TOWN OF TIBURON
Tiburon Town Hall
1505 Tiburon Boulevard
Tiburon, CA 94920

Regular Meeting
Design Review Board
July 21, 2016
7:00 p.m.

AGENDA
TIBURON DESIGN REVIEW BOARD

CALL TO ORDER AND ROLL CALL

Chair Tollini, Vice Chair Kricensky, Boardmembers Chong, Cousins And Emberson

ORAL COMMUNICATIONS

Persons wishing to address the Design Review Board on any subject not on the agenda may do so under this portion of the agenda. Please note that the Design Review Board is not able to undertake extended discussion, or take action on, items that do not appear on this agenda. Matters requiring action will be referred to Town Staff for consideration and/or placed on a future Design Review Board agenda. Please limit your comments to no more than three (3) minutes. Any communications regarding an item not on the agenda will not be considered part of the administrative record for that item.

STAFF BRIEFING (If Any)

ELECTION OF CHAIR AND VICE-CHAIR

OLD BUSINESS

1. **1550 TIBURON BOULEVARD**
   File No. SIGN2016002; Belvedere Land Company, Owner; Sign Permit for a Sign Program for signage for tenants of a shopping center (Boardwalk Shopping Center). The sign program would allow 6 freestanding signs, multi-tenant, wayfinding and directory signs, and signs for individual tenants. Assessor's Parcel Nos. 060-082-57 and 060-082-58. [KO]

   Documents:

   1550 TIBURON BLVD.PDF

2. **173 STEWART DRIVE**
   File No. DR2016036; Afie Royo, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling. The applicant proposes to

construct a new two-story, 2,723 square foot house with a 510 square foot garage. Assessor's Parcel No. 055-101-21. [DW] **CONTINUED TO AUGUST 18, 2016**

Documents:

173 STEWART.PDF

3. 23 JUNO ROAD

File No. DR2016026; Alicia Hansel/Kibby Road, LLC, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling. The floor area of the proposed house would be 2,104 square feet and the house would cover 2,553.5 square feet (28.7%) of the site. Assessor's Parcel No. 034-271-24. [DW]

Documents:

23 JUNO ROAD.PDF

PUBLIC HEARINGS & NEW BUSINESS

4. 65 HARRIET WAY

File No. DR2016032; J.R. Begg, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling. The floor area of the proposed house would be 2,181 square feet and the house would cover 2,650 square feet (29.2%) of the site. Assessor's Parcel No. 034-212-12. [KO]

Documents:

65 HARRIET WAY.PDF

5. 9 AUDREY COURT

File Nos. DR2016050 & FAE2016004; John Pfeister, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Floor Area Exception. The floor area of the house would be increased by 497 square feet to a total of 4,939 square feet. Assessor's Parcel No. 058-231-07. [KO]

Documents:

9 AUDREY COURT.PDF

6. 4 CORTE LAS CASAS

File Nos. DR2016063, VAR2016016 & FAE2016006; Ben and Kristine Dollard, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for reduced front setback and a Floor Area Exception. The floor area of the house would be 3,640 square feet, which is 605 square feet greater than the 3,035 square foot floor area ratio for this site. The addition would extend to within 28 feet of the front property line, which is less than the 30 foot front setback required in the RO-2 zone. Assessor's Parcel No. 038-301-14. [DW]

Documents:

4 CORTE LAS CASAS.PDF

7. 480 IRVING COURT

File Nos. DR2016066, VAR2016017 & VAR2016018; Junzhe Miao, Owner; Site

Plan and Architectural Review for construction of additions to an existing single-family dwelling, with Variances for reduced side setback and excess lot coverage. The floor area of the house would be 2,563 square feet and the lot coverage on the site would be 2,985 square feet (36.1%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. The proposed addition would extend to within 7 feet, 8 inches of the right (west) side property line, which is less than the 8 foot side setback required in the R-1 zone. Assessor's Parcel No. 034-251-15. [DW]

Documents:

480 IRVING COURT.PDF

MINUTES

8. Regular Meeting Of June 16, 2016

ADJOURNMENT

GENERAL PUBLIC INFORMATION

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division Secretary at (415) 435-7390. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Copies of Design Review Board Agendas, Staff Reports, project files and other supporting data are available for viewing and inspection at Town Hall during business hours. Agendas and Staff Reports are also available at the Belvedere-Tiburon Public Library and on the Town of Tiburon website (www.ci.tiburon.ca.us) after 5:00 PM on the Friday prior to the regularly scheduled meeting.

Any documents produced by the Town and distributed to a majority of the Design Review Board regarding any item on this agenda, including agenda-related documents produced by the Town after distribution of the agenda packet at least 72 hours in advance of the Board meeting, will be available for public inspection at Town Hall, 1505 Tiburon Boulevard, Tiburon, CA 94920.

Upon request, the Town will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please deliver or cause to be delivered a written request (including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service) at least five (5) days before the meeting to the Planning Division Secretary at the above address.

PUBLIC HEARING ITEMS AND BUSINESS ITEMS

Public Hearing items and Business items provide the general public and interested parties an opportunity to speak regarding items that typically involve an action or decision made by the Board. If you challenge any decision in court, you may be limited to raising only those issues you or someone else raised at the meeting, or in written correspondence delivered to the Board at, or prior to, the meeting.

GENERAL PROCEDURE ON ITEMS AND TIME LIMIT GUIDELINES FOR

SPEAKERS

The Design Review Board's general procedure on items and time limit guidelines for speakers are:

- ❖ Staff Update on Item (if any)
- ❖ Applicant Presentation – 5 to 20 minutes
- ❖ Design Review Board questions of staff and/or applicant
- ❖ Public Testimony (depending on the number of speakers) – 3 to 5 minutes for each speaker; members of the audience may not allocate their testimony time to other speakers
- ❖ Applicant may respond to public comments – 3 minutes
- ❖ Design Review Board closes the public testimony period, deliberates and votes (as warranted)
- ❖ Time limits and procedures may be modified in the reasonable discretion of the Chairman

Interested members of the public may address the Design Review Board on any item on the agenda.

ORDER AND TIMING OF ITEMS

No set times are assigned to items appearing on the Design Review Board agenda. While the Design Review Board attempts to hear all items in order as stated on the agenda, it reserves the right to take items out of order without notice.

NOTE: ALL DESIGN REVIEW BOARD MEETINGS ARE AUDIO RECORDED

TOWN OF TIBURON LATE MAIL POLICY
(Adopted and Effective 11/7/2007)

The following policy shall be used by the Town Council and its standing boards and commissions, and by staff of the Town of Tiburon, in the identification, distribution and consideration of late mail.

DEFINITION

"Late Mail" is defined as correspondence or other materials that are received by the Town after completion of the written staff report on an agenda item, in such a manner as to preclude such correspondence or other materials from being addressed in or attached to the staff report as an exhibit.

IDENTIFICATION OF LATE MAIL

All late mail received by Town Staff in advance of a meeting shall be marked "Late Mail" and shall be date-stamped or marked with the date of receipt by the Town. Late mail received at a meeting shall be marked as "Received at Meeting" with a date-stamp or handwritten note.

POLICY

For regular meetings of the Town Council and its standing boards and commissions:

(1) All late mail that is received on an agenda item prior to distribution of the agenda packet to the reviewing authority shall be stamped or marked as "Late Mail" and shall be distributed to the reviewing authority with the agenda packet.

(2) All late mail received on an agenda item before 5:00 PM on the Monday prior to the meeting shall be date-stamped and marked as "Late Mail" and distributed to the

reviewing authority as soon as practicable. Such mail shall be read and considered by the reviewing authority whenever possible. If the Monday, or Monday and Tuesday, prior to the meeting are a Town-recognized holiday, the deadline shall be extended to the following day at Noon.

(3) Any late mail received on an agenda item after the deadline established in paragraph (2) above shall be date-stamped, marked as "Late Mail" and distributed to the reviewing authority as soon as reasonably possible, but may not be read or considered by the reviewing authority. There should be no expectation of, nor shall the reviewing authority have any obligation to, read or consider any such late mail, and therefore such late mail may not become part of the administrative record for the item before the reviewing authority.

These provisions shall also apply to special and adjourned meetings when sufficient lead time exists to implement these provisions. If sufficient lead time does not exist, the Town Manager shall exercise discretion in establishing a reasonable cut-off time for late mail. For controversial items or at any meeting where a high volume of correspondence is anticipated, Town staff shall have the option to require an earlier late mail deadline, provided that the written public notice for any such item clearly communicates the specifics of the early late mail deadline, and the deadline corresponds appropriately to any earlier availability of the agenda packet.

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
July 21, 2016
Agenda Item: 1

STAFF REPORT

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

From: **Community Development Department**

Subject: **1550 Tiburon Boulevard; File No. SIGN2016002; Site Plan and Architectural Review for Consideration of a Sign Program for a Shopping Center (Boardwalk Shopping Center)**
Continued from June 2, 2016

BACKGROUND

The applicant submitted an application for a sign program for the Boardwalk Shopping Center, on property located at 1550 Tiburon Boulevard. The Boardwalk Shopping Center is a multi-tenant commercial center that straddles the corporate boundary line separating the Town of Tiburon and the City of Belvedere.

This application was first reviewed at the May 5, 2016 Design Review Board meeting. At the meeting, the applicant indicated that the signage at the shopping center would need to be modernized and updated for public safety, preserve the character of the building, and to conform better to the Town's sign ordinance. The store owner of Corner Bookstore expressed their support of the updated signs at the shopping center, especially for the additional signs for the courtyard portion of the existing shopping center. The Design Review Board determined that the proposed sign program would be appropriate to the existing shopping center and have a positive impact to the downtown area and welcomed the proposal in general. However, the Board could not reach a consensus regarding the number of tenant signs, especially whether each tenant could keep their existing wall sign and have a new bracket sign. The majority of the Board determined that the parking signs and freestanding signs needed to be reduced in scale and the number of lighting be reduced.

The application was continued to the June 2, 2016 Design Review Board meeting. At the meeting, the applicant stated that there was an-going problem with the parking enforcement at the shopping center, that the scale and size of the signs would fit with the size of the shopping center, and that there is be a need for the large number of lighting fixtures to control low levels of illumination. Several store owners expressed their support of the updated signs at the shopping center, especially for the additional signs to help with visibility from Tiburon Boulevard.

The Design Review Board could not reach a consensus regarding the sign program. Three was a disagreement about the appropriateness of the number of tenant signs, scale of the freestanding signs and number of lighting fixtures for each sign. One boardmember was absent and the Board

therefore continued the project to the July 7, 2016 Design Review Board meeting, which was cancelled.

ANALYSIS

The applicant has not submitted revised plans with modifications to the sign program. As mentioned before, the shopping center straddles the corporate boundary line separating the Town of Tiburon and the City of Belvedere. The portion of the shopping center that is located in the Town is a little over 2 acres and therefore, the maximum allowable height for a freestanding sign is 18 feet. The program would continue to allow substantially more, larger, and taller signs than allowed by the Sign Ordinance and for other commercial areas in Tiburon.

Not explicit in the proposed sign program, but portable signs (a-frame signs) shall be prohibited as stated in the Sign Ordinance. Staff added a condition to the attached conditions of approval.

Sign Ordinance

Section 16A.525 (d) of the Sign Ordinance states that the Design Review Board must make the following findings in rendering a decision on a sign program:

1. **All of the signs contained in the program have one or more common design element such as placement, colors, architecture, materials, illumination, sign type, sign shape, letter size and letter type.**

   The sign program would provide more uniformity of signs for the shopping center, especially with the size and number of signs for each tenant.

2. **All of the signs contained in the program are in harmony and scale with the materials, architecture, and other design features of the buildings and property improvements they identify, and the program is consistent with the General Design Principles specified in Section 16A.620.**

   Section 16A.620 states that "a uniform treatment of sign type, colors, materials, design and illumination is encouraged for shopping centers and multiple-tenant buildings. When new signs are proposed for existing buildings with multiple tenants and signs, such signs should reflect where possible the general sign type, colors, materials, design and illumination that is prominent on the building." The sign design and materials would be uniform throughout the shopping center and would physically complement the architecture of the building. All new signs would be wood and natural colors, which would be similar to the overall design of the center. However, the scale of the signs would be substantially increased relative to the design features of the existing buildings.

3. **The amount and placement of signage contained in the program are in scale with the subject property and improvements, as well as the immediately surrounding area.**

The amount and placement of the proposed signs would be inconsistent with the scale of the existing building and parking lot. The overall size of the freestanding signs is greater than the existing signs and includes excessive lighting fixtures above and below each sign on four sides. The amount of signage devoted to each tenant also appears excessive, when combining the area of the existing wall signs, proposed hanging signs and the tenant names listed no fewer than seven (7) times on the various faces of the monument and courtyard signs. The parking information signs are also massive and add excessive visual impediments that could create safety hazards and visual clutter around the parking lot. Therefore, the amount and placement of signage would not be in scale with the subject property as well as the immediately surrounding area.

Staff finds that the overall number of signs would still be excessive for the existing shopping center. Staff recommends that the Design Review Board consider substantially reducing the number and area of the proposed signs and reduce the amount of illumination for the freestanding signs in particular.

PUBLIC COMMENT

As of the date of this report, three letters have been received regarding the subject application since the June 2, 2016 meeting.

PRELIMINARY ENVIRONMENTAL DETERMINATION

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 15311 (a) of the CEQA Guidelines.

RECOMMENDATION

Staff recommends that the Board review this project with respect to the Sign Ordinance (Chapter 16A) and the *Downtown Tiburon Design Handbook*, and determine that the project is exempt from the California Environmental Quality Act (CEQA) as specified in Section 15311 (a). If the Board can make the appropriate findings to approve the project as proposed, it is recommended that the attached draft conditions of approval be applied.

Attachments:

1. Conditions of Approval
2. Application and Supplemental Materials
3. Design Review Staff Report dated May 5, 2016
4. Design Review Staff Report dated June 2, 2016
5. Minutes from the May 5, 2016 Design Review Meeting
6. Minutes from the June 2, 2016 Design Review Meeting
7. Email dated June 13, 2016 from Cathy Benediktsson
8. Letter received on July 6, 2016 from Don Santa
9. Letter received on July 6, 2016 from Angie Chen
10. Submitted Plans

ATTACHMENT 1

DRAFT CONDITIONS OF APPROVAL
1550 TIBURON BOULEVARD
FILE NO. SIGN2016002

1. This permit approves signs for the business located at 1550 Tiburon Boulevard. The following Sign Program is hereby approved:

Parking Lot:

- Two (2) four-sided wooden monument signs identifying the center and listing the individual tenants. The main sign faces would sign (1) would be 16 feet tall and 8 feet, 8 inches wide, for a total area of 138.7 square feet. The sides of the signs would identify the center and be 2 feet 8 inches wide for an additional 42.7 square feet of sign area. The main sign faces of sign (2) would be 13 feet, 10 inches tall and 7 feet, 6 inches wide, for a total area of 103.7 square feet. The signs of the sign would be 2 feet wide. The monument signs would be (1) 20 feet, 6 inches tall and (2) 18 feet, 4 inches tall and would have a 28 inch tall copper weathervane on top. The signs would be illuminated by 3 lights at the top of each main sign face, a single light at the top of the side faces and in-ground spotlights shining upwards.
- Three (3) one-sided freestanding parking information signs. Each sign would be 3 feet tall and 6 feet wide and have a maximum height of 4 feet. No lighting is proposed for these signs.

Courtyard:

- One (1) three-sided wooden under marquee sign identifying the central courtyard area of the center. The sign would be 2 feet, 1 1/4 inches tall, 11 feet, 6 inches wide in the front and have 8 foot wide sides, for a total of area of 58.5 square feet. Three lights would be mounted above the front face, with three lights above the side faces.
- One (1) three-sided courtyard wayfinding sign with individual sign panels for each of 5 tenants. Each sign would be 2 feet wide and 7¼ inches tall (1.2 square feet). The total sign area for the 3 sign faces for 5 tenants would be 18 square feet. No lighting is proposed for these signs.
- One (1) wall-mounted directory sign with a shopping center map and tenant names and suite numbers. The sign would be 8 feet, 1¼ inches wide and 4 feet, 5 inches tall and have a total sign area of 34.2 square feet. The sign would be illuminated by two gooseneck lamps).
- Miscellaneous signage on the courtyard ceiling joist with selected verses from mid-20th century poems (i.e. Emily Dickenson). Three joists are within Tiburon and the rest are in Belvedere. The signs would be 4 inches tall and 3 to 4 feet wide.

Individual Tenants:

- One (1) double-faced overhead mounted hanging sign for each of 7 tenants located in the shopping center. Each sign would be 2 feet wide and 1 foot, 6 inches tall, with two faces, for a total area of 3 square feet per sign. No lighting is proposed for these signs.

- One (1) or two (2) wall signs above the windows for each tenant. The area of the existing signs for each tenant would be grandfathered into the sign program as follows:

    - Tiburon Spa: 20 square feet
    - The Ark: 36 square feet
    - Diana's of Tiburon (2 signs): 72 square feet
    - Tiburon Mail Service: 30 square feet
    - Pacific Union Real Estate: 24.5 square feet
    - Holscher Architecture: 22.5 square feet

R & S Auto Repair:

- One (1) double-faced freestanding wooden sign. Each side of the sign would be 5 feet, 2 inches tall and 3 feet, 6 inches wide, for a total sign area of 18 square feet. The sign would be 11 feet tall, with no illumination.

2. The construction shall conform with the application dated by the Town of Tiburon on March 30, 2016, or as amended by these conditions of approval. Any modifications to the plans of May 24, 2016, must be reviewed and receive Planning Division approval.

3. Prior to erection of the sign, permittee shall obtain all building, electrical, or structural permits required by the Town's adopted Uniform Building Code or Electrical Code.

4. 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) and the Downtown Design Handbook. No permit presuming to give authority to violate or cancel the provisions of said chapter shall be valid.

5. The Town may at any time make such inspections as necessary to determine whether any sign is in compliance with this approval and other applicable regulations.

6. Permittee 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.

7. This sign permit shall be valid for 90 days following approval, and shall expire and become null and void unless the signs, as approved, are erected prior to that date, unless an extension, filed in writing with the Planning Department, is granted by the Planning Director.

8. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge, with defense counsel subject to the Town's approval. 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. Portable signs are not allowed.

RECEIVED
MAR 30 2016
PLANNING DIVISION

TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

- o Conditional Use Permit
- o Precise Development Plan
- o Secondary Dwelling Unit
- o Zoning Text Amendment
- o Rezoning or Prezoning
- o General Plan Amendment
- o Temporary Use Permit
- X Design Review (DRB)
- o Design Review (Staff Level)
- o Variance(s)_____#
- o Floor Area Exception
- o Tidelands Permit
- o Sign Permit
- o Tree Permit
- o Tentative Subdivision Map
- o Final Subdivision Map
- o Parcel Map
- o Lot Line Adjustment
- o Condominium Use Permit
- o Seasonal Rental Unit Permit
- X Other **Sign Program**

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 1550 Tiburon Blvd. **PROPERTY SIZE:** 4 acres
PARCEL NUMBER: APN: 060.082.57, 58, 59, 60 **ZONING:** Commercial

PROPERTY OWNER: Belvedere Land Company
MAILING ADDRESS: 83 Beach Road, Belvedere Tiburon, CA 94920

PHONE/FAX NUMBER: 415.435.4581 E-MAIL: jimallen94920@yahoo.com

APPLICANT (Other than Property Owner):_____
MAILING ADDRESS: _____

PHONE/FAX NUMBER: _____ E-MAIL: _____

ARCHITECT/DESIGNER/ENGINEER Todd Barbee, Be Creative Services
MAILING ADDRESS: 3001 Bridgeway #246, Sausalito, CA

PHONE/FAX NUMBER: 415.720.7277 (cell) E-MAIL: toddbarbee@comcast.net

Please indicate with an asterisk (*) persons to whom Town correspondence should be sent.

