



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
January 19, 2012
Agenda Item: **1**

STAFF REPORT

To: Members of the Design Review Board

From: Community Development Department

Subject: **NOTICE OF CONTINUANCE**
2308 MAR EAST STREET; FILE NO. 21116
Site Plan and Architectural Review for Construction of Additions to an Existing Single-Family Dwelling with Variances for Reduced Side Yard Setbacks and Excess Lot Coverage and a Floor Area Exception; Assessor Parcel Number: 0034-271-03

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 item has been continued to February 16, 2012**

Prepared By: **Laurie Tyler, Associate Planner**



STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 1599 Tiburon Boulevard; File #51110
Sign Permit for the Installation of Signs for a Drug Store and Pharmacy (CVS/pharmacy), With a Minor Exception (Continued from December 15, 2011)

Reviewed By: _____

BACKGROUND

The applicant is requesting approval of a sign permit for the installation of signage for the soon-to-be-opened drug store and pharmacy (CVS/pharmacy) at 1599 Tiburon Boulevard. The original proposal included the following signs:

- A 61.38 square foot, indirectly-illuminated sign above the store entrance;
- A 3.19 square foot non-illuminated under marquee sign mounted below the canopy of the drive-through pharmacy; and
- Three 4.60 square foot non-illuminated signs in the storefront windows.

The application was reviewed at the December 15, 2011 Design Review Board meeting. At that time, it was determined that the requested sign permit required a Minor Exception in accordance with Section 16A.720 (c) of the Tiburon Sign Ordinance, as the proposed total sign area involved the transfer of sign area from one establishment frontage to another. The subject building has three frontages and all of the sign area was proposed to be installed along the frontage facing Tiburon Boulevard.

The received numerous objections from local residents regarding the size, design and illumination of the proposed signs. The Design Review Board felt that the aluminum materials for the main store sign were inconsistent with the character of Downtown Tiburon and suggested that the applicant explore a wooden sign. Similarly, the Board asked the applicant to consider replacing the indirect, red LED halo-lit illumination with a different indirect lighting system. The Board also encouraged the applicant to submit two different sign proposals, one which would require a Minor Exception and one that would not require an exception. The Design Review Board continued the application to the January 19, 2012 meeting to allow the applicant time to revise the proposed signage.

The applicant has now submitted revised plans for the proposed signs. The revised project design includes four options, described as follows:

Option I

A 64.5 square foot, indirectly-illuminated sign mounted between the pillars above the store entrance. The sign would consist of 30 inch tall red aluminum letters with the words "CVS/pharmacy" mounted on a tan colored aluminum background that would follow the contours of the sign letters. The sign would be illuminated using red colored LEDs behind the letters, defined as halo-lit illumination.

Option II

A 72.2 square foot, indirectly-illuminated sign mounted between the pillars above the store entrance. The sign would consist of 30 inch tall red aluminum letters with the words "CVS/pharmacy" mounted on a tan colored, rectangular aluminum background. The sign would be illuminated using four gooseneck lighting fixtures shining onto the face of the sign, mounted on the building above the sign.

Option III

A 64.5 square foot, indirectly-illuminated sign mounted between the pillars above the store entrance. The sign would consist of 30 inch tall red aluminum letters with the words "CVS/pharmacy" mounted on a tan colored aluminum background that would follow the contours of the sign letters. The sign would utilize halo-lit illumination using red colored LEDs behind the letters.

An additional sign would be mounted on the Beach Road side of the building. This 37.1 square foot sign would consist of 20 inch tall red aluminum letters with the words "CVS/pharmacy," mounted directly onto the wall of the building. The sign would utilize halo-lit illumination using red colored LEDs behind the letters.

Option IV

A 72.2 square foot, indirectly-illuminated sign mounted between the pillars above the store entrance. The sign would consist of 24 inch tall red aluminum letters with the words "CVS/pharmacy" mounted on a tan colored, rectangular aluminum background. The sign would be illuminated using four gooseneck lighting fixtures shining onto the face of the sign, mounted on the building above the sign.

