

1. Review the project with respect to Zoning Ordinance Section 16-52.020(H) (Guiding Principles); and
2. Determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301; and
3. If the Board determines that the proposal would be acceptable and not detrimental to the surrounding neighborhood, then staff recommends that the application be approved, subject to the attached conditions of approval. If the Board finds that the project cannot be found to be acceptable, then staff would recommend that the Board direct staff to return with a resolution denying the application for consideration at the next meeting.

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

Prepared By: Laurie Tyler, Associate Planner

EXHIBIT 1

**CONDITIONS OF APPROVAL
6 APOLLO ROAD
FILE NO. 711105**

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 October 3, 2011, or as amended by these conditions of approval and plans of October 3, 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. All requirements of the Tiburon Fire Protection District shall be met, as described in the memo dated October 11, 2011, which includes ensuring that the doorway from the new family room/bedroom does not enter into the existing living room, which would trigger fire sprinklers.
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. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.