BRIEF DESCRIPTION OF PROPOSED PROJECT (*attach separate sheet if needed*)**:**

The Boardwalk Shopping Center Sign Program

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge, with the defense counsel subject to the Town's approval. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature:* _____, Partner Date: 3/21/16

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature:* _____ Date: _____

If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application

NOTICE TO APPLICANTS

Pursuant to California Government Code Section 65945, applicants may request to receive notice from the Town of Tiburon of any general (non-parcel-specific), proposals to adopt or amend the General Plan, Zoning Ordinance, Specific Plans, or an ordinance affecting building or grading permits.

If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438(Fax)
www.townoftiburon.org

DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION

Application No.: SIGN2016-002	**GP Designation:**	**Fee Deposit:** $300
Date Received: 3/30/16	**Received By:** LS	**Receipt #:** R927
Date Deemed Complete: 4/20/16		**By:** DO
Acting Body:	**Action:**	**Date:**
Conditions of Approval or Comments: _____		**Resolution or Ordinance #** _____

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
May 5, 2016
Agenda Item: 5

STAFF REPORT

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

From: **Community Development Department**

Subject: **1550 Tiburon Boulevard; File No. SIGN2016002; Site Plan and Architectural Review for Consideration of a Sign Program for a Shopping Center (Boardwalk Shopping Center)**

PROJECT DATA

ADDRESS:	**1550 TIBURON BOULEVARD**
OWNER/APPLICANT:	**BELVEDERE LAND COMPANY**
DESIGNER:	**TODD BARBEE, BE CREATIVE SERVICES**
ASSESSOR'S PARCEL:	**060-082-57 and 060-082-58**
FILE NUMBER:	**SIGN2016002**
ZONING:	**NC (NEIGHBORHOOD COMMERCIAL)**
GENERAL PLAN:	**NC (NEIGHBORHOOD COMMERCIAL)**
FLOOD ZONE:	**AE- SPECIAL FLOOD HAZARD AREA**
DATE COMPLETE:	**APRIL 20, 2016**
APPLICABLE REGULATIONS:	**CHAPTER 16A (SIGNS) AND DOWNTOWN DESIGN HANDBOOK**

PROJECT DESCRIPTION

The applicant requests consideration of a sign program for the Boardwalk Shopping Center, located at 1550 Tiburon Boulevard. The Boardwalk Shopping Center is a multi-tenant commercial center that straddles the corporate boundary line separating the Town of Tiburon and the City of Belvedere. The existing center has three entrances into the parking lot; one off of Tiburon Boulevard and the two off of Beach Road.

The sign program for the shopping center is intended to modernize the signage for the center and individual tenants. The applicant has indicated that the program is necessary since there has been no change to the signage at the center for more than 50 years, and that the program would provide a themed unity between the tenants within the center and provide effective communication and traffic safety to the visitors of the center. The majority of the existing signs would be removed, except for seven (7) existing wall signs which would remain.

Section 16A.525 of the Sign Ordinance states that "*sign programs are specifically intended for properties with multiple establishments on one site or multiple signs for uses with special sign*

needs. Sign programs shall be used to achieve aesthetic compatibility among signs within a project, and may allow some flexibility in the number, size, height, type, setback, spacing, illumination, location, orientation, and placement of signs.

The proposed sign program would allow the following signs for the shopping center:

Parking Lot:

- Two (2) four-sided wooden monument signs identifying the center and listing the individual tenants. The main sign faces would be 16 feet tall and 8 feet, 8 inches wide, for a total area of 138.7 square feet. The sides of the signs would identify the center and be 2 feet 8 inches wide for an additional 42.7 square feet of sign area. The monument signs would be 23 feet tall and would have a 28 inch tall copper weathervane on top. The signs would be illuminated by 3 lights at the top of each main sign face, a single light at the top of the side faces and in-ground spotlights shining upwards.
- Three (3) one-sided freestanding parking information signs. Each sign would be 3 feet tall and 6 feet wide and have a maximum height of 5 feet, 6 inches. No lighting is proposed for these signs.

Courtyard:

- One (1) three-sided wooden under marquee sign identifying the central courtyard area of the center. The sign would be 2 feet, 3 inches tall, 12 feet, 8 inches wide in the front and have 8 foot wide sides, for a total of area of 64.5 square feet. Four lights would be mounted above the front face, with three lights above the side faces.
- One (1) three-sided courtyard wayfinding sign with individual sign panels for each of 5 tenants. Each sign would be 2 feet wide and 7¼ inches tall (1.2 square feet). The total sign area for the 3 sign faces for 5 tenants would be 18 square feet. No lighting is proposed for these signs.
- One (1) wall-mounted directory sign with a shopping center map and tenant names and suite numbers. The sign would be 8 feet, 1¼ inches wide and 4 feet, 5 inches tall and have a total sign area of 34.2 square feet. The sign would be illuminated by two gooseneck lamps).
- Miscellaneous signage on the courtyard ceiling joist with selected verses from mid-20th century poems (i.e. Emily Dickenson). Three joists are within Tiburon and the rest are in Belvedere. The signs would be 4 inches tall and 3 to 4 feet wide.

Individual Tenants:

- One (1) double-faced overhead mounted hanging sign for each of 7 tenants located in the shopping center. Each sign would be 2 feet wide and 1 foot, 6 inches tall, with two faces, for a total area of 3 square feet per sign. No lighting is proposed for these signs.
- One (1) or two (2) wall signs above the windows for each tenant. The area of the existing signs for each tenant would be grandfathered into the sign program as follows:

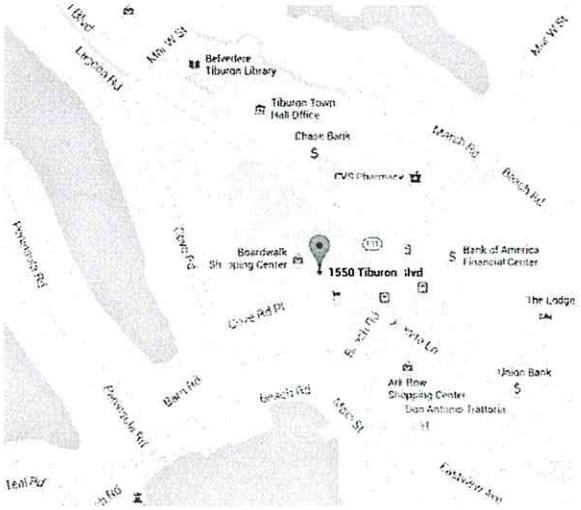
    - Tiburon Spa: 20 square feet
    - The Ark: 36 square feet
    - Diana's of Tiburon (2 signs): 72 square feet

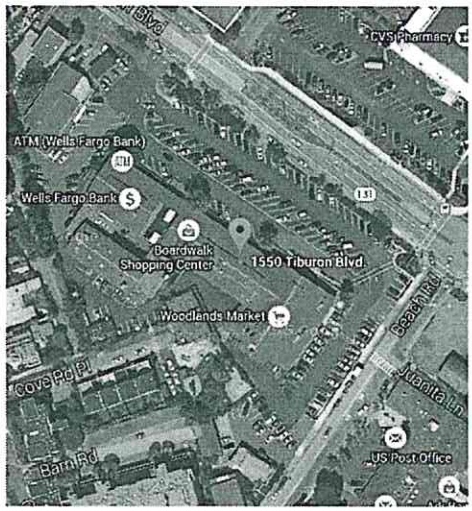
- Tiburon Mail Service: 30 square feet
- Pacific Union Real Estate: 24.5 square feet
- Holscher Architecture: 22.5 square feet

R & S Auto Repair:

- One (1) double-faced freestanding wooden sign. Each side of the sign would be 5 feet, 2 inches tall and 3 feet, 6 inches wide, for a total sign area of 18 square feet. The sign would be 11 feet tall, with no illumination.

PROJECT SETTING





The Boardwalk shopping center is located in the upper portion of Downtown Tiburon on Tiburon Boulevard. The center has a large parking lot in between the street and building. The building has one building frontage with multiple tenants towards Tiburon Boulevard.

ANALYSIS

Downtown Tiburon Design Handbook

The *Downtown Tiburon Design Handbook* states that buildings on Tiburon Boulevard are allowed wall-mounted projecting signs, freestanding project signs, overhead-mounted hanging (blade) signs, wall signs, signs with individual letters, icon signs, awning signs (single line of letters on valance only), and monument signs. The *Handbook* also includes the following guidelines:

- *Retail centers on the boulevard typically utilize two sign types: first, a monument sign, with minimal text and imagery, to identify the retail center for the motorist; and second, pedestrian-oriented signs, to identify the center's shops and/or office tenants.*

- *The signs of a center's individual shops and tenants understandably will reflect the particular "personality" of each business, while at the same time should respect the obvious need to achieve some degree of unity amount all the center's tenants.*

- *Sign programs shall be designed so that all signage has a consistent and common structural and physical design theme and placement, utilizing common material, colors, and illumination.*

The proposed sign program would include the types of signs allowed by the *Handbook* and would reflect individual tenant needs while demonstrating a common theme.

Sign Ordinance

The Tiburon Sign Ordinance allows one square foot of sign area for each four linear feet of established building frontage for individual businesses. A shopping center of this size may have up to three (3) freestanding signs, along with an additional sign listing the tenants within the center of no more than 80 square feet. As noted above, a sign program "may allow some flexibility in the number, size, height, type, setback, spacing, illumination, location, orientation, and placement of signs."

The program would allow substantially more, larger and taller signs than allowed by the Sign Ordinance. Six (6) new freestanding signs would be allowed instead of three (3) such signs; the large monument signs would exceed the maximum allowable height of 18 feet and would be closer than the required 15 foot setback from the Tiburon Boulevard property line; the individual tenants would each substantially exceed the allowable sign area for each business, particularly when allowed the existing wall sign and a new hanging sign; and the courtyard area of the center would have a directional sign, under-marquee sign, and a three-sided wayfinding sign with individual tenant signs.

Section 16A.525 (d) of the Sign Ordinance states that the Design Review Board must make the following findings in rendering a decision on a sign program:

1. **All of the signs contained in the program have one or more common design element such as placement, colors, architecture, materials, illumination, sign type, sign shape, letter size and letter type.**

   The sign program would provide more uniformity of signs for the shopping center, especially with the size and number of signs for each tenant.

2. **All of the signs contained in the program are in harmony and scale with the materials, architecture, and other design features of the buildings and property improvements they identify, and the program is consistent with the General Design Principles specified in Section 16A.620.**

   Section 16A.620 states that "a uniform treatment of sign type, colors, materials, design and illumination is encouraged for shopping centers and multiple-tenant buildings. When new signs are proposed for existing buildings with multiple tenants and signs, such signs should reflect where possible the general sign type, colors, materials, design and illumination that is prominent on the building." The sign design and materials would be uniform throughout the shopping center and would physically complement the architecture of the building. All new signs would be wood and natural colors, which would be similar to the overall design of

the center. However, the scale of the signs would be substantially increased relative to the design features of the existing buildings.

3. **The amount and placement of signage contained in the program are in scale with the subject property and improvements, as well as the immediately surrounding area.**

   The amount and placement of the proposed signs would be inconsistent with the scale of the existing building and parking lot. The overall size of the monument signs is substantially greater than the existing signs and includes excessive lighting fixtures above and below each sign on four sides. The amount of signage devoted to each tenant also appears excessive, when combining the area of the existing wall signs, proposed hanging signs and the tenant names listed no fewer than seven (7) times on the various faces of the monument and courtyard signs. The parking information signs are also massive and add excessive visual impediments that could create safety hazards and visual clutter around the parking lot. Therefore, the amount and placement of signage would not be in scale with the subject property as well as the immediately surrounding area.

Staff finds that the overall number of signs would be excessive for the existing shopping center. Staff recommends that the Design Review Board consider substantially reducing the number and area of the proposed signs and reduce the amount of illumination for the freestanding signs in particular. The Board may wish to consider phasing out the larger nonconforming wall signs for each tenant and possibly allowing additional hanging signage for individual tenants only when the wall signs are removed.

PUBLIC COMMENT

As of the date of this report, no correspondence has been received regarding the subject application.

PRELIMINARY ENVIRONMENTAL DETERMINATION

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 15311 (a) of the CEQA Guidelines.

RECOMMENDATION

Staff recommends that the Board review this project with respect to the Sign Ordinance (Chapter 16A) and the *Downtown Tiburon Design Handbook*, and determine that the project is exempt from the California Environmental Quality Act (CEQA) as specified in Section 15311 (a). If the Board can make the appropriate findings to approve the project as proposed, it is recommended that the attached draft conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

STAFF REPORT

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

From: **Community Development Department**

Subject: **1550 Tiburon Boulevard; File No. SIGN2016002;**
Site Plan and Architectural Review for Consideration of a Sign Program for a Shopping Center (Boardwalk Shopping Center)
Continued from May 5, 2016

BACKGROUND

At the May 5, 2016 Design Review Board meeting, the Board considered an application for a sign program for the Boardwalk Shopping Center, on property located at 1550 Tiburon Boulevard. During the meeting, the applicant indicated that the signage at the shopping center would need to be modernized and updated for public safety, preserve the character of the building, and to conform better to the Town's sign ordinance. The store owner of Corner Bookstore expressed their support of the updated signs at the shopping center, especially for the additional signs for the courtyard portion of the existing shopping center.

The Design Review Board determined that the proposed sign program would be appropriate to the existing shopping center and have a positive impact to the downtown area and welcomed the proposal in general. However, the Board could not reach a consensus regarding the number of tenant signs, especially whether each tenant could keep their existing wall sign and have a new bracket sign. The majority of the Board determined that the parking signs and freestanding signs needed to be reduced in scale and the number of lighting be reduced. The Board provided direction to the applicant and continued the project to the June 2, 2016 Design Review Board meeting.

The applicant has now submitted revised plans for the application which include the following modifications to the sign program:

- Reduced the height of one freestanding sign from 23 feet (plus 28 inch weathervane) to 20 feet, 6 inches (plus 28 inch weathervane); the area of sign remains unchanged and the other freestanding sign to 18 feet, 4 inches (plus 28 inch weathervane); the area of the sign would be reduced to 7 feet, 6 inches wide, 13 feet, 10 inches tall, which would be smaller than other freestanding sign.
- Reduced the size of the courtyard under marquee sign; the three-sided wooden sign would be 2 feet, 1 ¼ inches tall, 11 feet, 6 inches wide in front and have 8 foot wide sides, for a total of area of 58.5 square feet, which is below the original

total area of 64.5 square feet. Three lights would be mounted above the front face, with three lights above the side faces (reduced the lighting by one fixture on front).

- The height from grade of the parking signs would be reduced from 13 inches to 12 inches with a total height of 4 feet tall. The sign area would remain the same, which would be 36 inches tall and 6 feet wide.
- The courtyard wayfinding sign, the overhead mounted hanging signs, directory sign, ceiling joist signage, existing wall signs, R & S Auto freestanding sign would remain the same as the original submittal.

ANALYSIS

The modifications made by the applicant would appear to slightly respond to the issues raised by the Design Review Board. The two large freestanding signs were reduced in height, but would still exceed the maximum allowable height of 18 feet and would continue to be closer than the required 15 foot setback from the Tiburon Boulevard property line. The parking signs would be reduced in height by one inch, but sign area would remain the same. Even with the minor revisions, the program would continue to allow substantially more, larger and taller signs than allowed by the Sign Ordinance. The applicant did not address the existing and proposed individual tenant signs or reduce any of the lighting on the freestanding signs.

Sign Ordinance

Section 16A.525 (d) of the Sign Ordinance states that the Design Review Board must make the following findings in rendering a decision on a sign program:

1. **All of the signs contained in the program have one or more common design element such as placement, colors, architecture, materials, illumination, sign type, sign shape, letter size and letter type.**

   The sign program would provide more uniformity of signs for the shopping center, especially with the size and number of signs for each tenant.

2. **All of the signs contained in the program are in harmony and scale with the materials, architecture, and other design features of the buildings and property improvements they identify, and the program is consistent with the General Design Principles specified in Section 16A.620.**

   Section 16A.620 states that "a uniform treatment of sign type, colors, materials, design and illumination is encouraged for shopping centers and multiple-tenant buildings. When new signs are proposed for existing buildings with multiple tenants and signs, such signs should reflect where possible the general sign type, colors, materials, design and illumination that is prominent on the building." The sign design and materials would be uniform throughout the shopping center and would physically complement the architecture of the building. All new signs would be wood and natural colors, which would be similar to the overall design of the center. However, the scale of the signs would be substantially increased relative to the design features of the existing buildings.

3. **The amount and placement of signage contained in the program are in scale with the subject property and improvements, as well as the immediately surrounding area.**

   The amount and placement of the proposed signs would be inconsistent with the scale of the existing building and parking lot. The overall size of the freestanding signs is greater than the existing signs and includes excessive lighting fixtures above and below each sign on four sides. The amount of signage devoted to each tenant also appears excessive, when combining the area of the existing wall signs, proposed hanging signs and the tenant names listed no fewer than seven (7) times on the various faces of the monument and courtyard signs. The parking information signs are also massive and add excessive visual impediments that could create safety hazards and visual clutter around the parking lot. Therefore, the amount and placement of signage would not be in scale with the subject property as well as the immediately surrounding area.

Staff finds that the overall number of signs would still be excessive for the existing shopping center. Staff recommends that the Design Review Board consider substantially reducing the number and area of the proposed signs and reduce the amount of illumination for the freestanding signs in particular.

PUBLIC COMMENT

As of the date of this report, one letter has been received regarding the subject application.

PRELIMINARY ENVIRONMENTAL DETERMINATION

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 15311 (a) of the CEQA Guidelines.

RECOMMENDATION

Staff recommends that the Board review this project with respect to the Sign Ordinance (Chapter 16A) and the *Downtown Tiburon Design Handbook*, and determine that the project is exempt from the California Environmental Quality Act (CEQA) as specified in Section 15311 (a). If the Board can make the appropriate findings to approve the project as proposed, it is recommended that the attached draft conditions of approval be applied.

Attachments:

1. Draft Conditions of Approval
2. Application and Supplemental Materials
3. Design Review Staff Report dated May 5, 2016
4. Minutes from the May 5, 2016 Design Review Hearing
5. Letter dated May 24, 2016 from Barry and Roberta McMullan
6. Submitted Plans

5. **1550 TIBURON BOULEVARD:** File No. SIGN2016002; Belvedere Land Company, Owner; Sign permit for a Sign Program for signage for tenants of a shopping center (Boardwalk Shopping Center). The sign program would allow 6 freestanding signs, multi-tenant, wayfinding and directory signs, and signs for individual tenants. Assessor's Parcel Nos. 060-082-57 and 060-082-58.

The applicant requests consideration of a sign program for the Boardwalk Shopping Center, located at 1550 Tiburon Boulevard. The Boardwalk Shopping Center is a multi-tenant commercial center that straddles the corporate boundary line separating the Town of Tiburon and the City of Belvedere. The existing center has three entrances into the parking lot; one off of Tiburon Boulevard and the two off of Beach Road.

The sign program for the shopping center is intended to modernize the signage for the center and individual tenants. The applicant has indicated that the program is necessary since there has been no change to the signage at the center for more than 50 years, and that the program would provide a themed unity between the tenants within the center and provide effective communication and traffic safety to the visitors of the center. The majority of the existing signs would be removed, except for seven (7) existing wall signs which would remain.