An additional sign would be mounted on the Beach Road side of the building. This 37.1 square foot sign would consist of 20 inch tall red aluminum letters with the words "CVS/pharmacy," mounted directly onto the wall of the building. The sign would be illuminated using four gooseneck lighting fixtures shining onto the face of the sign, mounted on the building above the sign.

All four options also include the following signs:

- A 3.19 square foot non-illuminated under marquee sign mounted below the canopy of the drive-through pharmacy. The sign would consist of red acrylic letters with the word “Drive-thru” on a white rectangular background.
- Three 4.53 square foot non-illuminated signs in the storefront windows. Each sign would consist of red vinyl film mounted on the window with the words “CVS/pharmacy.”

These additional signs are identical to those previously reviewed by the Design Review Board, except that the window signs have been reduced in size from 4.60 square feet to 4.53 square feet each.

ANALYSIS

The total sign area requested for the four options ranges from 81.28 square feet for Option I to 126.08 square feet for Option IV, each of which would be greater than the 78.75 square foot maximum sign area for a building of this size. Although Options III & IV include smaller lettering than Options I & II, the sign ordinance calculates the size of a sign based upon the framing of the sign, including its background area. As previously noted, the sign area calculations and subject application do not include signs for the unknown future retail tenant that would occupy the southwest corner of the building.

As noted above, Section 16A.720 (c) of the Tiburon Sign Ordinance requires an exception to transfer sign area from one establishment frontage to another. Section 16A.520 (a) states that:

“A Minor Exception applies to requests that deviate from the sign provisions for sign area or sign height by less than twenty (20) percent. Notwithstanding the foregoing, any sign area Exception involving no more than five (5) square feet, or involving transfer of sign area from one frontage to another pursuant to Section 16A.720(c), shall be deemed a Minor Exception.”

The maximum sign area allowed for this property with a minor exception would be 94.5 square feet. Option I would be eligible for a minor exception, but Options II, III & IV, as currently proposed, would require a major exception. It should be noted that if the building frontages are considered separately without a minor exception to transfer area from one frontage to another, the proposed sign facing Beach Road in Options III & IV would be eligible for a minor exception based on the length of the Beach Road frontage of the building, but the combined signage requested for the Tiburon Boulevard frontage of the building would require a major exception. The notice prepared for this continued sign permit application only indicated a minor exception, rather than a major exception. Approval of a major exception would require a continuance and renotification of the application.

The revised sign designs are somewhat responsive to the direction given by the Design Review Board at the previous meeting. Options II & IV would utilize indirect gooseneck lighting fixtures instead of the halo-lit illumination. The 24 inch letters of the main sign for Option IV would be

smaller than the 30 inch lettering previously proposed, but the total sign area for all the main sign options are larger than that previously proposed, and Options III & IV include an additional sign facing Beach Road. The aluminum sign materials for all signs and red LED lighting for Options I & III are unchanged. All four options would require a sign exception.

In order to grant the any sign exception, the Design Review Board must make the following findings as required by Section 16A.520 (c) of the Tiburon Sign Ordinance:

- 1. The exception is necessary to overcome special or unusual site conditions such as exceptional building setbacks, and lack of or limited visibility due to orientation, shape or width of the property and/or building improvements;**

The Tiburon Boulevard frontage of the building is situated 125 feet from the front property line, which is an exceptionally large setback that limits the visibility of signage from the street.

- 2. The exception is appropriate in that it would allow signage that would be in harmony and scale with the building and site improvements, and would be physically compatible with other conforming signs in the immediate vicinity; and**

Most other approved nonresidential signs in the vicinity do not include additional window signage or signs on two building frontages.

In order to evaluate the scale of the proposed primary sign in relation to the building, it is appropriate to evaluate the size of the primary building signs of the previous tenants of this building:

Safeway: The internally illuminated channel letter sign was 20 feet long and utilized 20 inch tall letters, for a total sign area of 33.3 square feet.

Bell Market: The sign consisted of a 4 foot tall, 11 foot long set of internally illuminated channel letters and a 14.5 foot long, 3 foot tall internally illuminated box sign, with a total sign area of 87.5 square feet. A 31.5 square foot freestanding sign was also approved at the corner of the lot, near the intersection of Tiburon Boulevard and Beach Road.

Delano's IGA Market: This sign utilized internally illuminated channel letters and logo, with a height of 2 feet and a length of 16 feet, for a total sign area of 32 square feet. The market also utilized the freestanding sign at the corner of the lot.

The size of the Safeway and Delano's signs are similar to the 32.5 square foot maximum that would be allowed for the current tenant without a minor exception to transfer sign area from the other building frontages to the Tiburon Boulevard building frontage, and minus the frontage allowable for the future retail tenant in this building. The Bell Market sign was substantially larger in relation to the building. None of the previous tenants had approved window signage. The previous uses did not include a drive-through facility and therefore had no signage related to such a facility.

3. The exception would permit an improvement that would not be detrimental or disruptive to the safety or flow of vehicular or pedestrian traffic either on-site or off-site.

The proposed signage would not be detrimental or disruptive to the safety or flow of vehicular or pedestrian traffic either on-site or off-site. The proposed sign above the drive-through pharmacy may be necessary to direct traffic to this portion of the site.

Staff believes that the findings cannot be to support the proposed signage as requested under Options I through IV. The size of the primary sign, inclusion of window signage and the possible second sign on the Beach Road side of the building add up to substantially more signage than has previously been found to be sufficient for this building. However, if the primary sign was reduced in size to 32.5 square feet, the directional necessity of the drive-through sign would justify additional sign area above that allowed for the Tiburon Boulevard building frontage and the minor exception to transfer allowable sign area from the Beach Road building frontage to the Tiburon Boulevard building frontage.

The applicant has not changed the materials of the proposed signs. At the December 15, 2011 meeting, the Design Review Board encouraged the applicant to consider wooden signs. At that meeting, the applicant indicated a reluctance to do so, as wooden signs tend to weather poorly, particularly in marine environments such as that found in Tiburon. Other commercial businesses in Downtown Tiburon have a mix of wooden and metal signs, and both such materials are allowed by the *Downtown Tiburon Design Handbook*.

Staff would recommend approval of the following revised signage:

- Revised primary sign to a total size no greater than 32.5 square feet;
- Indirect sign illumination with either white LEDs or gooseneck lighting fixtures;
- Non-illuminated drive-through sign as proposed;
- No window signage or signage facing Beach Road; and
- A requirement that the illuminated sign be turned off after business hours.

If the Design Review Board wishes to consider signage with a total area greater than 94.5 square feet, the application must be continued to a future date, with notice given for a request for a major exception.

PUBLIC COMMENT

Since the December 15, 2011 meeting, the Town received 49 copies of an electronic petition, a copy of which was previously distributed to the Design Review Board, opposing the previous sign design. As of the date of this report, two e-mails have been received regarding the revised project design.

RECOMMENDATION

Staff recommends that the Design Review Board:

1. Review this project with respect to the Sign Ordinance and the Downtown Design Handbook;
2. Determine that the project is exempt from the California Environmental Quality Act (CEQA) as specified in Section 15311;
3. Approve the project as described above, or as further modified by the Board, subject to the attached conditions of approval.
4. If the Design Review Board wishes to consider a major exception or to review revised signage plans before making a decision on this application, the application should be continued to a future hearing date, subject to agreement by the applicant to a Permit Streamlining Act extension.

ATTACHMENTS

1. Conditions of approval
2. Design Review Board staff report dated December 15, 2011
3. Letter from Marcia McGovern, dated January 9, 2012
4. Letter from Marcia McGovern, dated January 10, 2012
5. Lighting details
6. Revised plans