The proposed sign program would allow the following signs for the shopping center:

Parking Lot:

- Two (2) four-sided wooden monument signs identifying the center and listing the individual tenants. The main sign faces would be 16 feet tall and 8 feet, 8 inches wide, for a total area of 138.7 square feet. The sides of the signs would identify the center and be 2 feet 8 inches wide for an additional 42.7 square feet of sign area. The monument signs would be 23 feet tall and would have a 28 inch tall copper weathervane on top. The signs would be illuminated by 3 lights at the top of each main sign face, a single light at the top of the side faces and in-ground spotlights shining upwards.
- Three (3) one-sided freestanding parking information signs. Each sign would be 3 feet tall and 6 feet wide and have a maximum height of 5 feet, 6 inches. No lighting is proposed for these signs.

Courtyard:

- One (1) three-sided wooden under marquee sign identifying the central courtyard area of the center. The sign would be 2 feet, 3 inches tall, 12 feet, 8 inches wide in the front and have 8 foot wide sides, for a total of area of 64.5 square feet. Four lights would be mounted above the front face, with three lights above the side faces.
- One (1) three-sided courtyard wayfinding sign with individual sign panels for each of 5 tenants. Each sign would be 2 feet wide and 7¼ inches tall (1.2 square feet). The total sign area for the 3 sign faces for 5 tenants would be 18 square feet. No lighting is proposed for these signs.
- One (1) wall-mounted directory sign with a shopping center map and tenant names and suite numbers. The sign would be 8 feet, 1¼ inches wide and 4 feet, 5 inches tall and

have a total sign area of 34.2 square feet. The sign would be illuminated by two gooseneck lamps).

- Miscellaneous signage on the courtyard ceiling joist with selected verses from mid-20th century poems (i.e. Emily Dickenson). Three joists are within Tiburon and the rest are in Belvedere. The signs would be 4 inches tall and 3 to 4 feet wide.

Individual Tenants:

- One (1) double-faced overhead mounted hanging sign for each of 7 tenants located in the shopping center. Each sign would be 2 feet wide and 1 foot, 6 inches tall, with two faces, for a total area of 3 square feet per sign. No lighting is proposed for these signs.
- One (1) or two (2) wall signs above the windows for each tenant. The area of the existing signs for each tenant would be grandfathered into the sign program as follows:

    - Tiburon Spa: 20 square feet
    - The Ark: 36 square feet
    - Diana's of Tiburon (2 signs): 72 square feet
    - Tiburon Mail Service: 30 square feet
    - Pacific Union Real Estate: 24.5 square feet
    - Holscher Architecture: 22.5 square feet

R & S Auto Repair:

- One (1) double-faced freestanding wooden sign. Each side of the sign would be 5 feet, 2 inches tall and 3 feet, 6 inches wide, for a total sign area of 18 square feet. The sign would be 11 feet tall, with no illumination.

Todd Barbee, designer, said the Boardwalk Shopping Center has been updated, but the signage needs to be modernized. He said that the proposed sign program would increase public safety, conform better to the sign ordinance, and preserve the original design of the building. He described the freestanding signs that would replace the existing signs and better identify the center entries. He said that the proposed signs would be almost identical in size to the existing signs except that for being positioned vertically as opposed to the existing horizontal signs. He described the signage for the Courtyard area, including a three-sided way-finding sign to help patrons find stores inside the courtyard area, which would replace existing signs and also remove the need for the hodgepodge of A-frame signs that merchants place in the area. He stated that each merchant would be allowed both wall signs and blade signs to allow pedestrians to better navigate the center and provide continuity and visibility from Tiburon Boulevard. He said that they also propose to remove the service station awning, signage, and architecture and install a new freestanding sign. He said that they would install "no parking" signage at northern, western, and southern areas of the parking lot and remove all A-frame signage and the parking kiosk. He described a new directory sign and signage on the joists leading to Corner Books.

Jim Allen, one of the owners of the Boardwalk Center, said that he showed the sign plan to many of the tenants and gotten feedback. He read highlights from letters from the merchants in support

of the signage. He also stated that Rustic Bakery almost did not come to the center because of the poor signage.

The public hearing was opened.

Glen Isaacson said Corner Books asked him to appear and state that the Library Foundation fully supports the efforts to make the Courtyard more identifiable.

The public hearing was closed.

Boardmember Cousins said the Town has been doing a lot to rejuvenate the downtown area, and the arrival of Rustic Bakery will have a big impact. He stated that signage is very important for retailers and he welcomed this proposal. He stated that the freestanding signs would be big and he believed that the vertical design would compete with trees. He noted that the signs would be three feet taller than allowed by the sign ordinance. He felt that it was important to have the lettering big enough to be able to be visible and he thought that the lettering on the sides of the freestanding signs would be useful, but he questioned whether ten extra lights were necessary. He said that it would be nice to see under the freestanding signs. He liked the courtyard sign and the hanging signs and said that he had no problem with tenants keeping their existing signs. He welcomed the removal of the old service station architecture and signage. He said he did not like exclamation points on the customer parking signs, but noted that he may not be able to comment on the sign content.

Vice Chair Kricensky said the no parking signs seemed rather large. He liked the service station sign. He noted that the wall signs were previously approved, but thought that those signs should only include the name of the business and not include phone numbers and email addresses. He was unsure whether the signs would be visible from Tiburon Boulevard, but would be visible from the parking lot. He thought the blade signs were acceptable and typical of a small town and that emphasizing the Courtyard was important. He said that the freestanding signs felt out of scale and too tall. He said that for a pedestrian, the sign does not start until it is a foot overhead, and the signs would loom overhead. He suggested keeping the signs lower and keeping the landscaping more decorative and low.

Boardmember Emberson said that the no parking signs appeared rude and suggested that the size of the sign did not matter to people who would park there anyway. She loved the overall design of the sign plan and believed that this would be a great addition to the Boardwalk Center, but felt that no one can read every sign while driving down Tiburon Boulevard. She stated that the freestanding signs were too tall, but she liked the weather vane on top. She said that the Courtyard sign was large and she suggested it could be a little smaller and not so looming. She liked the directional sign. She noted that there would be too many lights. She suggested that it might look too busy to have both the wall signs and the blade signs. She liked the service station sign and the directory sign.

Chair Tollini said that he largely agreed with Boardmember Emberson's comments. He understood why the shopkeepers and property manager want more signage, but stated that the sign ordinance is intended to restrain that. He agreed that the existing signage is ineffective and

camouflaged. He said that the freestanding signs would be too tall and out of scale. He said that he would like to avoid putting the name of every store in the center on the sign, but recognized that desire. He said that it did not feel right to be able to walk under the signs. He appreciated that the wall signs were previously approved, but he did not want to add to those signs and believed that the signs needed to be revisited. He said that the great-looking signs are for Rustic Bakery and Wells Fargo and he encouraged the wall sign program to follow that format along with the blade signs. He said that the no parking signs should just have less text and smaller fonts with no exclamation points. He noted that almost all the signs would be lighted, including signs for businesses that are not open at night, so the lighting should be reduced. He said that the wall signs have not stood the test of time and he felt that there should not be additions to large signs.

Boardmember Emberson noted that since the sign program is being proposed, the wall signs can be changed as well. Chair Tollini and Vice Chair Kricensky agreed. Boardmember Cousins stated that every store needs to be able to have its own sign and identity. All of the boardmembers agreed that the information on the wall signs could be better conformed, and that the entire sign program needed to be revisited.

ACTION: It was M/S (Emberson/Kricensky) to continue the application for 1550 Tiburon Boulevard to the June 2, 2016 meeting. Vote: 4-0.

F. APPROVAL OF MINUTES #6 OF THE APRIL 21, 2016 DESIGN REVIEW BOARD MEETING

Boardmember Emberson requested the following changes:

Page 5, second paragraph, last sentence: The sentence should read: "He said <u>they</u> had a survey done to be sure they were within the setback."

Page 5, second paragraph, second sentence: The sentence should read: "…Mr. Sabetian said the intent was to not overstep the setback but <u>to get</u> close to it."

Page 5, sixth paragraph, fourth sentence: The sentence should read: "He <u>considered the architecture of the house to be overbuilt</u>…"

ACTION: It was M/S (Cousins/Emberson) to approve the minutes of the April 21, meeting, as amended. Vote: 4-0.

G. ADJOURNMENT

The meeting was adjourned at 10:30 p.m.

2. **1550 TIBURON BOULEVARD:** File No. SIGN2016002; Belvedere Land Company, Owner; Sign permit for a Sign Program for signage for tenants of a shopping center (Boardwalk Shopping Center). The sign program would allow 6 freestanding signs, multi-tenant, wayfinding and directory signs, and signs for individual tenants. Assessor's Parcel Nos. 060-082-57 and 060-082-58.

At the May 5, 2016 Design Review Board meeting, the Board considered an application for a sign program for the Boardwalk Shopping Center, on property located at 1550 Tiburon Boulevard. During the meeting, the applicant indicated that the signage at the shopping center would need to be modernized and updated for public safety, preserve the character of the building, and to conform better to the Town's sign ordinance. The store owner of Corner Bookstore expressed their support of the updated signs at the shopping center, especially for the additional signs for the courtyard portion of the existing shopping center.

The Design Review Board determined that the proposed sign program would be appropriate to the existing shopping center and have a positive impact to the downtown area and welcomed the proposal in general. However, the Board could not reach a consensus regarding the number of tenant signs, especially whether each tenant could keep their existing wall sign and have a new bracket sign. The majority of the Board determined that the parking signs and freestanding signs needed to be reduced in scale and the number of lighting be reduced. The Board provided direction to the applicant and continued the project to the June 2, 2016 Design Review Board meeting.

The applicant submitted revised plans for the application which include the following modifications to the sign program:

- Reduced the height of one freestanding sign from 23 feet (plus 28 inch weathervane) to 20 feet, 6 inches (plus 28 inch weathervane); the area of sign remains unchanged and the other freestanding sign to 18 feet, 4 inches (plus 28 inch weathervane); the area of the sign would be reduced to 7 feet, 6 inches wide, 13 feet, 10 inches tall, which would be smaller than other freestanding sign.
- Reduced the size of the courtyard under marquee sign; the three-sided wooden sign would be 2 feet, 1 ¼ inches tall, 11 feet, 6 inches wide in front and have 8 foot wide sides, for a total of area of 58.5 square feet, which is below the original total area of 64.5 square feet. Three lights would be mounted above the front face, with three lights above the side faces (reduced the lighting by one fixture on front).
- The height from grade of the parking signs would be reduced from 13 inches to 12 inches with a total height of 4 feet tall. The sign area would remain the same, which would be 36 inches tall and 6 feet wide.
- The courtyard wayfinding sign, the overhead mounted hanging signs, directory sign, ceiling joist signage, existing wall signs, R & S Auto freestanding sign would remain the same as the original submittal.

Todd Barbee, architect, said that they took a hard look at the sign program after hearing the Board's comments and changed various elements to address the comments. He said that the initial program goals remain intact and include increased effectiveness, improved safety, improved appearance, and conformance with ordinances and Town guidelines and goals. He described changes to the proposed signs. He questioned the statement in the staff report on the maximum height limit for signs being 18 feet, stating that this is a 4 acre parcel which allows 20 foot tall signs. He stated that the program would reduce the area of some signs in the center. He stated that the blade signs are an important part of the shopping centers and displayed a 1958 photo of the original blade signs in the same location. He stated that the merchants feel that the wall signs are important to their businesses because of the large separation between Tiburon Boulevard and the center.

Mr. Barbee stated that parking enforcement is an ongoing major problem at the shopping center. He said that the sign program would remove the kiosk and all a-frame signs and replace them with three signs at each entrance to the parking area. He displayed scale renderings showing the parking signs and stated that they would not be massive and represented a net reduction in the parking sign area.

Mr. Barbee said that they listened to the Board's concerns but they did not agree with everything in the staff report. He said that they reduced the overall height of the northern pylon sign by 5 feet. He disagreed with the staff report characterization of the changes as a "slight modification" of their original program. He noted that they did not change the lighting fixtures, but stated that the reason for the number of lighting fixtures is to control low levels of illumination.

The public hearing was opened.

Diana Maureen said that she has worked on the Boardwalk for 37 years and people do not know about the businesses in the center. She said that the majority of their customer base is Belvedere and Old Tiburon and they need to be visible. She stated that the merchants contribute to the quality of life for the residents, but they cannot do that without customers, and they only way they can do that is if they are visible.

Glen Isaacson said he looked carefully into the sign program and believes it is terrific, cohesive, effective, and would be a vast improvement over the existing signs. He asked the Board to approve the sign program.

Meagan Becker said she has worked on the Boardwalk for 24 years and loves being there every day. She stated that there have been many times that customers have said they did not know her store existed. She said that she looks at her business as a service and the more that people can be brought into this area the better. She believed that the sign program was tasteful.

The public hearing was closed.

Vice Chair Kricensky described his experience working with developers and tenants and preparing sign programs. He said that anchor signs are the main signs that grab one's attention and are the ones that are seen from Tiburon Boulevard. He said that the wall signs are so far back

that they are not seen from Tiburon Boulevard but are intended to be viewed from the parking lot, while the blade signs are intended to be viewed by pedestrians. He stated that signs are important for all three areas and he also felt that the courtyard identifying sign was also important. He agreed with the size and scale of the sign program and the parking signs and said that the sign program met his expectations.

Boardmember Emberson said that the sign program did not meet her expectations. She felt that the lighting was excessive, particularly for stores in the center that are not open past 8:00 p.m. She said that the two freestanding signs were too big and made too bold of a statement. She felt that parking signs would not stop people from parking there, and she suggested that the parking signs be smaller. She said that she was most concerned with the huge Boardwalk signs and their illumination. She did not believe that the a-frame signs will disappear. She noted that the previous blade signs were in place with the smaller freestanding signs. She expressed concerns about signage as new stores come into the center, as she did not believe that the program provided enough detail as to what would be allowed for new stores. She felt that the massing and scale of the freestanding signs was inappropriate and that the combination of the blade signs and the wall signs would look busy. She said that there was no "give" on the applicant's part with the program. She suggested that the program should specify what colors are appropriate for the signs. She believed that the plan was lovely but said that she could not support the program because it is not detailed enough, was out of scale and had too much lighting.

Boardmember Chong said that he patronizes many of the businesses in the Boardwalk and he supports any sign program that would draw more business to the center. He characterized the center as a "hidden area" where people who do not live nearby drive right by and said that some of the signs are set so far back that the businesses need help to draw people in. He said that the existing signage is massively undersized and he agreed with Vice Chair Kricensky in supporting the sign program. He said that he did not have as much of a problem with the lighting, which often reminds people that these stores exist.

Vice Chair Kricensky said that the signage and lighting on the edges of the freestanding signs was a little excessive. Boardmember Emberson questioned whether signage would really change whether someone would know that the Boardwalk shops exist. Vice Chair Kricensky noted that signage is the only way they can bring people in.

Chair Tollini said that the two freestanding signs by the street are helpful, but noted that Rustic Bakery has opened without the benefit of the larger signs and has not been missed by its customers. He believed that signage would not make as much a difference for the center as the right mix of merchants. He felt that the biggest justification made for the new signs was the existing inadequate signage. He agreed with staff that the changes made were fairly insignificant and he was in the same place he was at the last meeting. He agreed with Boardmember Emberson that a bigger parking sign would not prevent unauthorized parking and said that the proposed parking signs are larger than any others in Town.

Planning Manager Watrous stated that the Board could make motions to approve or deny the application, but that if neither motion passed, that would have the affect of denying the application. He noted that a continuance to the July 7 meeting would require an extension of the

Permit Streamlining Act deadline for this application. The applicant indicated their approval for this extension.

ACTION: It was M/S (Emberson/Kricensky) to continue the application for 1550 Tiburon Boulevard to the July 7, 2016 meeting. Vote: 4-0.

E. NEW BUSINESS

3. **23 JUNO ROAD:** File Nos. DR2016026; Alicia Hansel/Kibby Road, LLC, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling. The floor area of the proposed house would be 2,177 square feet and the house would cover 2,637 square feet (29.6%) of the site. Assessor's Parcel No. 034-271-24.

The applicant is requesting Design Review approval for the construction of additions to an existing one-story single-family dwelling on property located at 23 Juno Road. As more than 50% of the existing dwelling would be demolished as part of this project, the application has been classified as the construction of a new single-family dwelling.

The proposed house would expand to the front and rear of the existing structure. The house would include a living room, kitchen, dining room, a master bedroom suite, three additional bedrooms, one more bathroom, a powder room and a mud room/laundry room. Parking would be provided by an attached two-car garage. Two skylights would be installed. An exterior air conditioning unit would be installed along the left (west) side property line. New fencing and gates would connect to the house from the side property lines.

The floor area of the proposed house would be 2,177 square feet, which is 714 square feet less than the floor area ratio for a lot of this size. The proposed house would cover 2,637 square feet (29.6%) of the site, which is 35 square feet less than the 30.0% maximum lot coverage permitted in the R-1 zone.

Planning Manager Watrous noted that an external air conditioning unit was shown on the plans but the Town had not received any noise information for the equipment. He recommended that this unit not be part of any approval for this application.

Steven Moseley, architect, said that they had originally thought of second story addition in order to preserve the large rear yard, but they learned that a second story is frowned upon in this neighborhood, so they redesigned the addition to keep it to one story. He said that they wish to widen the existing one-car garage to allow two cars and move the garage forward, while pushing the remainder of the addition to the rear on the west side. He stated that this is a very typical solution to the problem of adding more space to houses in this area. He said that the proposal would not go higher than the existing roof ridgeline. He said that he had conversations with all 7 neighbors. He said that they intend to comply with the noise standards for the AC condenser. He said that they received a letter from the neighbor to the west and there is some question as to the location of the side property line. He said that they were open to obtaining a survey to pinpoint the location of the property lines.

Kyra O'Malley

From: Dan Watrous
Sent: Monday, June 13, 2016 9:08 AM
To: Kyra O'Malley
Subject: FW: Boardwalk signage

For the Boardwalk sign file...

-----Original Message-----
From: Cathy Benediktsson [mailto:cbenediktsson@mac.com]
Sent: Sunday, June 12, 2016 10:12 AM
To: Dan Watrous
Subject: Boardwalk signage

Hi Dan,

I was told you would take comments on the Boardwalk Signage.
There must be a way to make it shorter yet still have the services provided.

From Beach Road it blocks the view of the open space. We pay to preserve it, We should be able to see it.
I know it is visible from other angles, but driving in and out it is such a nice "look up". A pleasure of living here.

Also, mostly natives shop there, and we know many of the services.
I always steer my out of town guests to the bookshop for something to read on the plane.

The custom house: how would you ever describe the eye candy on a sign?

Perhaps, wider and not taller could be a compromise? And since most of the year the businesses are closed

Thank you,
Cathy Benediktsson

LATE MAIL # 1





June 2, 2016

Jim Allen
Belvedere Land Company, LLP
83 Beach Road
Belvedere, CA

Re: The Boardwalk Shopping Center Revised Signage Plan

Dear Jim,

After reviewing the revised boardwalk shopping center signage plan I want to state our support for the plan.

With the reduction in the size and height of the signs they still retain a tasteful, fresh look and appeal to the center that is lacking in the existing signs.

As the anchor tenant in the center and a major employer in the town, and in support of our fellow tenants, we believe the revised sign plan will bring an awareness of all the tenants in the center and underpin our long term viability as business owners and service providers to the surrounding residents.

The revised plan will bring the centers signs up to the same level of quality and investment that we made to our market and you continue to make within the center.

It is with this in mind that we firmly believe the revised signage plan should be approved.

Sincerely,

Don Santa
Founder / CEO
Woodlands Market

LATE MAIL # 1

RECEIVED
JUL 05 2016
PLANNING DIVISION

Tiburon Design Review Board

June 1, 2016

Dear Board,

Having new easy to read signs at the Boardwalk is important to me and my business.

Almost every week people say they never knew my restaurant was here or they say I was looking and couldn't find you.

We need new signs on the street and signs for the Courtyard.

Please approve the application for a new sign program at the Boardwalk.

Sincerely,

Angie Chen
& Mingi
06/01/2016

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
July 21, 2016
Agenda Item: 2

STAFF REPORT

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

From: **Community Development Department**

Subject: NOTICE OF CONTINUANCE

173 Stewart Drive; File No. DR2016036; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling (Continued from May 19, 2016)

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
__X__ The applicant has requested a continuance to:
____ **Other:**

The application will be continued to the August 18, 2016 Design Review Board meeting.

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

STAFF REPORT

To:	**Members of the Design Review Board**
From:	**Planning Manager Watrous**
Subject:	**23 Juno Road; File No. DR2016026; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling (Continued from June 2, 2016)**
Reviewed By:	_____

BACKGROUND

The applicant is requesting Design Review approval for the construction of additions to an existing one-story single-family dwelling on property located at 23 Juno Road. As more than 50% of the existing dwelling would be demolished as part of this project, the application has been classified as the construction of a new single-family dwelling.

This application was first reviewed at the June 2, 2016 Design Review Board meeting. At that meeting, the owner of the adjacent property at 21 Juno Road raised concerns that the proposed garage addition would block views from her front door. The neighbor also questioned the accuracy of the story poles and requested a survey of the shared side property line. The Design Review Board shared these concerns and directed the applicant to pull the addition back and prepare a property line survey. The application was continued to the July 7, 2016 meeting, which was cancelled.

The applicant has submitted revised plans and a survey of the side property line. The alignment of the house and additions on the site was changed slightly to reflect the survey results.

The westerly addition was moved 1 foot, 4 inches to the east to comply with the side setback from the properly located side property line. The front of the garage was pulled back approximately 2 feet from the front of the site. The length of the addition on west side, facing 21 Juno Road, was shortened by one foot, as the mud room was reduced in size by 2 feet, but the kitchen and dining room were lengthened by one foot. The ridge height of the proposed additions was lowered 3 inches.

The overall size of the addition was reduced by 73 square feet. The floor area of the proposed house would be 2,104 square feet, which is 787 square feet less than the floor area ratio for a lot of this size. The proposed house would cover 2,553.5 square feet (28.7%) of the site, which is 119 square feet less than the 30.0% maximum lot coverage permitted in the R-1 zone.

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The structure would be finished with brown stucco siding with brown and black trim. Medium grey metal roofing would be installed.

ANALYSIS

Zoning

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

Design Issues

The revised project design appears to respond to the direction from the Design Review Board at the June 2, 2016 meeting. The garage addition has been pulled back 2 feet and its roofline lowered by 3 inches, which should reduce the visual impacts on the adjacent home at 21 Juno Road. If the Design Review Board determines that additional modifications are necessary, the addition could be shortened further, as the size of the mud room and dining area could be reduced somewhat. The Board could adopt a condition of approval specifying an additional setback for the garage addition.

The applicant has relocated the proposed air conditioning unit to the east side of the lot, approximately 12 feet from the side property line. The proposed unit would have a noise rating of 71 dBA at the source and 54 dBA at the property line, which would be consistent with the Town's policy on noise levels for exterior noise generating equipment.

Public Comment

As of the date of this report, two letters have been received regarding the subject application since the June 2, 2016 Design Review Board meeting. The owner of the property at 21 Juno Road has reiterated her concerns about the placement of the proposed garage addition and the owners of the home at 25 Juno Road have objected to the relocated air conditioning unit closer to their home.

RECOMMENDATION

The Design Review 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 Board agrees with staff's conclusions, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Supplemental application materials
3. Design Review Board staff report dated June 2, 2016
4. Minutes of the June 2, 2016 Design Review Board meeting
5. Letter from Ellen Rony, dated June 30, 2016
6. Letter from Bronia and Chase Hill, dated July 12, 2016
7. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

23 JUNO ROAD

FILE #DR2016026

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 dated by the Town of Tiburon on March 3, 2016, or as amended by these conditions of approval. Any modifications to the plans of June 27, 2016 must be reviewed and approved by the Design Review Board.

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 exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.

6. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.

7. 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. 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.

10. A photovoltaic energy system shall be installed in compliance with the requirements of Section 16-40.080 of the Tiburon Zoning Ordinance.

11. Prior to issuing a grading or building permit the applicant shall implement measures for site design, source control, run-off reduction and stormwater treatment as found in the Bay Area Stormwater Management Agency Association (BASMAA) Post-Construction Manual available at the Planning Division or online at the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) website at www.mcstoppp.org.

12. 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 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.

    b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.

    c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.

    d. No lot-to-lot drainage is allowed except where easements for drainage are provided.

    e. All site drainage shall be privately maintained and shall be contained within private storm drain easements. A 10 foot easement width is required for any pipes outside the right-of-way.

10. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.

11. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:

    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 carbon monoxide and 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 TFPD. CFC 304.1.2

13. The project shall comply with all requirements of the Richardson Bay Sanitary District.

Dan Watrous

From: Steven Moseley [steven@studio101designs.com]
Sent: Tuesday, June 28, 2016 11:35 AM
To: Dan Watrous
Cc: 'Scott Landry'; 'Alicia Razzari'
Subject: 23 Juno Rd. Application follow-up
Attachments: Bryant 189BNV Evolution Air Conditioner.pdf

Hi Dan,
I just wanted to follow up from our conversation yesterday. As we discussed, we obtained a boundary survey which locates the property lines and fences in relationship to the existing house. The survey was included as part of the drawing set. The survey has corrected the angle of rotation of the West property-line. Starting at the rear, the side-yard narrows as you get closer to the street. It also shows all of the 3 fences between adjacent neighbors are located within our client's parcel.

Here is a list of the changes we made:

- The west side wall moved 1'-4" over (eastward)
- The associated ridge-line moved 8" eastward and 3" lower
- The rear facades were increased 1 foot to the North
- The overall area of the home decreased 73 s.f.
- The A/C condensor has been relocated to the East side (please find spec. attached).
- The Mud Room and Laundry room were reduced to allow the front facade of the garage to move 2 feet back (North).

Before submitting the drawings yesterday, I coordinated the revised story-poles on-site. They have all been moved to reflect the changes in the drawings. One thing to note is that the builders had previously included an additional pole on the West side center for the purposes of levelling the string-lines. This may have been mistaken for a story-pole. It has since been removed.

We feel requiring that the garage be moved further back represents application of an unfair standard upon our project. Our proposal now locates the garage front 3'-4" behind the 15'-0" required setback.
If the zoning setback does not apply, it should be changed such that all neighbors would be required to comply equally. Multiple homes on the street have built close to the front setback, including the home directly across the street. We redesigned our initial proposal so as not to include a second story in order to harmonize with the neighbors, already resulting in a loss of rear yard to our client. We met with 7 neighbors* immediately surrounding our parcel and all but one had favorable responses. We feel it's unprecedented to argue that a neighbor's diagonal view across our parcel should be preserved (not a view of the bay, or hilltops, but of our clients' front yard and of parked cars on the street).

*neighbors we met with:
19 Juno Rd: Scott
21 Juno Rd: Ellen
25 Juno Rd: Branya
27 Juno Rd: Dana
20 Juno Rd: (name unknown)
22 Juno Rd: Daniel
20 Apollo Rd. (rear): Katie

Thank you,
_Steven

Steven Moseley

Ellen Rony• 21 Juno Road • Tiburon, CA • 94920-1346 • 415/435-1401

LATE MAIL #3

RECEIVED
JUN 30 2016
PLANNING DIVISION

June 30, 2016

RECEIVED
JUN 30 2016
TOWN MANAGERS OFFICE
TOWN OF TIBURON
RCVD PP

Office of Design Review
Tiburon Town Hall
1501 Tiburon Boulevard
Tiburon, CA 94920

Re: 23 Juno Road - Parcel No. 034-271-24
Applicant - Hansel/Kibby Road LLC

To the Design Review Board Members:

I reside at 21 Juno Road and have provided written and oral concerns about the application for construction of a new single-family dwelling at 23 Juno Road by Kibby Road LLC, a real estate development company based in Merced, CA.

Applicant's updated materials following the June 2, 2016 meeting have not adequately addressed compliance with setback requirements, changes requested by members of the Design Review Board, and Tiburon's long-standing consideration of neighborhood view impacts.

PROPERTY LINE SURVEY

The applicant obtained a property survey but did not submit the surveyor's report to the Tiburon Office of Design Review, and the surveyor installed no visible markers to indicate the western edge of the property line. These are unfortunate events because response to the application must rely upon the architect's *interpretation* of the surveyor's results, not upon the actual report or drawings.

The new Survey Setbacks Map represents that the fence between 21 Juno and 23 Juno Road is nearly synchronous with the property boundary at N18°42' 47"W. The property boundary may be several inches west of the fence in the NW and SW corners of 23 Juno Road but appears to concur precisely with the fence opposite the SW corner of the existing garage. The setback of the existing garage from the property line at that corner is nine feet, nine inches (9'9").

Applicant's architect notes that the proposed west side wall has now been moved one foot, four inches (1'4") eastward but offers no context for this change. The adjusted setback indicators on the west side are still inaccurate with respect to the required minimum eight-foot (8') setback from the property line.

Applicant's proposal is for an eight-and-a-half-foot (8'6") setback of the western wall which incorporates a one foot, four inch (1'4") overhang. (See A.401) I understand that the story poles, which incorporate the overhang should, therefore, be set at eight feet, six inches (8'6") from the property line on the west side. They are not even within the eight foot (8') minimum setback.

- The adjusted setback measured from the property line to the proposed wall opposite the SW corner of the existing garage has been inaccurately placed at six feet, seven inches (6'7").

- The adjusted story pole #1 at the SW corner of the proposed garage projection toward the street is inaccurately placed on or about six feet, four to six inches (6'6") from the property line. It should be moved eastward by 2 feet (2') to accurately reflect applicant's eight-foot, six inch (8'6") side yard setback at that point.

As I noted on June 2 (and the architect acknowledged in a June 28, 2016 memo), the west side yard of 23 Juno Road narrows as it approaches the street. (See A-101). The adjusted placement of SW story pole #1 does not accommodate this narrowing. The architect has repeated an original error by merely extending a setback measurement from the rear of the property equal distance from the existing west wall forward toward the street. That dog won't hunt.

Yes, these are minor inaccuracies, but *they cast doubt on the integrity of all other measurements in applicant's design.* I request that all minimum setbacks be accurately measured, precisely applied in the placement of story poles, and honored in construction.

BLOCKED VIEWS

It is not the prerogative of the Kibby Road LLC to say which views deserve to be preserved. The Juno Road street views may not be considered splendid or striking compared with other properties in Tiburon. They are not of the bay but do take in three hilltops including Hacienda Road to the east. Blocking the views that existed when I purchased my home more than three decades ago, with the reasonable expectation of continued enjoyment, would diminish the quality of my residence, particularly now in retirement when I spend most of my days at home.

The visual impacts of the applicant's small adjustments this week would *still* be oppressive, imposing and claustrophobic to me, my family, and our guests. The ten-foot (10') double-car garage projection still protrudes too far and would present a wall, gas meter, electrical service box and now a water heater every time I open my east-facing front door.

The architect dismisses this as a "diagonal view". NO, this is a primary view. It is directly in my daily sightline and would be an unwelcoming wall, as unavoidable as dust. That wall would confront me every morning when I open my front door, every day and all day long since my door remains open until bedtime. The applicant's enormous garage wall would destroy my ability to step outside or sit on the porch bench and enjoy my neighborhood by looking down the street. Please also consider that sixty-four feet, 11 inches (64'11") of my eastern view would be entirely obstructed, constituting approximately 2/3 the entire length of my property on one side. A whole lot of blockage of morning sunshine and hillside views would occur with this proposed design and its west side extensions.

NEIGHBORHOOD VALUES

Developers of Belveron recognized decades ago that street views are better than walls and stepped back the placement of each home in this section of Juno Road to offer those views. The Design Review Board specifically recommended that the proposed garage extension be reduced by not just a foot or two but by much more. Kibby Road LLC has not complied.

Please do not accept applicant's claim that a reduction in the proposed projection of a double-car garage applies an unfair standard. What "standard"? Adjacent houses at 25 Juno, 27 Juno, and 29 Juno have all undergone major remodels but *none* projected out the front to block neighbors' street views or their own. Not one. Perhaps applicant could review those plans.

Applicant purchased 23 Juno Road just four months ago, and no one from Kibby LLC has spent a night in the house. The corporation will likely put the house back on the market as soon as construction is complete, bank significant profits, and leave me with a wall. That's the incentive for the oversize double-car garage and the non-existent "standard" Kibby LLC claims.

Requesting a reduction in the proposed projection of a double-car garage protects the character of the neighborhood. Belveron has no sidewalks. If garages push out toward the street, with SUVs parked In driveways even closer to the curbs, the eventual effect will be a neighborhood that is crowded by overbuilding and offers no breathing room, little separation from houses for pedestrians who must walk in the street.

The net results of Kibby Road LLC's minor design adjustments following the first meeting with the Design Review Board are that: a) reduction of the front extension by two feet (2'); b) addition of one foot (1') in the back on both sides; and c) once again, inaccurate placement of its west side yard setbacks. *So Kibby LLC's trifling adjustments are nearly a wash for the applicant, a snub to the requests of the Design Review Board and, yet again, a wall for this neighbor.*

I sincerely hope that the Design Review will be steadfast with its earlier concerns about the double-car garage and its oversized and intrusive projection toward the street. There will be no taking this back once it is built. The current and every future resident of 21 Juno Road would be adversely affected by applicant's new garage protuberance. I again request that you deny applcant's request to add a new garage to the one that already exists.

Please call or, preferably, drop by to discuss these issues. The front door will be open and my dog, who spends most of the day on the porch enjoying her own street view, will announce your presence.

Thank you for your consideration.

Regards,

Ellen Rony

Chase and Bronia Hill | 25 Juno Road | Tiburon | CA | 94920

July 12, 2016

RECEIVED
JUL 12 2016
PLANNING DIVISION

Daniel Watrous
Planning Manager
Town of Tiburon
1505 Tiburon Blvd
Tiburon
CA, 94920

Re: 23 Juno Road, Tiburon

Dear Dan,

It was nice to meet you yesterday -- thank you for making the time to talk with me about the plans for 23 Juno. I'm writing to reiterate what I've learned from you and Lea, to be sure that my understanding is correct concerning the story poles and the proposed location for the air conditioning unit as part of the remodel. Firstly, I'd like to state that in general we are supportive of a single story development at this site. It represents a significant investment in our neighborhood and we look forward to seeing the completed project.

Secondly, my understanding is that the story poles that are in place as of yesterday (July 11, 2016) have been checked by the Town of Tiburon and that all the dimensions represented by the poles (including roof lines) are deemed to by correct and they accurately represent the revised plans submitted by the developer on June 27, 2016. Please correct me if I am mistaken on this point.

Lastly, the plans submitted on June 27, 2016, include a revised location for the air conditioning unit which is now to be placed on the east side of the subject property adjacent to our home at 25 Juno.

While file notes related to the proposed air conditioning unit state that the machine would not exceed 54 dBA at the property line, my understanding from our earlier conversation is that no one at the Planning Department is able to guarantee the accuracy of this information or enforce the Town's noise ordinance following installation. In other words, if the unit were to be installed and subsequently found to be non-compliant, then we would have no recourse against this. This, coupled with the fact that the A/C unit is likely to become louder as it ages is troubling to us since the proposed location for the unit is adjacent to our kitchen window.

Even though it is extremely unusual for a property in East Belveron to have an A/C unit, we acknowledge the developer's desire and interest in pursuing this feature and therefore respectfully request that they relocate the unit several feet closer to the front of the subject property. This would ensure the A/C unit is far enough away from our livable area and closer to our garage where any sound would be less disruptive.

I'd be grateful if you could advise me on how to proceed from here. Should we reach out to the developer directly or is this information better conveyed through you? I won't be able to attend the meeting on July 21 as I'll be out of the country but my husband Chase will be there to represent us.

Thank you in advance for your consideration and help with this.

Best wishes,

Bronia and Chase Hill

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
July 21, 2016
Agenda Item: 4

STAFF REPORT

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

From: **Community Development Department**

Subject: **65 Harriet Way; File No. DR2016032; Site Plan and Architectural Review for Construction of Additions to an Existing Single-Family Dwelling**

PROJECT DATA

ADDRESS:	**65 HARRIET WAY**
OWNER:	**J.R. BEGG**
APPLICANT:	**DESIGN BUILD SPECIALISTS, INC**
ASSESSOR'S PARCEL:	**034-212-12**
FILE NUMBER:	**DR2016032**
LOT SIZE:	**9,072 SQUARE FEET**
ZONING:	**R-1-B-A (BEL AIRE SINGLE-FAMILY RESIDENTIAL)**
GENERAL PLAN:	**MH (MEDIUM HIGH DENSITY RESIDENTIAL)**
FLOOD ZONE:	**X**
DATE COMPLETE:	**JUNE 15, 2016**

PROPOSAL

The applicant is requesting to construct additions to an existing single-family dwelling, on property located at 65 Harriet Way in the Bel Aire Neighborhood. The property is currently developed with a 1,571 square foot single-family dwelling.

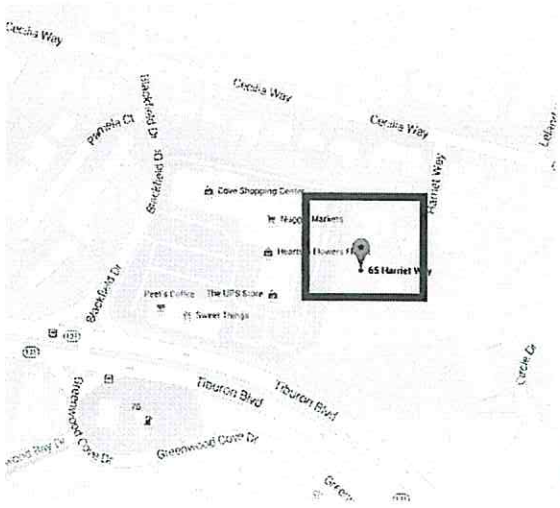
The proposal would add 1,079 square feet to the rear of the existing dwelling, which would include 610 square feet of living space and a 469 square foot two-car garage. The additions would include a mud room, expanded kitchen, living room, and a master bedroom suite.

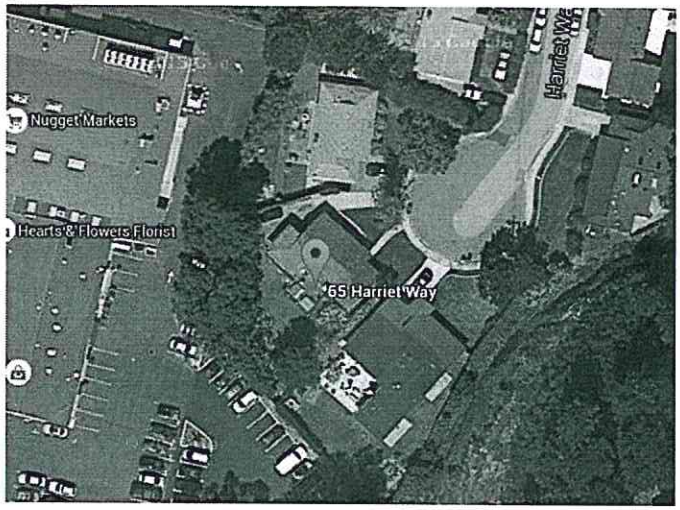
Other proposed improvements would include modified windows and doors on all sides of the existing home, and reducing the size of the existing rear deck. The existing landscaping and fencing would remain throughout the property. The existing driveway would be expanded to accommodate the proposed garage.

The proposal would result in a gross floor area of 2,181 square feet, which is below the maximum permitted gross floor area for the property (2,907 square feet). The proposal would result in lot coverage of 2,650 square feet (29.2%), which is below the 30.0% maximum permitted lot coverage in the R-1-B-A zone.

The exterior colors and materials of the proposed additions would match those of the existing house.