CONDITIONS OF APPROVAL

1599 TIBURON BOULEVARD

FILE #51110

1. This permit approves signage for the business located at 1599 Tiburon Boulevard in the Town of Tiburon. The total area of the sign(s) approved in this application shall not exceed 35.69 square feet. The sign(s) shall be in conformance with the application approved by the Town of Tiburon on January 19, 2012, as amended by these conditions of approval. Any modifications to the application as approved must be reviewed and receive Tiburon Planning Division approval.
2. The plans for the project are approved with the following modifications:
 - a. Option I [or II] is approved as modified below.
 - b. The primary sign shall be reduced in size to a maximum of 32.5 square feet.
 - c. Indirect sign illumination shall utilize white LEDs [or gooseneck lighting fixtures].
 - d. Window signage and signage facing Beach Road is not approved.
3. Compliance with all applicable safety codes is required.
4. Prior to erection of the signage, sign owner shall obtain all required building, electrical, or related permits pursuant to the Town's adopted building and construction codes, as set forth in Chapter 13 of the Tiburon Municipal Code.
5. Prior to erection of the signage, an encroachment permit (if required) shall be secured from 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.
6. The issuance of this sign permit shall not be valid if the approval constitutes a violation of the Tiburon Sign Ordinance (Chapter 16A of the Tiburon Municipal Code). No permit presuming to give authority to violate or cancel the provisions of said chapter shall be valid.
7. The approved sign utilizes exposed light sources. This permit approval is conditional upon, and only becomes final when, within sixty (60) days of commencement of operation of the lighting and sign, the Director of Community Development finds that the light from the sign does not cause unreasonable glare or annoyance to persons of ordinary sensibility. The sign owner must immediately inform the Director in writing of the commencement of operation of the lighting and sign such that the Director's review may proceed expeditiously. Failure to so notify the Director shall toll the commencement of the sixty (60) day review period commensurate with the delay in written notification. The Director's finding with respect to unreasonable glare or annoyance may be made only

after a duly noticed hearing at which evidence is taken and a written decision is issued. The Director of Community Development's inquiry shall not include consideration of the message content of the sign, and shall be restricted to the physical method of presentation (i.e. lighting) of the message.

8. The Town may make inspections as necessary to determine whether any sign is in compliance with this approval and other applicable regulations. Reasonable notice shall be provided when the inspection requires access to areas other than those available to the general public.
9. Dilapidated signs are prohibited. The sign owner shall maintain the sign and all supporting components in good repair and finish. Substantially deteriorated, badly weathered, rusty, or otherwise poorly maintained signs shall be subject to public nuisance abatement or other available remedies.
10. This sign permit shall be valid for 180 days following approval, and shall expire and become null and void unless the signs, as approved, are erected prior to that date, unless an application for time extension, filed in writing with the Planning Division, is granted by the Director of Community Development.
11. 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.
12. The illumination for all exterior signage shall be turned off at all times outside approved business hours of operation.



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Design Review Board Meeting
January 19, 2012
Agenda Item: **3**

STAFF REPORT

To: Members of the Design Review Board

From: Community Development Department

Subject: **NOTICE OF CONTINUANCE**
91 SUGAR LOAF DRIVE; FILE NO. 711085
Site Plan and Architectural Review for Construction of New Single-Family Dwelling with a Floor Area Exception; Assessor Parcel Number: 058-282-04

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 item has been continued to February 16, 2012**

Prepared By: **Laurie Tyler, Associate Planner**



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Design Review Board Meeting
January 19, 2012
Agenda Item: **4**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 1600 Mar West Street; File No. 711131; Appeal of Planning Staff's Decision to Conditionally Approve a Site Plan and Architectural Review Application for Installation of Exterior Lighting Fixtures for a Private Recreational Facility (Tiburon Peninsula Club)

Reviewed By: _____

PROJECT DATA

OWNER: TIBURON PENINSULA CLUB
APPLICANT/APPELLANT: SAME
ADDRESS: 1600 MAR WEST STREET
ASSESSOR'S PARCEL NUMBER: 058-240-21
FILE NUMBER: 711131
LOT SIZE: 7.2 ACRES
ZONING: P (PUBLIC/QUASI-PUBLIC)
GENERAL PLAN: P (PUBLIC/QUASI-PUBLIC)
FLOOD ZONE: X

BACKGROUND

On November 28, 2011 the Planning Division conditionally approved a Site Plan and Architectural Review application for installation of exterior lighting fixtures above a patio adjacent to the clubhouse of the Tiburon Peninsula Club (TPC) on property located at 1600 Mar West Street. The applicant has now appealed this decision to the Design Review Board.