PROJECT SETTING





The subject property is located at the end of a cul-de-sac on Harriet Way in the Bel Aire neighborhood, which is a predominantly single-story neighborhood. The lot is reasonably level, and abuts the Cove Shopping Center.

ANALYSIS

Design Issues

The submitted plans show the overall height of the new additions would be twenty-two feet, eleven inches (22' 11"), which would not be consistent with the height of other updated homes in the neighborhood. A broken up roofline between the garage and house would reduce the massing of the home when viewed from the back as the height of the garage addition would be 18 feet. However, the massing visible from the front would still be extensive as the majority of the front elevation would consist of views of a roof. Even with the variety of rooflines on the entire house, the proposed design would be inconsistent with the single-story character of the neighborhood as the height of the proposed addition would be approximately 6 feet taller than the majority of the updated homes in the Bel Aire neighborhood. The proposed height would be more consistent with that of the adjacent grocery store than homes in the surrounding residential neighborhood.

An existing shed is currently located on the southeast side of the property and it is unclear if the shed would remain or be removed from the property. If the shed remains, this structure would need to be added to the lot coverage calculation.

The Design Review Board is encouraged to view the story poles from the neighboring residences to determine if the proposed additions would create any visual or privacy impacts on the adjacent homes.

Zoning

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

PUBLIC COMMENT

As of the date of this report, five letters in opposition have been received regarding the subject application.

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 15303.

RECOMMENDATION

The Design Review 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 agrees with the staff's conclusion, it is recommended that the applicant be directed to reduce the height of the residence to comply with the character of the neighborhood. If the Design Review Board wishes to approve the application, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of Approval
2. Application and Supplemental Materials
3. Letter dated April 4, 2016 from Wilma and Werner Schneider
4. Letter dated April 4, 2016 from Barbara Schneider
5. Email dated June 27, 2016 from Murray and Tiffany Dunn
6. Email dated June 27, 2016 from Jason Washing
7. Email dated June 28, 2016 from Maura Thurman and Thom Calandra
8. Submitted Plans

ATTACHMENT 1

DRAFT CONDITIONS OF APPROVAL
65 HARRIET WAY
FILE NO. DR2016032

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 to the application and plans dated by the Town of Tiburon on March 17, 2016 as amended by these conditions of approval. Any modifications to the plans dated June 22, 2016 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 un-approved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.

4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge, with defense counsel subject to the Town's approval. 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 requirements of the California Fire Code and the Southern Marin Fire Protection District prior to issuance of a building permit.

8. All requirements of the Marin Municipal Water District shall be met prior to issuances of a building permit.

9. All requirements of the Richardson Bay Sanitary District shall be met prior to issuances of a building permit.

10. 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.

11. 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.

RECEIVED
MAR 17 2016
PLANNING DIVISION

TOWN OF TIBURON

LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

- o Conditional Use Permit
- o Precise Development Plan
- o Secondary Dwelling Unit
- o Zoning Text Amendment
- o Rezoning or Prezoning
- o General Plan Amendment
- o Temporary Use Permit
- ✓ Design Review (DRB)
- o Design Review (Staff Level)
- o Variance(s)_____#
- o Floor Area Exception
- o Tidelands Permit
- o Sign Permit
- o Tree Permit
- o Tentative Subdivision Map
- o Final Subdivision Map
- o Parcel Map
- o Lot Line Adjustment
- o Condominium Use Permit
- o Seasonal Rental Unit Permit
- o Other_____

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 65 HARRIET WAY **PROPERTY SIZE:** 9072 SQ FT
PARCEL NUMBER: 034-212-12 **ZONING:** R-1

PROPERTY OWNER: JR BEGG
MAILING ADDRESS: 925 SIR FRANCIS DRAKE BLVD
KENTFIELD CA. 94904
PHONE/FAX NUMBER: 415-272-9900 E-MAIL: JRBEGG@GMAIL.C

APPLICANT (Other than Property Owner): MARK LABOURDETTE
MAILING ADDRESS: _____

PHONE/FAX NUMBER: _____ E-MAIL: _____

ARCHITECT/DESIGNER/ENGINEER DESIGN BUILD SPECIALISTS, INC
MAILING ADDRESS: 394 BEL MARIN KEYS BLVD, SUITE 5
NOVATO CA. 94949 ~~SUITE 5~~
PHONE/FAX NUMBER: 415-892-3932 E-MAIL: MARK@GGHR.COM
415-883-7254 (F)

Please indicate with an asterisk (*) persons to whom Town correspondence should be sent.

BRIEF DESCRIPTION OF PROPOSED PROJECT (*attach separate sheet if needed):*
BUILD NEW GARAGE
ADD ONTO MASTER BEDROOM / ADD MASTER BATH
ENLARGE LIVINGROOM + KITCHEN
ADD MUD ROOM
ALL NEW ELECTRICAL SYSTEM

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge, with the defense counsel subject to the Town's approval. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature:* _____ Date: 3/17/16

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature:* _____ Date: 3/17/16

If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application

NOTICE TO APPLICANTS

Pursuant to California Government Code Section 65945, applicants may request to receive notice from the Town of Tiburon of any general (non-parcel-specific), proposals to adopt or amend the General Plan, Zoning Ordinance, Specific Plans, or an ordinance affecting building or grading permits.

If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

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Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438(Fax)
www.townoftiburon.org

DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION

Application No.: DR2016-032 **GP Designation:** **Fee Deposit:** $945
Date Received: 3/17/2016 **Received By:** LS **Receipt #:** R862
Date Deemed Complete: 4/15/16 **By:** DW
Acting Body: **Action:** **Date:**
Conditions of Approval or Comments: _____ **Resolution or Ordinance #** _____

DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

Please fill in the information requested below (attach separate sheet as needed):

1. Briefly describe the proposed project: ADD NEW GARAGE, MUDROOM
ENLARGE MASTER BEDROOM AND LIVINGROOM + KITCHEN
ADD MASTER BATH
REMODEL 1/2 ALL BATH
ALL NEW ELECTRICAL SYSTEM

2. Lot area in square feet (Section 16-100.020(L)): 9072

3. Square footage of Landscape Area: ENTIRE LOT IS MANICURED

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4. Proposed use of site (example: single family residential, commercial, etc.):
Existing SINGLE FAMILY
Proposed SINGLE FAMILY

5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.
ADDING A NEW GARAGE

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CAL-CULATED	PER ZONE
Yards (Setbacks from property line)((Section 16-100.020(Y)* **Front**	15 ft.	15 ft.	ft.	ft.	20 ft.
Rear	20 ft.	28 ft.	ft.	ft.	20-25 ft.
Right Side	6 ft.	6 ft.	ft.	ft.	6 ft.
Left Side	6 ft.	6 ft.	ft.	ft.	6 ft.
Maximum Height (Section 16-30.050)*	30 ft.	22'-11" ft.	ft.	ft.	30 ft.
Lot Coverage (Section 16-30.120(B))*	1571 sq.ft.	2181 sq.ft	610 sq.ft.	2650 sq.ft.	2721 sq.ft.
Lot Coverage as Percent of Lot Area	17.3 %	24 %	6.7 %	29.2 %	30 %
Gross Floor Area (Section 16-100.020(F))*	1571 sq.ft.	2650 (INC. GARAGE) sq.ft.	1079 sq.ft.	2181 469 sq.ft.	2907 300 sq.ft.

*Section numbers refer to specific provisions or definitions in the Tiburon Municipal Code Chapter 16 (Zoning)

garage - 22'x20'

April 4,2016

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APR 07 2016
PLANNING DIVISION

Tiburon Planning Department
1505 Tiburon Blvd.
Tiburon, CA 94920

To whom it may concern,

My husband and I are strongly opposing an application to remodel 65 Harriet Way in the Bel Air Sub Division in Tiburon. To judge by the height of the story poles it appears to be a two story home. We have lived in Bel Air since 1972 and have vigorously opposed two story building applications. We now have wonderfully restored houses in our neighborhood and there is no need to go to two stories. We vote "NO".

Respectfully,
Wilma and Werner Schneider
90 Claire Way
Tiburon

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APR 07 2016
PLANNING DIVISION

April 4,2016

Tiburon Planning Department
1505 Tiburon Blvd.
Tiburon, CA 94920

To whom it may concern,

Since the early 80's, I have owned 94 Claire Way, Tiburon. I have lived in the neighborhood since age 4, and went to all the local schools. I have appreciated the privacy that my homes have given to me over all these years. The single story homes in this neighborhood has lent us this type of privacy due to all the wonderful designs that we see today. Please do not approve 65 Harriet Way in the Bel Air Sub Division.

Respectfully,
Barbara Schneider
94 Claire Way
Tiburon

Dan Watrous

From: Murray Dunn [murray_dunn@me.com]
Sent: Monday, June 27, 2016 9:50 PM
To: Dan Watrous
Cc: Tiffany Vasilik
Subject: Design Review Board meeting for Proposed Construction at 65 Harriet Way, Tiburon.

Dear Mr. Watrous,

RE: Design Review for Proposed Construction at 65 Harriet Way, Tiburon.

We are the owners and residents next door to the aforementioned property. We have reviewed the plans for the proposed construction of additions at 65 Harriet Way, Tiburon. We have two concerns with this design, although we understand from a conversation with the new owner that the second item has been addressed:

Concern 1 - Proposed Height of the Construction Additions

The concern is the proposed height of the construction additions at 22 feet 11 inches. The concern we have regarding the proposed height of new construction additions at 65 Harriet Way can be summarized as follows:

1. The proposed height is inconsistent and out-of-character with new constructions, and the construction of additions, in Harriet Way & the Bel Aire neighborhood in general. By comparison, the two highest construction projects in Harriet Way - at 290 Celia Way and 100 Harriet Way - are 14' 8" and 14' 10" respectively. At 22' 11", the proposed construction addition is 8' 1" higher then the highest home in the street.

2. This would set a new precedent for projects in the Bel-Aire neighborhood. If this construction was to be approved, we are concerned it would set a new precedent for construction additions and new construction, including multi-story dwellings in the Bel Aire neighborhood.

3. Afternoon sun in the Harriet Way cul-de-sac. The height of the project will reduce the sunlight in the cul-de-sac in the afternoons in this quiet, largely traffic free area, frequented by young children and families during this time.

We would encourage the Design Review Board to request changes to this application, and recommend to the owners that a construction height, consistent with the other properties in the cul-de-sac would be the advised path to approval by the board.

Concern 2 - Proposed Master Bedroom Window Facing our Master Bedroom and Open Living Space.

Ref: Plans Submitted June 22nd, 2016, Sheet 8 in the PROPOSED - FACING THE FRONT OF THE HOUSE - LEFT SIDE

Mr Begg advised us that he is not proceeding with this proposed window in their master bedroom, prior to us raising our concern about privacy for both parties. However, as the window still appears on the plans, we'll document our concern for this part of the design to ensure it's recorded. Our concern is that the window faces directly into our master bedroom and open living space, impacting the privacy of both parties. There is no window on that side of the house in the current construction.

We support all other aspects of the proposed design, and look forward to welcoming the Beggs to the neighborhood.

Yours Sincerely,

Murray and Tiffany Dunn
50 Harriet Way
Tiburon CA 94920

Dan Watrous

From: Jason Washing [jwash99@gmail.com]
Sent: Monday, June 27, 2016 11:31 PM
To: Dan Watrous
Subject: Greetings from the Washings / Note of objection RE: 65 Harriet Way

Greetings Dan,

I hope this finds you doing well.

You assisted my wife and me to a great extant during the construction of the new home we built ~2 years ago at 290 Cecilia Way, in the Bel Aire neighborhood of Tiburon. We are thrilled with the home and cant thank you enough for all that you did to coach and assist us throughout the building process.

I am also writing to **express my objection** to specific aspects of the proposed remodel / reconstruction of the home located at **65 Harriet Way**, a home three doors down from ours in the Harriet Way Cul de Sac. A few thoughts follow:

- In particular my concern is the proposed height of the highest roof line, which according to plans submitted to the town, show a peak roof height of more than 22' feet.
- As a comparable point of reference, our roof height is several inches under 15'.
- When considering the height of our home during the planning process, we closely mapped (with great intent, and out of respect for our neighbors) our structure's height to the height of the home at 100 Harriet Way.
- 100 Harriet Way is immediately across the street from our own home, and was a new construction project completed approximately 6 years prior to ours.
- 100 Harriet Way also has a roof height slightly less than 15'.
- We made a very conscious decision at the time of planning to make sure our home was / is as unobtrusive to others around us as possible.
- Enabling the height of the home at 65 Harriet to proceed as planned will set a dramatic new precedent for the height of homes in our unique neighborhood that is not positive in any sense.

I wanted to share these thoughts in advance of the design review meeting being held later this week where 65 Harriet Way will be reviewed, as I will not be able to attend that meeting in person.

I hope my feedback will be taken with consideration.

Thank you,

Jason

Jason Washing
290 Cecilia Way
Tiburon, CA 94920
415 596 6583 (Mobile)
415 736 5309 (Work)
jwash99@gmail.com

Dan Watrous

From: Maura Thurman [mauralela@gmail.com]
Sent: Tuesday, June 28, 2016 1:23 PM
To: Dan Watrous; Thom Calandra
Subject: re 65 Harriet Way

RE: Design Review for Project at 65 Harriet Way, Tiburon.

Dear Mr. Watrous,

We are the owners and residents at 80 Harriet Way, viewing the property at 65 Harriet Way from across the cul-de-sac. We have seen the plans for proposed construction at 65 Harriet Way, which were shared with us by Mr. Begg.

We have a major concern about the height proposed for the remodeled home. With a roofline of more than 22 feet in height, the design is out of character with the neighborhood, both on our little street and in the larger Bel Aire community. The story poles clearly show the discrepancy between the height proposed and the height of surrounding homes.

As we know, it's not just about one design proposal but also about the precedent set for the neighborhood. In this case, it seems the proposed height could set a new upper limit. We are not in favor of such a departure. The preponderance of single-level homes gives Bel Aire a human scale and livability that we believe is part of the neighborhood's value and the height proposed does not support those qualities.

We have no opposition to the remainder of the proposal and will be happy to see the home occupied by our new neighbors.

Best wishes,

Maura Thurman and Thom Calandra

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
July 21, 2016
Agenda Item: 5

STAFF REPORT

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

From: **Community Development Department**

Subject: **9 Audrey Court; File Nos. DR2016050 and FAE2016004; Site Plan and Architectural Review for Construction of Additions to Existing Single-Family Dwelling, with a Floor Area Exception**

PROJECT DATA

ADDRESS:	**9 AUDREY COURT**
ASSESSOR'S PARCEL:	**058-231-07**
FILE NUMBERS:	**DR2016050**
OWNER:	**JOHN PFEISTER**
APPLICANT:	**MARSHALL SCHNEIDER (ARCHITECT)**
LOT SIZE:	**22,080 SQUARE FEET**
ZONING:	**RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN**
GENERAL PLAN:	**M (MEDIUM DENSITY RESIDENTIAL)**
FLOOD ZONE:	**X**
DATE COMPLETE:	**MAY 16, 2016**

PROJECT DESCRIPTION

The applicant is requesting design review approval for construction of additions to an existing single-family dwelling on property located at 9 Audrey Court (formally known as 4 Audrey Court). The property is currently developed with a single-family dwelling with an attached 414 square foot two-car garage. The existing 4,442 square foot home includes a library, kitchen, dining room, formal entry, living room, family room, powder room, two bathrooms, laundry room, two bedrooms, and a master bedroom suite.

As part of an interior remodel and additions to the existing home, the proposal would partially convert 497 square feet of the existing crawlspace into living space for a bathroom, bedroom, and laundry room. The interior remodel would include adding a bathroom and stairway to the main level. Other proposed improvements would include modified windows and doors on south and east sides of the existing home.

The floor area of the property would be increased by 497 square feet to a total of 4,939 square feet, which is 731 square feet greater than the 4,208 square foot floor area ratio for this site. The application has therefore requested a floor area exception. The proposal would result in no

change to the lot coverage of 5,179 square feet (23.4%), which currently is above the maximum permitted lot coverage in the RO-2 zone (15.0%).

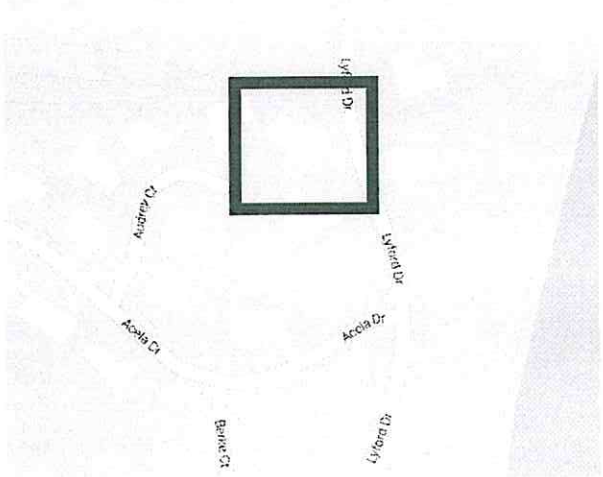
The exterior colors and materials of the proposed additions would match those of the existing house.

This application was first submitted for staff-level design review. During the review of this application, multiple adjacent neighboring property owners raised objections to the number of windows as part of the addition. As a result, this application has been referred to the Design Review Board.

BACKGROUND

On December 18, 2014, the property owner submitted a Site Plan and Architectural Review application (File # VAR2015010) for the construction of additions to an existing single-family dwelling located at 4 Audrey Court, which included a variance for reduced rear setback and a floor area exception. At the July 16, 2015 Design Review Board meeting, numerous neighbors in the vicinity raised concerns about potential view blockage that would be caused by the project, primarily by the proposed upper level addition. Privacy issues were also raised by the owners of the adjacent property downhill because of a patio expansion. The Boardmembers determined that the second story addition would create a significant view impact on the adjacent neighbors and the addition would create substantial mass and bulk to an already overbuilt house. However, the majority of the Boardmembers mentioned at the meeting that they might be able to consider additional floor area if the addition would not increase the volume of the existing building footprint or add to the lot coverage.

PROJECT SETTING





The subject site is located at the end of a cul-de-sac on Audrey Court near Acela Drive and Lyford Drive. The lot slopes slightly from north to south with views of San Francisco skyline, Richardson Bay, Belvedere, Sausalito, and the Golden Gate Bridge. The property is heavily screened by existing vegetation, with a tall hedge that situated on the north and south sides of the property.

ANALYSIS

Design Issues

The property owners at 114 and 120 Lyford Drive have raised concerns that the proposed windows on the east elevation would create privacy and noise impacts. The proposed windows on the lower level would be screened by existing vegetation and fencing and would not be seen from the homes across Lyford Drive. In addition, the residence at 114 Lyford Drive is located at a lower elevation than 9 Audrey Court and therefore the proposed windows on the main level would be screened by existing vegetation as well.

The majority of the existing fencing and vegetation on the subject property and on the property of 120 Lyford Drive would provide screening and a buffer between the two residences. However, the proposed window for the proposed stairway would appear to create a privacy impact on the neighbor at 120 Lyford Drive. Staff would recommend that the stairway window either be reduced in size or removed from the proposal. In addition, the master suite "his bath" would appear have numerous windows for the shower and sink area on the south and east elevation. These windows would appear to be a privacy impact on the subject property and for the adjacent neighbors.

The Design Review Board is encouraged to view the existing dwelling from the residences at 114 and 120 Lyford Drive to determine if the proposed addition would create any privacy impacts on the adjacent homes. Story poles were not installed due to the fact that the entire addition would be underneath the existing building footprint.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone with the exception of the previously noted floor area exception.

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

Findings

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

   The proposed addition would add only to the lower floor of the house and would not change the footprint of the existing residence, which would not substantially alter the visual size and scale of the existing structure.