PROJECT DESCRIPTION

The applicant submitted a request to install eight (8) low level lighting fixtures in an existing trellis above a patio outside the clubhouse building of the Tiburon Peninsula Club. The proposed fixtures are rated at 50 watts but were proposed to be limited to 20 watts per fixture. The submitted plans indicate two rows of four fixtures: one row at the midpoint of the trellis and one row at the outside edge of the trellis. The lights are intended to illuminate the patio outside the clubhouse for occasional evening activities.

REVIEW BY PLANNING DIVISION

During the ten-day courtesy public review period, the Town received no complaints from neighboring residents. However, it has been the practice of Planning Division staff to discourage double rows of exterior lighting in instances where one row of lighting will suffice as a means of curbing excessive exterior lighting.

One November 28, 2011, staff conditionally approved the subject application. Condition of Approval No. 1 required that “the number of lighting fixtures shall be reduced from eight (8) to four (4).” During the five-day appeal period, the applicant appealed Staff’s decision to the Design Review Board.

BASIS FOR THE APPEAL

There is one ground upon which the appeal (**Exhibit 1**) is based:

Ground #1: **Installation of four fixtures instead of eight fixtures would not provide adequate lighting and safety for nighttime use of the patio area.**

Staff Response: The applicant indicates that the patio area is often utilized by 40-45 members during late afternoon and evenings in fall and winter seasons, and by 60-70 members during spring and summer early evenings. The number and location of the proposed light fixtures was recommended by the applicant’s electrical vendor.

The patio on the west side of the clubhouse is partially covered by a trellis that is approximately 35 feet wide and 20 feet deep. Numerous tables and chairs are placed in this area for the use of club members. No exterior lighting is currently provided in this location, although overhead heaters have been installed in the trellis.

During the review of the conditional use permit for the recent expansion of the TPC facilities, including the clubhouse building, neighboring residents raised concerns about potential noise, light and glare from the facility. On February 23, 2005, the Planning Commission adopted Resolution No. 2005-02 (**Exhibit 4**) approving the conditional use permit and imposing conditions of approval regarding various aspects of the club operations, including provisions related to noise and lighting. This resolution has since been further amended by Resolution No. 2009-02 (**Exhibit 5**) regarding indoor and outdoor club social events. This resolution prohibits outdoor social events after 8:00 p.m., prohibits outdoor amplified at any social events, and requires that exterior doors and windows not be propped open when amplified sound is used for indoor social events.

Staff believes that although some additional lighting is appropriate for this trellis for safety purposes, the extent of the lighting requested would encourage additional nighttime use of the patio area that was not anticipated by the TPC conditional use permit. Although one row of lighting would provide safety for informal evening use of this outdoor area, the additional row of lighting proposed at the edge of the trellis would illuminate the patio area beyond the trellis and encourage additional nighttime use of this area. The lighting and potential noise from more active use of this area could affect neighboring residents uphill from the site.

CONCLUSION

The Planning Commission has thoroughly reviewed the use and activities of the Tiburon peninsula Club and has determined that appropriate measures are necessary to limit potential noise and lighting impacts on neighboring residents. The proposed additional lighting fixtures could encourage outdoor activities, noise and lighting that were not anticipated by the Planning Commission not approved as part of the TPC conditional use permit. Exterior lighting beyond that necessary for safety purposes should be discouraged outside the TPC clubhouse to avoid potential noise and light impacts on neighboring residents.

RECOMMENDATION

Staff recommends that the Design Review Board:

1. Indicate its intention to deny the appeal; and
2. Direct Staff to return with a resolution denying the appeal, for adoption at the next meeting.

ATTACHMENTS

1. Notice of Appeal
2. Planning Division Notice of Action dated November 28, 2011
3. Application and Supplemental Materials
4. Planning Commission Resolution No. 2005-02
5. Planning Commission Resolution No. 2009-02
6. Submitted Plans



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
January 19, 2012
Agenda Item: **5**

STAFF REPORT

To: Members of the Design Review Board
From: Community Development Department
Subject: **NOTICE OF CONTINUANCE**
4 OLD LANDING ROAD; FILE NO. 711134
Site Plan and Architectural Review for Construction of Additions to an Existing Single-Family Dwelling; Assessor's Parcel Number: 038-162-55
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 item has been continued to February 16, 2012**

Prepared By: **Laurie Tyler, Associate Planner**