2. ***The applicant has demonstrated that the proposed structure is compatible with the physical characteristics of the site. The characteristics include, but are not limited to, shape and steepness of the lot, ease of access, and the presence of natural features worthy of retention, such as trees, rock outcroppings, stream courses and landforms.***

The project design would convert the existing crawlspace into living space, which would expand the existing building footprint downwards on the lower level of the house, which would not substantially alter the relationship of the structure to the physical characteristics of the site.

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

PUBLIC COMMENT

As of the date of this report, there have been three (3) letters in opposition to this application.

PRELIMINARY ENVIRONMENTAL DETERMINATION

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 Sections 15301 and 15303 of the CEQA Guidelines.

RECOMMENDATION

Staff recommends that the Board:

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) [Guiding Principles], (I[4]) [Floor Area Exception], and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Sections 15301and 15303. If the Board wishes to approve the application, it is recommended that the attached conditions of approved be applied.

EXHIBITS:

1. Conditions of Approval
2. Application and Supplemental Materials
3. Letter dated May 27, 2016 from John Hart
4. Letter dated May 24, 2016 from Edna Griffith
5. Letter dated May 24, 2016 from Shirley Mydland
6. Submitted Plans

EXHIBIT 1

DRAFT CONDITIONS OF APPROVAL
9 AUDREY COURT
FILE NOS. DR2106050 AND FAE2016004

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 to the application and plans dated by the Town of Tiburon on May 3, 2016, as amended by these conditions of approval. Any modifications to the plans of July 5, 2016 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 un-approved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.

4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge, with defense counsel subject to the Town's approval. 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. 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.

6. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.

7. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.

8. All requirements of the Marin Municipal Water District shall be met prior to issuance of a building permit.

9. All requirements of the Sanitary District No. 5 shall be met prior to issuance of a building permit.

10. 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.

11. The project shall comply with the following requirements of the California Fire Code and the Tiburon Fire Protection District (TFPD):
    a. The automatic fire sprinkler system shall be modified to properly protect the new and remodeled areas. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. (CFC 903.2) Due to the size of the structure, the system shall be designed to NFPA 13R standards. (TFPD Policy 429.7)
    b. Approved smoke and carbon monoxide alarms shall be installed to provide protection to all sleeping areas (CFC 907.2.10)

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MAY 03 2016
PLANNING DIVISION

TOWN OF TIBURON

LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

- o Conditional Use Permit
- o Precise Development Plan
- o Secondary Dwelling Unit
- o Zoning Text Amendment
- o Rezoning or Prezoning
- o General Plan Amendment
- o Temporary Use Permit
- o Design Review (DRB)
- ⊠ Design Review (Staff Level)
- o Variance(s)_____#
- ⊠ Floor Area Exception
- o Tidelands Permit
- o Sign Permit
- o Tree Permit
- o Tentative Subdivision Map
- o Final Subdivision Map
- o Parcel Map
- o Lot Line Adjustment
- o Condominium Use Permit
- o Seasonal Rental Unit Permit
- o Other_____

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 9 Audrey Court **PROPERTY SIZE:** 22,080 S.F.
PARCEL NUMBER: 058-231-07 **ZONING:** RO-2

PROPERTY OWNER: John Pfeister
MAILING ADDRESS: 9 Audrey Court, Tiburon, CA 94920

PHONE/FAX NUMBER: _____ E-MAIL: pfeister@gmail.com

APPLICANT (Other than Property Owner): Marshall Schneider (Architect) *
MAILING ADDRESS: 514 23rd Avenue, San Francisco, CA 94121

PHONE/FAX NUMBER: 415.845.5472 E-MAIL: mschneider@schneiderdesigninc.com

ARCHITECT/DESIGNER/ENGINEER Marshall Schneider (Architect)
MAILING ADDRESS: 514 23rd Avenue, San Francisco, CA 94121

PHONE/FAX NUMBER: 415.845.5472 E-MAIL: mschneider@schneiderdesigninc.com

Please indicate with an asterisk (*) persons to whom Town correspondence should be sent.

BRIEF DESCRIPTION OF PROPOSED PROJECT (*attach separate sheet if needed*):

- ADD 497 SF BASEMENT FAMILY ROOM, LAUNDRY ROOM, AND BATH INSIDE EXISTING FOOTPRINT OF HOUSE
- REMODEL "HIS BATH" INSIDE EXISITNG FOOTPRINT OF HOUSE

I, the undersigned owner (or au ized agent) of the property herein des ed, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge, with the defense counsel subject to the Town's approval. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature:* _____ Date: 5.3.16

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature:* _____ Date: 5.3.16

If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application

NOTICE TO APPLICANTS

Pursuant to California Government Code Section 65945, applicants may request to receive notice from the Town of Tiburon of any general (non-parcel-specific), proposals to adopt or amend the General Plan, Zoning Ordinance, Specific Plans, or an ordinance affecting building or grading permits.

If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438(Fax)
www.townoftiburon.org

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DO NOT WRITE BELOW THIS LINE

FAE2016-004 **DEPARTMENTAL PROCESSING INFORMATION**

Application No.: DR2016-050 **GP Designation:** **Fee Deposit:** VAR20150/0
Date Received: 5/3/16 **Received By:** LS **Receipt #:** waived.
Date Deemed Complete: 5/16/16 **By:** LO.
Acting Body: **Action:** **Date:**
Conditions of Approval or Comments:_____ **Resolution or Ordinance #** _____

MI R ALTERATION SUPPLEME

Please fill in the information requested below:

1. Briefly describe the proposed project (attach separate sheet as needed):
   - ADD 497 SF BASEMENT FAMILY ROOM, LAUNDRY ROOM, AND BATH INSIDE EXISTING FOOTPRINT OF HOUSE
   - REMODEL "HIS BATH" INSIDE EXISITNG FOOTPRINT OF HOUSE
2. Lot area in square feet (Section 16-100.020(L))*: 22,080 SQ. FT. Zoning: RO-2
3. Square footage of Landscape Area: 6,915 SQ. FT. (unchanged)
4. Proposed use of site (example: single family residential, commercial, etc.):
   Existing Single Family Residence
   Proposed Single Family Residence
5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.
   None

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	**EXISTING**	**PROPOSED ADDITION AND/OR ALTERATION**	**PROPOSED**	**CAL-CULATED**	**PER ZONE**
Setbacks from property line (Section 16-100.020(Y))* **Front**	71.0 ft.	71.0 (UNCHANGED) ft.	71.0 ft.	ft.	30 ft.
Rear	18.67 ft.	18.67 (UNCHANGED) ft.	18.67 ft.	ft.	20%-25 ft.
Right Side	11.5 ft.	11.5 (UNCHANGED) ft.	11.5 ft.	16 ft.	15 ft.
Left Side	23.83 ft.	23.83 (UNCHANGED) ft.	23.83 ft.	ft.	15 ft.
Maximum Height (Section 16-30.050)*	22.25 ft.	22.25 (UNCHANGED) ft.	22.25 ft.	ft.	30 ft.
Lot Coverage (Section 16-30.120(B))*	5,179 sq.ft.	5,179 (UNCHANGED) sq.ft	5,179 sq.ft.	sq.ft.	3312 sq.ft.
Lot Coverage as Percent of Lot Area	23.5 %	23.5 (UNCHANGED) %	23.5 %	23.6 %	15 %
Gross Floor Area (Section 16-100.020(F))*	4,442 sq.ft.	497 sq.ft.	4,939 sq.ft.	sq.ft.	4,208 sq.ft. 600

*Section numbers refer to specific provisions or definitions in the Tiburon Municipal Code, Title IV, Chapter 16 (Zoning) FAC

S:\Planning\Forms\Current Forms\Design Review Board Application for Minor Alteration 9-2012.doc

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FLOOR AREA EXCEPTION FINDINGS

9 AUDREY COURT

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A. THE APPLICANT HAS DEMONSTRATED THAT THE VISUAL SIZE AND SCALE OF THE PROPOSED STRUCTURE IS COMPATIBLE WITH THE PREDOMINANT PATTERN ESTABLISHED BY EXISTING STRUCTURES IN THE SURROUNDING NEIGHBORHOOD.

9 Audrey Court sits in a neighborhood where most every house is tucked into the hillside with a tall side facing down hill and a shorter side facing up hill. Most of the homes that are adjacent to or within two lots of 9 Audrey Court have developed the down-hill side of the home with two stories as it can be done without raising the home into the view of the uphill neighbors. Please see the attached images of the homes adjacent to and/or in the same vacinity as 9 Audrey court that have used the same development pattern. The homes that have used this development pattern are:

Down-Slope of 9 Audrey Court:

- 8 Audrey Court
- 7 Audrey Court
- 111 Lyford Drive
- 6 Acela Court

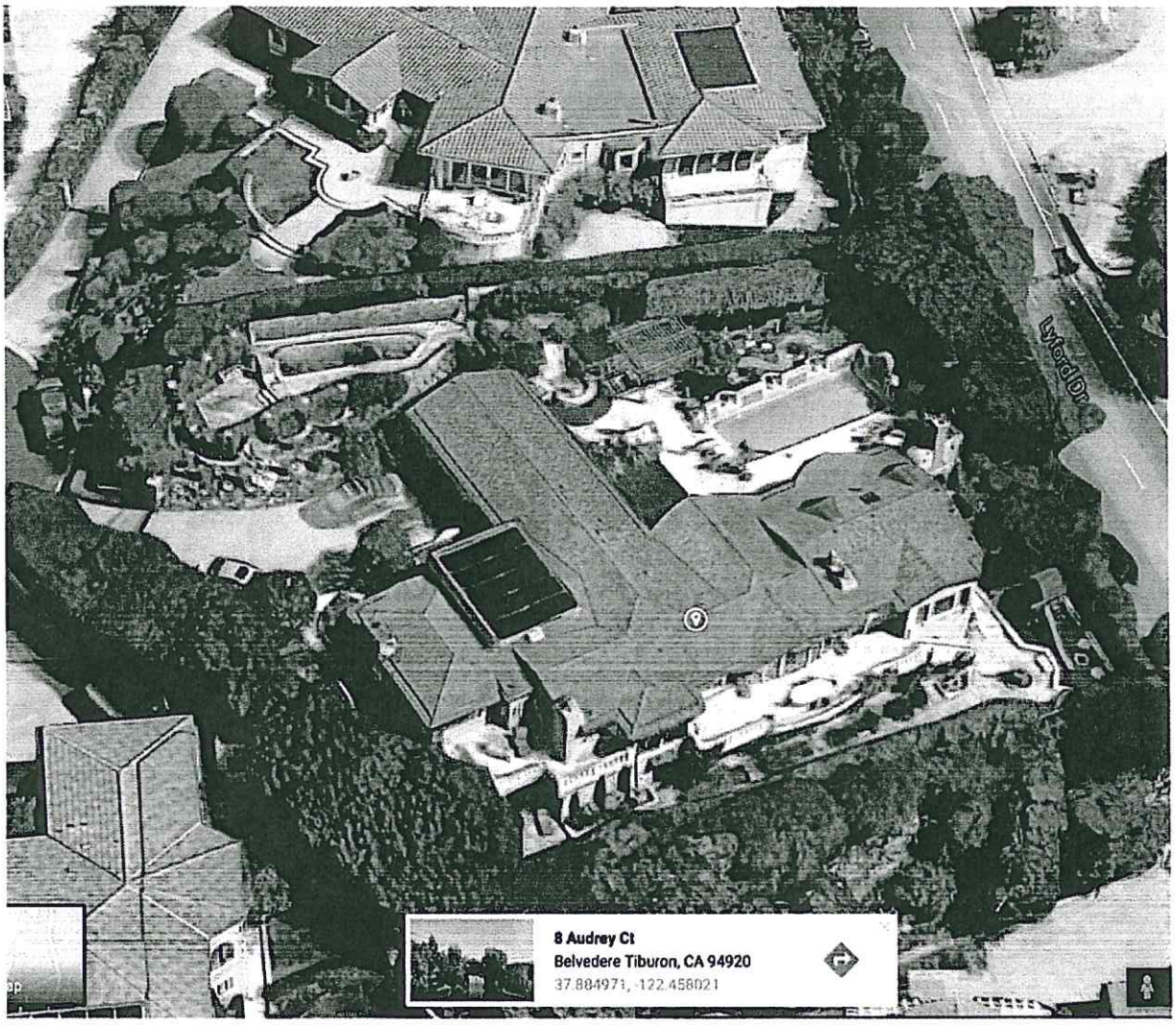
Up-Slope of 9 Audrey Court:

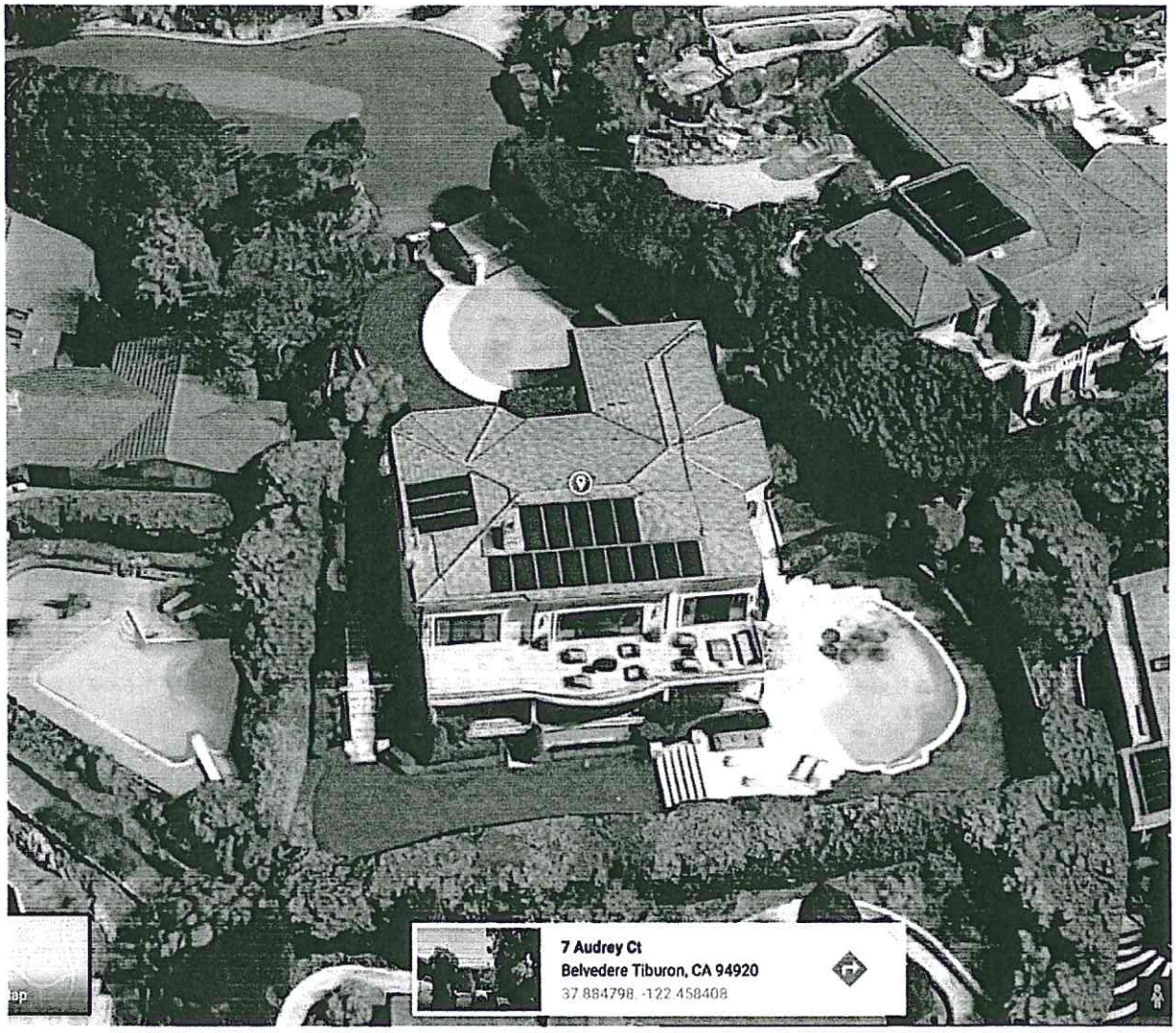
- 4 Santa Ana Court
- 5 Santa Ana Court
- 2 Bartel Court

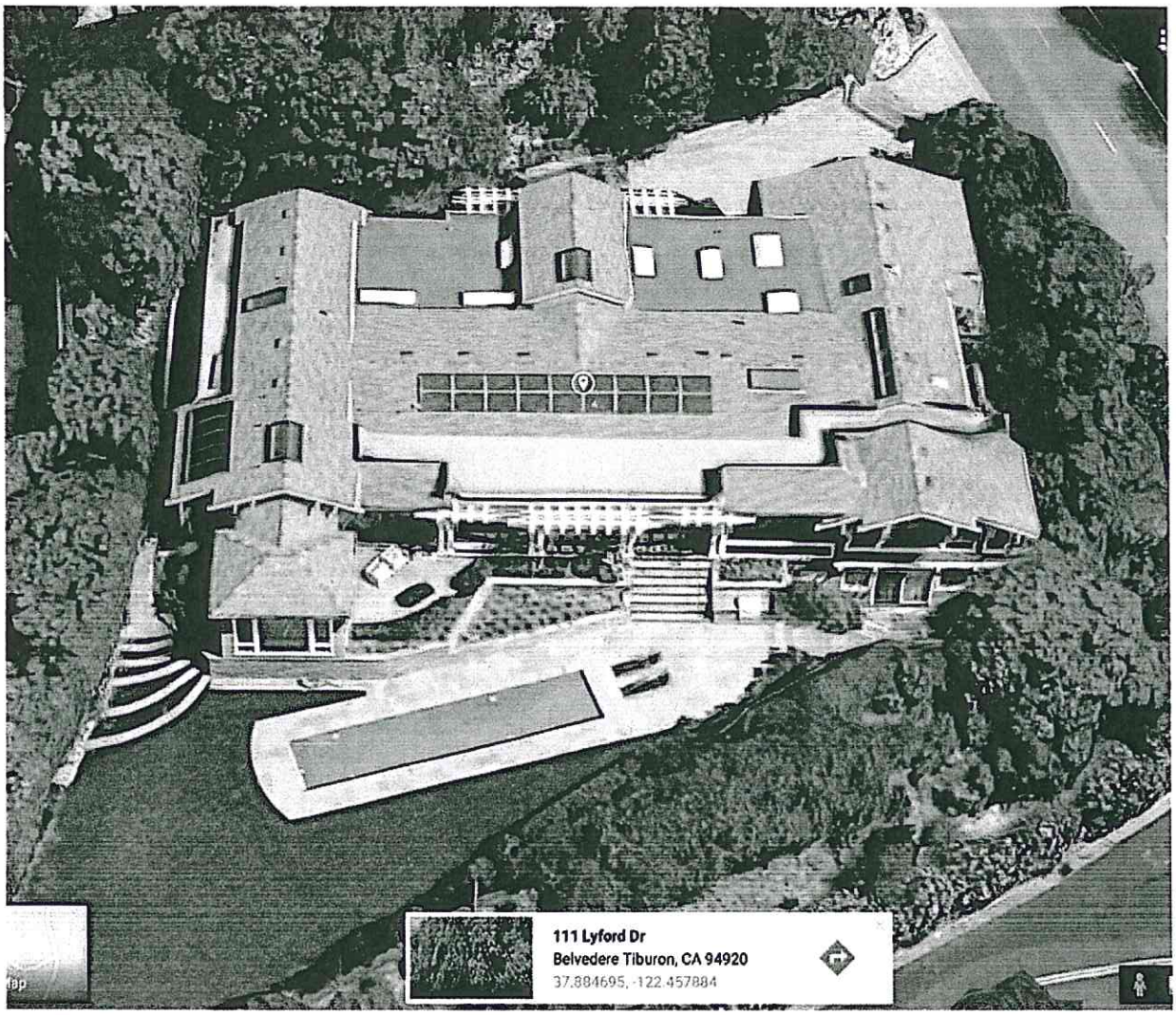
Please see the attached images of these homes showing the two-story development pattern common in the neighborhood.

B. THE APPLICANT HAS DEMONSTRATED THAT THE PROPOSED STRUCTURE IS COMPATIBLE WITH THE PHYSICAL CHARACTERISTICS OF THE SITE. THE CHARACTERISTICS INCLUDE, BUT ARE NOT LIMITED TO, SHAPE AND STEEPNESS OF THE LOT, EASE OF ACCESS AND THE PRESENCE OF NATURAL FEATURES WORTHY OF RETENTION, SUCH AS TREES, ROCK OUTCROPPINGS, STREAM COURSES AND LANDFORMS.

9 Audrey Court is a single story home. Its Southeast corner is on a portion of the lot that sits down-slope from the front of the home. This area of the home sits over a tall crawl-space currently based on the lot's natural slope. This area of the home offers the perfect oportunity to add slightly more square footage to the home without changing the home's relationship to the lot or altering any of the natural features of the lot. Because the existing home sits over a tall crawl space in this area a very minimal amount of disturbance is required to transform the crawl space into habitable area. In fact, the exterior envelope of the home does not change at all.


Lyford Dr
8 Audrey Ct
Belvedere Tiburon, CA 94920
37.884971, -122.458021


7 Audrey Ct
Belvedere Tiburon, CA 94920
37.884798 -122.458408


111 Lyford Dr
Belvedere Tiburon, CA 94920
37.884695, -122.457884


Audrey Ct
Acela Dr
6 Acela Dr
Belvedere Tiburon, CA 94920
37.884576, -122.458881

Map
4 Santa Ana Ct
Tiburon, CA 94920
37.885835, -122.458235


Santa Ana Ct
Lyford Dr
Lyford Dr
5 Santa Ana Ct
Tiburon, CA 94920
37.886079, -122.458029


2 Bartel Ct
Tiburon, CA 94920
37.886276, -122.458952

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JOHN HART
5 AUDREY COURT
TIBURON, CA 94920

TO THE ATTENTION OF PATTY PICKETT
OF THE TOWN OF TIBURON —
REGARDING — 9 AUDREY COURT —
TIBURON, CA

THE ESTATE OF JOHN HART —
BARBARA LEE HART AND THEIR SIX
CHILDREN ARE AGAINST THE EXPANSION
OF THIS HOME - THIS HOME HAS BEEN
REBUILT TWO OR THREE TIMES. I
ENCLOSE A COPY OF WHAT THE HOME
CURRENTLY LOOK LIKE. IS THIS
HOME CURRENTLY FOR SALE, OR ARE
THEY ADDING ON. I KNOW IT HASN'T
SOLD — NO ONE LIVES THERE CURRENTLY.
WE ON AUDREY COURT HAVE JUST
GONE THROUGH THREE HOMES NEEDING
NEW WINDOWS — A TOTAL FLIP AT
10 AUDREY COURT — A REMODEL
COMMING TO 2 AUDREY COURT.
ON ACELA WE HAVE THREE HOME
TOTALLY BEING REMODELED. A VACANT
HOME ON ACELA DRIVE, ALSO TWO
NEW ROOFS ON ACELA DRIVE.

JOHN HART
5 AUDREY COURT
TIBURON, CA 94920

Att Patty Pickett:

We have also experienced the noise & traffic of the two Lyford homes — 111 Lyford went through a total remodel & the change home at 116 Lyford that will be beautiful but at whose cost.

Living here 50 plus years — what our the homeowners rights —

① Our pool was filled with crap. Dirt that broke our filter.
② The trash —
③ Working on Sundays —
④ Afterhours — 10 Audrey Court
⑤ Traffic - Trucks - cars, workman.
⑥ Noise —— try sitting by your pool on a sat. with family. And a new driveway goes in & an old driveway get jack hammered out.

JOHN HART
5 AUDREY COURT
TIBURON, CA 94920

OUR NEIGHBORS AT 9 AUDREY COURT WERE A SINGLE COUPLE. NOW THEY HAVE TWO LITTLE GIRLS — THIS HOUSE IS MAXED OUT — THEY CUT OTHER PEOPLES HEDGES, AND CAUSE PROPERTY DISPUTES.

WHAT HAPPENED TO OUR LITTLE COURT ——

NO MORE CONSTRUCTION ON 9 AUDREY — HOW DO WE KNOW THEY WANT TO MAKE IT LARGER AND THEN SELL.

THE HART'S ARE HERE TO STAY!

DO THE PEOPLE WHO LIVE HERE 25; 45; OR 50 YEARS HAVE TO PUT UP WITH FOUR YEARS OF NOISE! TRAFFIC - WORKERS - ~~TOILETS~~ OUT HOUSED - WE HAD FOUR ~~OUR~~ YEARS BAD ON OUR BLOCK —— NO MORE NOISE & TRAFFIC PLEASE.

THE JOHN HART ESTATE

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MAY 24 2016
PLANNING DIVISION

May 24, 2016

To whom it may concern:

I object to the additions of the 5 additional windows of the house on the East side for it will eliminate privacy and create more noise which will be directly in the master and two bedrooms of our house.

In my opinion the existing windows give enough light and maintain character to the design of the house.

Thank you for your consideration.

E Greffeth
164 Lyford DR.
Tiburon, CA 94920

SHIRLEY H. MYDLAND
P. O. Box 43
Tiburon CA 94920
Telephone: (415) 435-3004

RECEIVED
MAY 24 2016
PLANNING DIVISION

May 24, 2016

Kyra O'Malley
Planning Department
Town of Tiburon
1505 Tiburon Boulevard
Tiburon CA 94920

RE: 9 Audrey Court – APN: 058-231-07

Dear Ms. O'Malley:

I am to writing you in response to your Notice of Site Plan & Architectural Review application for minor alteration regarding the property at 9 Audrey Court.

I object to the second item of their proposal:

"Modify windows and doors on south and east side of existing home"

The proposed addition at 9 Audrey Court includes windows that invade my privacy and are unnecessary for the project.

Specifically, the addition includes five new windows: two East facing in a bathroom that already has three South facing windows; one East facing window in a clothes closet; and one very large East facing window in a stair well that looks directly into my house.

All of these windows are intrusive and unnecessary. For example: the bathroom already has adequate light from the South; the closet needs no window; and the stairwell could be lit by artificial light or a skylight.

I request that these East facing windows be removed from the plans as the existing trees and hedging do not adequately protect my privacy and are proposed to be removed by the owners.

Thank you for your time in addressing my concerns.

Sincerely,

Shirley H. Mydland

Shirley H. Mydland

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

STAFF REPORT

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

From: **Planning Manager Watrous**

Subject: **4 Corte Las Casas; File Nos. DR2016063, VAR2016016 & FAE2016006; Site Plan and Architectural Review for the Construction of Additions to an Existing Single-Family Dwelling, with a Variance for Reduced Front Setback and a Floor Area Exception**

Reviewed By: _____

PROJECT DATA

ADDRESS:	**4 CORTE LAS CASAS**
OWNER:	**BEN AND KRISTINE DOLLARD**
APPLICANT:	**CHRISTIE TYREUS (DESIGNER)**
ASSESSOR'S PARCEL:	**038-301-14**
FILE NUMBERS:	**DR2016063/VAR2016016/FAE2016006**
LOT SIZE:	**10,346 SQUARE FEET**
ZONING:	**RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)**
GENERAL PLAN:	**M (MEDIUM HIGH DENSITY RESIDENTIAL)**
FLOOD ZONE:	**X**
DATE COMPLETE:	**JUNE 28, 2016**

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 15303.

PROJECT DESCRIPTION

The applicant is requesting Design Review approval for the construction of additions to an existing two-story single-family dwelling on property located at 4 Corte Las Casas. Three bedrooms, two bathrooms and a master bedroom closet would be added to the second floor of the house. On the first floor, a portion of the front porch would be enclosed, a breakfast nook and bay window would be eliminated and a new trellis would be added to the rear. Six new skylights would be installed.

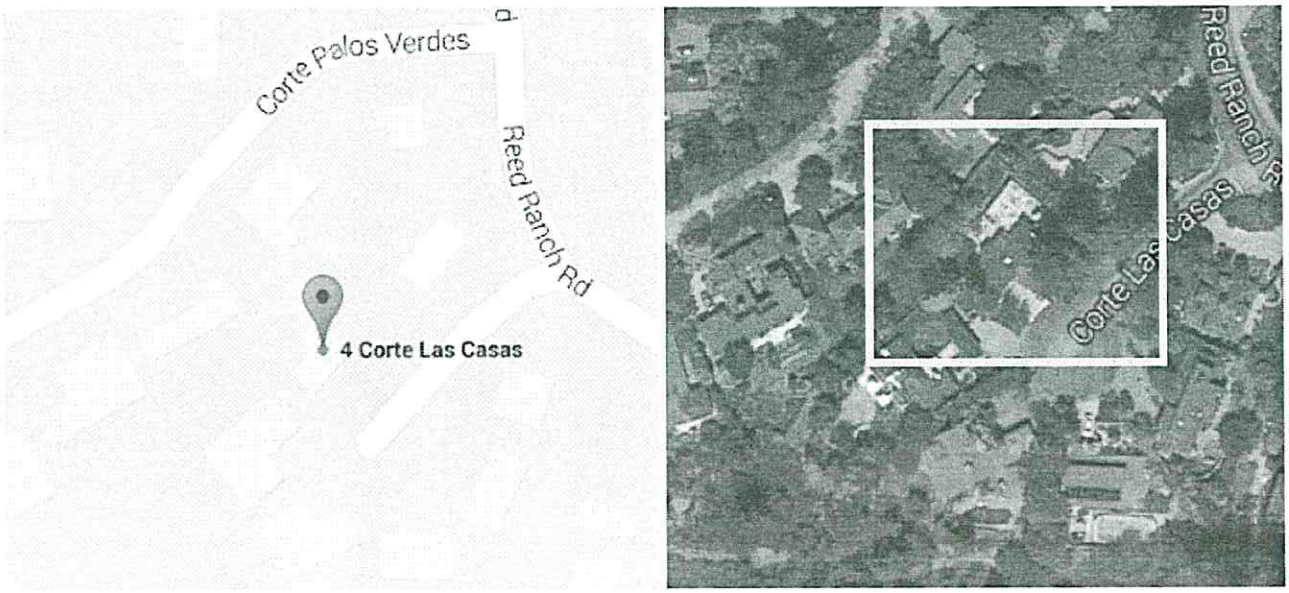
The proposal would increase the lot coverage on the site by 74 square feet to a total of 2,788 square feet (26.9%), which is greater than the 15.0 % maximum lot coverage permitted in the RO-2 zone. However, as less than 1.0% is being added to the existing lot coverage, which already exceeds the 15.0% maximum, a variance is not required for excess lot coverage

The floor area of the house would be increased by 916 square feet to a total of 3,640 square feet, which is 605 square feet greater than the 3,035 square foot floor area ratio for this site. The applicant has therefore requested a floor area exception.

A portion of one proposed second floor bedroom would extend to within 28 feet of the front property line. As a 30 foot front setback is required in the RO-2 zone, a variance is requested for reduced front setback.

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

PROJECT SETTING



The subject property is situated on a relatively level site midway up Corte Las Casas. Homes to the rear along Corte Palos Verde are situated at generally higher elevations. Mature vegetation extends along the rear and sides of the house.

ANALYSIS

Design Issues

The proposed additions would not likely create any view or privacy issues for other homes in the vicinity. Homes above the site on Corte Palos Verde sit at higher elevations and views of the addition would be screened by the dense vegetation to the rear of the house.

Most other homes along Corte Las Casas and Corte Palos Verde have two-story designs. Although some, like the existing subject residence, have smaller, partial second floors, some of the homes have much more substantial space on the second story.

Most homes in the immediate vicinity comply with the floor area ratio for their lots. Of the 16 homes along Corte Las Casas and Corte Palos Verde, only 2 homes exceed the FAR. The adjacent home at 6 Corte Las Casas has 4,729 square feet of floor area on a 12,600 square foot lot, which is 1,469 square feet over the FAR for that lot, and is the largest home on these two streets. The home at 3 Corte Palos Verde contains 3,592 square feet of floor area on a 12,312 square foot lot, which is 361 square feet above the FAR for that lot, and is currently the second largest home in the vicinity. All other homes along these two streets range in size from 2,397 to 3,367 square feet, on lots ranging from 10,346 square feet (the size of the subject property at 4 Corte Las Casas) to 25,200 square feet. The proposed additions would result in the subject house having the second largest floor area of the homes along Corte Las Casas and Corte Palos Verde on the smallest lot in the vicinity.

The existing house has three bedrooms on the first floor and a master bedroom suite upstairs. One of the existing first floor bedrooms would become part of the expanded family room, one bedroom would be converted into an office and the third bedroom is now shown as a guest room. As a practical matter, however, the additions would result in a six-bedroom house. The Design Review Board should consider the necessity of this number of bedrooms in light of the requested floor area exception.

The existing house has 7 skylights. The proposed project would add 6 more skylights, bringing the total number of skylights on this house to 13. Although the topography of the site and mature vegetation in the vicinity would likely limit the visibility of these skylights, the Design Review Board should consider whether this number of skylights is excessive.

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 setback and the floor area exception.

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 10,346 square foot size of the lot is much smaller than the 20,000 square foot minimum lot size required in the RO-2 zone, and is the smallest lot in the immediate vicinity. Portions of the existing house are situated within the required

front setback. However, the design of the portion of the second story that would extend into the required front setback is not dependent on the location of the existing house and there is adequate space on a lot of this size to support an addition which would comply with the required setbacks. Therefore staff does not believe that these physical characteristics would create special circumstances that would deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones if the minimum front setback requirement is strictly applied.

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.***

   Numerous other properties in the RO-2 and similar zones have been granted variances for reduced front setback. However, in most instances such variances are granted to align with an existing house footprint or due to topographical constraints on the location of future additions. Therefore, the requested variance would appear to be a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.

3. ***The strict application of this Zoning 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 therefore does not believe that the strict application of the minimum front setback requirement would result in practical difficulty or unnecessary physical hardship. As noted above, the existing house is developed to near its maximum floor area and over the maximum lot coverage. It would not be a practical difficulty or an unnecessary hardship to preclude the applicants from essentially adding a sixth bedroom to this dwelling.

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

   As noted above, the proposed project would not create view and other visual impacts for other homes in the vicinity.

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

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

   The proposed second story addition would be consistent with the predominant pattern of substantial two-story structures in the surrounding neighborhood.

2. ***The applicant has demonstrated that the proposed structure is compatible with the physical characteristics of the site. The characteristics include, but are not limited to, shape and steepness of the lot, ease of access, and the presence of natural features worthy of retention, such as trees, rock outcroppings, stream courses and landforms.***

   The proposed additions would result in a house design that is more vertical on the lot and less compatible with the generally level terrain of the subject property.

From the evidence provided, Staff believes that there is insufficient evidence to support the findings for the requested variance and floor area exception. It should also be noted that the Design Review Board has generally not supported floor area exceptions in connection with a house that so far exceeds the maximum lot coverage requirement.

Public Comment

As of the date of this report, no letters have been received regarding the subject application. Staff notes that the story poles were not erected 10 days prior to the meeting, which may have limited the public input on this application.

RECOMMENDATION

The Design Review 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 Board agrees with staff's conclusions, it is recommended that the application be continued to the August 18, 2016 meeting, with specific direction regarding substantial project design changes to be made. 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. Application and supplemental materials
3. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

4 CORTE LAS CASAS

FILE #DR2016063/VAR2016016/FAE2016006

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 dated by the Town of Tiburon on May 25, 2016, or as amended by these conditions of approval. Any modifications to the plans of June 15, 2016 must be reviewed and approved by the Design Review Board.

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 exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.

6. 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.

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. 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.

9. 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 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.

    b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.

    c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.

10. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.

11. The project shall comply with the requirements of the California Fire Code and the Southern Marin Fire Protection District, including, but not limited to, the following:

    a. A vertical overhead clearance of 13'6" shall be maintained free of obstructions above any roadbed (trees, brush, etc.)

    b. A fire sprinkler system shall be required for this project, including the following:

        i. If the combination of the addition, alteration or remodeling exceeds 50% of the floor area of the existing structure, the project is considered a "substantial remodel".

        ii. Fire sprinkler coverage shall be provided throughout the entire structure according to Chapter 9 of the California Fire Code.

        iii. Fire sprinkler system shall be installed according to NFPA 13D and Southern Marin Fire Standard 401.

        iv. Plans for fire sprinkler design and hydraulic calculations shall be completed by a licensed C-16 sprinkler contractor and submitted to the Southern Marin Fire District, Fire Prevention Bureau for approval prior to

installation. Fire sprinkler design and installation shall conform to the provisions of the Southern Marin Fire District Standard 401 and NFPA standard(s) 13, 13D or 13R.

c. All new exterior vents, eaves, siding and windows shall comply with CBC Chapter 7A, Ordinance 11-20.

d. Smoke and carbon monoxide detectors shall be installed in accordance with the California Building Code.

e. Noncombustible roofing is required and shall be provided as follows;

i. All new roofs shall be non-combustible.

ii. Roof repairs or replacement of less than 25% shall have no requirement. Repairs or replacement of 25% to 50% shall use Class C minimum roofing. Repairs of 50% or more shall use non-combustible roofing (Class A roof [for other than Group R Occupancies, a Class A or Class A assembly] as defined by the California Building Code).

iii. In no case shall the roofing material used be less fire resistive than the existing roof.

f. The applicant shall comply with California Fire Code and Public Resource Code 4291 requirements relating to the clearance of flammable brush and weeds. A minimum clearance of 30 feet from structures and 10 feet from roads and property lines shall be maintained.

g. This project shall comply with California Fire Code Chapter 33 – *Fire Safety During Construction and Demolition.* These requirements include but are not limited to Temporary Heating Equipment, Precautions Against Fire, Flammable and Combustible Liquids, Flammable Gases, Owners Responsibility for Fire Protection, Fire Reporting, Access for Fire Fighting, Means of Egress, Water Supply for Fire Protection, Standpipes, Automatic Fire Sprinkler Systems, Portable Fire Extinguishers, Motorized Construction Equipment, and Safeguarding Roofing Operations.

h. Fire access to the project as well as other surrounding properties shall be maintained at all times. Unapproved restrictions in roadway access shall result in citations and vehicles being towed at the owner's expense.

12. The project shall comply with all requirements of the Richardson Bay Sanitary District.

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TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

- o Conditional Use Permit
- o Precise Development Plan
- o Secondary Dwelling Unit
- o Zoning Text Amendment
- o Rezoning or Prezoning
- o General Plan Amendment
- o Temporary Use Permit
- ✓ Design Review (DRB)
- o Design Review (Staff Level)
- ✓ Variance(s) 1 #
- ✓ Floor Area Exception
- o Tidelands Permit
- o Sign Permit
- o Tree Permit
- o Tentative Subdivision Map
- o Final Subdivision Map
- o Parcel Map
- o Lot Line Adjustment
- o Condominium Use Permit
- o Seasonal Rental Unit Permit
- o Other _____

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 4 CORTE LAS CASAS **PROPERTY SIZE:** 10,346 S
PARCEL NUMBER: 038-301-14 **ZONING:** RO-2

PROPERTY OWNER: BEN and KRISTINE DOLLARD
MAILING ADDRESS: 47 MERCURY AVENUE
TIBURON CA 94920
PHONE/FAX NUMBER: 707-738-4655 E-MAIL: kristine.dollard@me.c

* **APPLICANT** (Other than Property Owner): CHRISTIE TYREUS
MAILING ADDRESS: 369 B 3rd St #196
San Rafael, CA 94901
PHONE/FAX NUMBER: 310-873-8448 E-MAIL: christie@christietyreus.cor

ARCHITECT/DESIGNER/ENGINEER DESIGNER - Same info as Applicant
MAILING ADDRESS: ↑
PHONE/FAX NUMBER: _____ E-MAIL: _____

Please indicate with an asterisk (*) persons to whom Town correspondence should be sent.

BRIEF DESCRIPTION OF PROPOSED PROJECT (*attach separate sheet if needed*):
Addition + Renovation to single family residence. Upper level addition of 3 bedrooms and 2 bathrooms. Renovation includes new pitched roof over existing family room, kitchen remodel, new windows and doors throughout, new stucco siding, and trellis in the back of house.

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge, with the defense counsel subject to the Town's approval. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature:* Kristine Dolland KDolland Date: May 17, 2016

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature:* Kristine Dolland KDolland Date: May 17, 2016

If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application

NOTICE TO APPLICANTS

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If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438(Fax)
www.townoftiburon.org

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DEPARTMENTAL PROCESSING INFORMATION

Application No.: DR2016-063/EAE2016-018 **GP Designation:** **Fee Deposit:** $1625
Date Received: 5/25/2016 VAR2016-016 **Received By:** LS **Receipt #:** R1245
Date Deemed Complete: 6/29/16 **By:** DJ
Acting Body: **Action:** **Date:**
Conditions of Approval or Comments: _____ **Resolution or Ordinance #** _____

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MAY 25 2016
PLANNING DIVISION

DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

Please fill in the information requested below (attach separate sheet as needed):

1. Briefly describe the proposed project: Addition + Renovation to single-family home. Upper level addition of 3 bedrooms and 2 bathrooms. Renovation includes new pitched roof over existing family room, kitchen renovation, new windows and doors throughout, new siding and exterior trellis in back.

2. Lot area in square feet (Section 16-100.020(L)): 10,346 SF

3. Square footage of Landscape Area: No change

4. Proposed use of site (example: single family residential, commercial, etc.):
   Existing Single family res
   Proposed SAME

5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.
   NONE

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	**EXISTING**	**PROPOSED ADDITION AND/OR ALTERATION**	**PROPOSED**	**CAL-CULATED**	**PER ZONE** RD-7
Yards (Setbacks from property line)((Section 16-100.020(Y)* **Front**	28' ft.	28' ft.	28' ft.	ft.	30 ft. F
Rear	20'-9" ft.	20'-9" ft.	20'-9" ft.	ft.	20.25 ft.
Right Side	15' ft.	15' ft.	15' ft.	ft.	15 ft.
Left Side	15' ft.	15' ft.	15' ft.	ft.	15 ft.
Maximum Height (Section 16-30.050)*	24'-5" ft.	22'-6" ft.	~~25~~ ft.	ft.	30 ft.
Lot Coverage (Section 16-30.120(B))*	2714 sq.ft.	~~2788~~ 74 sq.ft	2788 sq.ft.	sq.ft.	1552 sq.ft.
Lot Coverage as Percent of Lot Area	26.2 %	1 %	27 %	26.9 %	15 % less than 16
Gross Floor Area (Section 16-100.020(F))*	2734 sq.ft.	906 916 sq.ft.	3640 sq.ft.	3040 527 sq.ft.	3035 600 sq.ft.

*Section numbers refer to specific provisions or definitions in the Tiburon Municipal Code Chapter 16 (Zoning)

2724

ADDING-948

527 ft = garage FA

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PLANNING DIVISION

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division (415)-435-7390
www.ci.tiburon.ca.us

APPLICATION FOR VARIANCE

A Variance is a form of regulatory relief available when a strict or literal application of zoning development standards would result in practical difficulties or unnecessary physical hardships for an applicant. These difficulties and/or hardships must be caused by physical conditions on, or in the immediate vicinity of, a site. Please refer to Section 16.52.030 of Chapter 16 (Zoning) of the Tiburon Municipal Code for additional information regarding Variances.

WHAT VARIANCE(S) ARE YOU REQUESTING?

Condition	Zoning Requirement	Existing Condition	This Application Proposes	Magnitude Of Variance Requested
Front Setback	30'		28'	2'
Rear Setback				
Left Side Setback				
Right Side Setback				
Lot Coverage				
Height				
Parcel Area Per Dwelling Unit				
Usable Open Space				
Parking				
Expansion of Nonconformity				

Other (Please describe): _____

_____

_____

tyreus design studio
369 - B Third St. #196
San Rafael, CA 94901
t 415-841-2724

June 04, 2016

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JUN 07 2016
PLANNING DIVISION

Tiburon Planning Department
1505 Tiburon Blvd.
Tiburon, CA 94920

Attn: Kyra O'Malley

Re:4 Corte Las Casas, Variance Application

Required Findings:

A. Describe what special circumstances apply to the property so that strict application of the zoning regulations denies the property owner privileges enjoyed by other owners in the vicinity.

The property at 4 Corte Las Casas has the second smallest lot size when compared to lots on the same street, the adjacent street (Corte Palos Verde) and significantly smaller than the lots nearby on Reed Ranch Road and Via Capistrano. This creates a unique set of restrictions not imposed equally on the surrounding neighbors. The smaller lot makes it much more difficult to add a reasonable amount of square footage and still conform to setbacks, including the 30' front yard setback, which was originally a 25' yard front setback.

B. That granting the variance would not result in a special privilege that is inconsistent with limitations on other properties in the vicinity and in the same zone.

Because of the small lot size, allowing the second floor addition to be located within the existing building footprint, which encroaches 2' into the front yard setback, is proportionally consistent with surrounding properties that have larger lots. The proposed addition conforms to the side and rear yard setbacks, parking requirements, and height limit established for this parcel and is sited within the footprint so as to create a minimum impact on the neighbors.

C. How the strict application of the zoning regulations would result in practical difficulty or unnecessary hardship.

With a smaller than average lot size, it is more difficult for the property owners to meet the significant setbacks in this zone, while trying to build within the existing footprint to minimize lot coverage, impervious surface, and visual impact.

D. That granting the variance will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

The proposed architectural style of the addition and renovation is modest in scale in comparison to many of the adjacent properties, and is in harmony with the existing development pattern, density, and architectural style of the neighborhood, resulting in appropriate development.

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

STAFF REPORT

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

From: **Planning Manager Watrous**

Subject: **480 Irving Court; File Nos. DR2016066, VAR2016017 & VAR2016018; Site Plan and Architectural Review for the Construction of Additions to an Existing Single-Family Dwelling, with Variances for Reduced Side Setback and Excess Lot Coverage**

Reviewed By: _____

PROJECT DATA

ADDRESS:	**480 IRVING COURT**
OWNER:	**JUNZHE MIAO**
APPLICANT:	**XIAOJIE LUO (ARCHITECT)**
ASSESSOR'S PARCEL:	**034-251-15**
FILE NUMBERS:	**DR2016066/VAR2016017/VAR2016018**
LOT SIZE:	**8,272 SQUARE FEET**
ZONING:	**R-1 (SINGLE-FAMILY RESIDENTIAL)**
GENERAL PLAN:	**MH (MEDIUM HIGH DENSITY RESIDENTIAL)**
FLOOD ZONE:	**X**
DATE COMPLETE:	**JUNE 28, 2016**

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 15303.

PROJECT DESCRIPTION

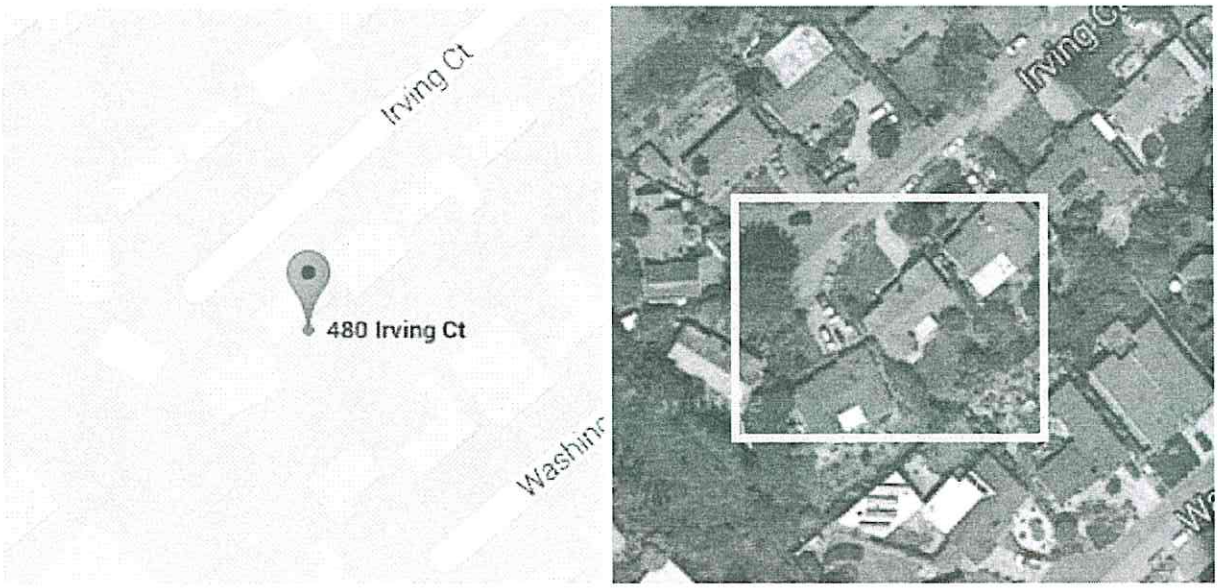
The applicant is requesting Design Review approval for the construction of additions to an existing one-story, single-family dwelling on property located at 480 Irving Court. The project would expand the house to the front and rear. The project would add a master bedroom suite, one bathroom, a dining room, entry and den, and would expand the great room. A solarium at the rear of the house would be removed. The roofline would be reconfigured, with the maximum height increasing from 13 feet to 17 feet, 6 inches. Three new skylights would be installed.

The floor area of the house would be increased by 1,361 square feet to a total of 2,563 square feet, which is 264 square feet less than the 2,872 square foot floor area ratio for this site. The proposal would increase the lot coverage on the site by 1,281 square feet to a total of 2,985 square feet (36.1%), which is greater than the 30.0 % maximum lot coverage permitted in the R-1 zone. As a result, a variance is requested for excess lot coverage.

The proposed addition would extend to within 7 feet, 8 inches of the right (west) side property line. As an 8 foot side setback is required in the R-1 zone, a variance is required for reduced side setback.

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The house would be finished with light brown wood siding with dark brown and off-white trim. The roof would utilize dark brown shingles.

PROJECT SETTING



The subject property is situated on a relatively level site on the lower side of Irving Court, toward the end of a cul-de-sac. The site is situated above homes at lower elevations on Washington Court.

ANALYSIS

Design Issues

The existing house is bordered by existing mature vegetation to the sides and rear of the site. A solid wood fence and screening vegetation extends along the right (west) side property line, which would help screen the addition along that side of the home from view from the adjacent home at 476 Irving Court.

The raised portions of the roofline would be most visible from the homes across the street, which are situated at higher elevations than the subject house. The residences at 477 & 481 Irving Court both have views across the rooftop. The story poles indicate that the roofline would extend into views of the hillside above Tiburon Boulevard from the home at 477 Irving Court. The modified roofline would be more visible in the center of the view of the residence at 481 Irving Court, but this view is currently screened by trees on homes on Washington Court beyond. As a result, the roofline would not appear to project into any protected views from these nearby homes.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-1 zone, with the exception of the requested variances for reduced side 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.***

   The 8,272 square foot size of the lot is smaller than the 10,000 square foot minimum lot size required in the R-1 zone, but is similar in size to many of the lots in the surrounding Belveron West subdivision. The existing house is situated closer to the side property line, with a side setback of only 4 feet, 2 inches at the narrowest point. These physical characteristics would create special circumstances that would deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones if the side setback and maximum lot coverage requirements are strictly applied.

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.***

   Numerous other properties in the R-1 and similar zones have been granted variances for reduced side setback and excess lot coverage, particularly to support additions that maintain a one-story house design. Therefore, the requested variances would not be a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.

3. ***The strict application of this Zoning 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.

The strict application of the side setback and maximum lot coverage requirements would result in practical difficulty or unnecessary physical hardship, as additions to the existing house would otherwise require construction of a second story, which would result in substantial view or privacy issues for other homes in the vicinity, or would require an unnecessary increased setback for a very small portion of the proposed addition.

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

   As noted above, the proposed project would not create substantial view and other visual impacts for other homes in the vicinity.

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

Public Comment

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

RECOMMENDATION

The Design Review 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 Board agrees with staff's conclusions, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

480 IRVING COURT

FILE #DR2016066/VAR2016017/VAR2016018

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 dated by the Town of Tiburon on June 6, 2016, or as amended by these conditions of approval. Any modifications to the plans of June 6, 2016 must be reviewed and approved by the Design Review Board.

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 exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.

6. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.

7. 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. 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.

10. 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 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.

    b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.

    c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.

11. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.

12. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:

    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. The vegetation on this parcel shall comply with the requirements of TFPD and the recommendations of Fire Safe Marin. CFC 304.1.2

    c. Approved carbon monoxide and smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10

13. The project shall comply with all requirements of the Richardson Bay Sanitary District.

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TOWN OF TIBURON

LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

o Conditional Use Permit	✓ Design Review (DRB)	o Tentative Subdivision Map
o Precise Development Plan	o Design Review (Staff Level)	o Final Subdivision Map
o Secondary Dwelling Unit	✓ Variance(s) 2 #	o Parcel Map
o Zoning Text Amendment	o Floor Area Exception	o Lot Line Adjustment
o Rezoning or Prezoning	o Tidelands Permit	o Condominium Use Permit
o General Plan Amendment	o Sign Permit	o Seasonal Rental Unit Permit
o Temporary Use Permit	o Tree Permit	o Other _____

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 480 Irving Ct, Tiburon, CA **PROPERTY SIZE:** 1202 sqft
PARCEL NUMBER: 034-251-15 **ZONING:** R-1

PROPERTY OWNER: Junzhe Miao *
MAILING ADDRESS: 60 Rollingwood Dr, San Rafael, CA 94901

PHONE/FAX NUMBER: 415-497-1878 E-MAIL: miaojunzhe@gmail.com

APPLICANT (Other than Property Owner): _____
MAILING ADDRESS: _____

PHONE/FAX NUMBER: _____ E-MAIL: _____

ARCHITECT/DESIGNER/ENGINEER Xiaojie Luo
MAILING ADDRESS: 746 Posada Way, Fremont, CA 94536

PHONE/FAX NUMBER: 510-7904930 E-MAIL: el.architects@yahoo.com

Please indicate with an asterisk (*) persons to whom Town correspondence should be sent.

BRIEF DESCRIPTION OF PROPOSED PROJECT (***attach separate sheet if needed):***
We are remodeling the house by adding 1361 square feet on the backyard to accommodate more family members. This is a single-story home with maximum elevation of 17'-6" on a leveled land. There is no change on the side/front setbacks.We are going to keep all external wall structures and most roofs. The southern external walls will become inner walls. The only structure we will demolish is the solarium, which doesn't have foundation or studs.

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge, with the defense counsel subject to the Town's approval. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature:* _____ Date: 6/5/2016

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Signature:* _____ Date: 6/5/2016

If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application

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Community Development Department
Planning Division
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Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438(Fax)
www.townoftiburon.org

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PLANNING DIVISION

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DEPARTMENTAL PROCESSING INFORMATION

Application No.: DR2016-0606/VAR2016-017/018 **GP Designation:** **Fee Deposit:** $2,225
Date Received: 6/6/2016 **Received By:** LS **Receipt #:** R1309
Date Deemed Complete: 6/23/16 **By:** DW
Acting Body: **Action:** **Date:**
Conditions of Approval or Comments: _____ **Resolution or Ordinance #** _____

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PLANNING DIVISION

DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

Please fill in the information requested below (attach separate sheet as needed):

1. Briefly describe the proposed project:
   We are remodeling the house by adding 1361 square feet on the backyard to accommodate more family members. This is a single-story home with maximum elevation of 17'-6" on a leveled land. There is no change on the side/front setbacks.We are going to keep all external wall structures and most roofs. The southern external walls will become inner walls. The only structure we will demolish is the solarium, which doesn't have foundation or studs.

2. Lot area in square feet (Section 16-100.020(L)): 8272 sq ft.

3. Square footage of Landscape Area: 4790 sq ft.

4. Proposed use of site (example: single family residential, commercial, etc.):
   Existing Single family residential
   Proposed Single family residential

5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.
   None

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	**EXISTING**	**PROPOSED ADDITION AND/OR ALTERATION**	**PROPOSED**	**CAL-CULATED**	**PER ZONE**
Setbacks from property line (Section 16-100.020(Y))* **Front**	18.98 ft.	0 ft.	18.98 ft.	ft.	ft.
Rear	52.98 ft.	-27.78 ft.	25.2 ft.	ft.	ft.
Right Side	7.72 ft.	0 ft.	7.72 ft.	7'8" ft.	8' ft.
Left Side	8.32 ft.	0 ft.	8.32 ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	13 ft.	4.5 ft.	17.5 ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B))*	1704 sq.ft.	1281 sq.ft	2985 sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	20.6 %	15.5 %	36.1 %	36.1 %	30.0 %
Gross Floor Area (Section 16-100.020(F))*	1202 sq.ft.	1361 sq.ft.	2563 sq.ft.	sq.ft.	sq.ft.

*Section numbers refer to specific provisions or definitions in the Tiburon Municipal Code Chapter 16 (Zoning)

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JUN 06 2016
PLANNING DIVISION

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division (415)-435-7390
www.ci.tiburon.ca.us

APPLICATION FOR VARIANCE

A Variance is a form of regulatory relief available when a strict or literal application of zoning development standards would result in practical difficulties or unnecessary physical hardships for an applicant. These difficulties and/or hardships must be caused by physical conditions on, or in the immediate vicinity of, a site. Please refer to Section 16.52.030 of Chapter 16 (Zoning) of the Tiburon Municipal Code for additional information regarding Variances.

WHAT VARIANCE(S) ARE YOU REQUESTING?

Condition	Zoning Requirement	Existing Condition	This Application Proposes	Magnitude Of Variance Requested
Front Setback				
Rear Setback				
Left Side Setback				
Right Side Setback	8 ft	7.72 ft	7.72ft	
Lot Coverage	30%	20.9%	36.1%	
Height				
Parcel Area Per Dwelling Unit				
Usable Open Space				
Parking				
Expansion of Nonconformity				

Other (Please describe): _____

_____

_____

Application for Variance

RECEIVED
JUN 06 2016
PLANNING COMMISSION

Dear Sir/Madam,

I am writing to apply for two building variances.

1. We are proposing a home of 2563 sq ft, with a total 36.1% lot coverage, which exceeds the 30% lot coverage standard.

   We want a big home that can accommodate 7-8 people. We currently have a kid and plan to have more. And we plan to invite my parents and my wife's parents to stay with us. Our tradition is that old parents live with their child so that the child can take care of them.

   We prefer one story home. Two-story home will satisfy the standard but it is not inconsistent with our neighbors, which are al one story home. And it is not convenience for our parents to climb the stairs.

   The new home should not be detrimental to the public welfare or injurious to other property in the vicinity. There are similar size one-story homes in the vicinity already – 493 Washington Ct (2856 sq ft) and 488 Washington Ct (2405 sq ft).

2. We are keeping a right side setback of 7.72' which is a little smaller than standard 8' side setback.

   The current right side setback is 7.72'. We are not going to make it smaller. We want to extend in the rear direction. As you will see in the site plan, when we extend along the current right wall, the setback is growing up to 10'-6".

Thanks a lot for your time and consideration.

Sincerely,

Junzhe Miao

6/5/2016