



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

Regular Meeting
Design Review Board
September 15, 2016
7:00 p.m.

AGENDA
TIBURON DESIGN REVIEW BOARD

CALL TO ORDER AND ROLL CALL

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

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)

PUBLIC HEARINGS & NEW BUSINESS

1. 8 APOLLO ROAD

File Nos. DR2016080 & VAR2016021; Cedric Barringer, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for excess lot coverage. The floor area and the lot coverage of the house would be increased by 755 square feet for a lot coverage of 35.7%, which is greater than the 30.0% maximum lot coverage allowed in the R-1 zone. Assessor's Parcel No. 038-301-14. [DW]

Documents:

[8 APOLLO ROAD.PDF](#)

2. 488 WASHINGTON COURT

File No. DR2016069/VAR2016019; Matthew Mesa, Owner; Site Plan and Architectural Review for construction of a fence for an existing single-family dwelling, with a Variance for excess fence height. A new fence in the rear

property would be 8 feet tall, in lieu of the maximum fence height of 6 feet.
Assessor's Parcel No. 034-251-29. [KO]

Documents:

[488 WASHINGTON COURT.PDF](#)

3. 12 VENUS COURT

File No. DR2016086/VAR2016023; Sarah Bowen, Owner; Site Plan and Architectural Review for construction of a fence for an existing single-family dwelling, with a Variance for excess fence height. A new fence in the rear property would be up to 9 feet tall, in lieu of the maximum fence height of 6 feet.
Assessor's Parcel No. 034-281-12. [KO]

Documents:

[12 VENUS COURT.PDF](#)

ACTION ITEMS

4. 173 STEWART DRIVE

File No. DR2016036; Afie Royo, Owner; Adoption of a resolution denying Site Plan and Architectural Review for construction of a new single-family dwelling.
Assessor's Parcel No. 055-101-21. [DW]

Documents:

[173 STEWART DRIVE.PDF](#)

5. MINUTES

Consider adoption of minutes of meeting of September 1, 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.

Pursuant to state law, copies of all late mail shall be available in a timely fashion for public inspection at Tiburon Town Hall, 1505 Tiburon Boulevard, Tiburon.



STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 8 Apollo Road; File Nos. DR2016080/VAR2016021; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling, with a Variance for Excess Lot Coverage (Continued from August 18, 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 8 Apollo Road. As more than 50% of the existing structure would be demolished as part of this application, the project has been deemed to be construction of a new single-family dwelling.

The application was first considered at the August 18, 2016 Design Review Board meeting. At that meeting, several neighboring property owners expressed concerns regarding the height of the rear portion of the house and potential view and light issues from higher portions of proposed windows. The Boardmembers shared these concerns and felt that the height of the rear portion of the house, including the ceiling and window heights, were excessive and would create massing, privacy and light issues for neighbors. The Board also noted that the subject property is situated at a higher elevation than some neighbors, making the building volume and windows more visible above fence lines. The Board continued the application to the September 15, 2016 meeting.

Revised plans have now been submitted for this project, which include the following changes to the project design:

- The height of the rear portion of the house has been lowered. The previous roofline sloped and had a height of 14 feet, 10 inches on the side and 16 feet toward the center of the lot. The new roof would be flat and have a height of 13 feet, 10 inches.

- The rear portion of the house has been pulled back further from the west side property line, while this wing would be 10 inches wider than the previous design. The windows on the rear of this wing have been lowered 6 inches.
- The east side of the house has been pulled forward approximately 5 feet toward the front.
- One additional skylight is proposed, bringing the total number of skylights to 4.

The floor area of the proposed house would be 2,125 square feet, 50 square feet greater than before. The garage has been reduced in size by 21 square feet to 375 square feet. The proposed house would cover now 2,500 square feet (35.7%) of the site, 29 square feet greater than before and in excess of the 30.0% maximum lot coverage permitted in the R-1 zone. A variance is still therefore requested for excess lot coverage.

ANALYSIS

Design Issues

The changes to the project design are somewhat responsive to the concerns raised by the neighboring residents and the Design Review Board. Although the rear portion of the house has been lowered and pulled back from the side property line, the reductions are insubstantial. The height of the house viewable from the property at 6 Apollo Road would be reduced by only one foot. Similarly, when viewed from the home at 13 Juno Road the house would be slightly shorter and the tallest portions of the rear-facing windows would still be visible above the fence line.

The Design Review Board is encouraged to view the story poles from the homes at 6 Apollo Road and 13 Juno Road and determine whether the revised project design would sufficiently address the massing, privacy and light issues for neighbors.

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 variance for excess lot coverage. As noted in the previous staff report, staff believes that there is sufficient evidence to support the findings for the requested variance.

Public Comment

As of the date of this report, no letters have been received regarding the subject application since the August 18, 2016 meeting.

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 project be continued with more specific direction given to the applicant to address the previously raised concerns. 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. Design Review Board staff report dated August 18, 2016
3. Minutes of the August 18, 2016 Design Review Board meeting
4. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

8 APOLLO ROAD

FILE #DR2016080/VAR2016021

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 20, 2016, or as amended by these conditions of approval. Any modifications to the plans of September 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. 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. A drainage plan shall be provided prior to issuance of building permits, showing existing and new drainage features and their location of dispersal. No lot-to-lot drainage is allowed except where easements for drainage are provided. No drainage shall discharge across sidewalks.
13. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD, including, but not limited to, the following:
 - a. A High Pressure Water Service application shall be completed.
 - b. A copy of the building permit for this project shall be submitted.

- c. Appropriate fees and charges shall be paid.
 - d. The structure's foundation shall be completed within 120 days of the application.
 - e. The project shall comply with all indoor and outdoor requirements of District Code Title 13 (Water Conservation). Plans shall be submitted and reviewed to confirm compliance. The following items are required:
 - 1. Verification of indoor fixtures compliance.
 - 2. Landscape plan.
 - 3. Irrigation plan.
 - 4. Grading plan.
 - f. Compliance with the backflow prevention requirements, if, upon the District's review backflow protection is warranted, including installation, testing and maintenance.
 - g. Compliance with District requirements for installation of gray water recycling systems.
14. 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 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 and the recommendations of Fire Safe Marin. CFC 304.1.2
 - d. The photovoltaic solar system shall comply with TFPD Policy 423.5, Alternate Power Supplies.
15. The project shall comply with all requirements of the Richardson Bay Sanitary District.
16. A construction staging plan shall be approved by the Building Official prior to issuance of a building permit for this project.
17. The existing shed to the rear of the house shall be removed as part of this project.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
August 18, 2016
Agenda Item: **3**

STAFF REPORT

To: Members of the Design Review Board
From: Planning Manager Watrous
Subject: 8 Apollo Road; File Nos. DR2016080/VAR2016021; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling, with a Variance for Excess Lot Coverage
Reviewed By: _____

PROJECT DATA

ADDRESS: 8 APOLLO ROAD
OWNER: CEDRIC BARRINGER
APPLICANT: DAVUD ARMOUR ARCHITECTURE
ASSESSOR'S PARCEL: 034-271-04
FILE NUMBERS: DR2016080/VAR2016021
LOT SIZE: 6,995 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: MH (MEDIUM HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: JULY 13, 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 8 Apollo Road. As more than 50% of the existing structure would be demolished as part of this application, the project has been deemed to be construction of a new single-family dwelling.

The existing house would be expanded to the front and rear. The new floor plan would include a master bedroom suite, three additional bedrooms and two more bathrooms, a living room, dining

room, kitchen and laundry room, along with a one-car garage. The roof would be changed from a flat roof to flat roof for the front portion of the building, with a raised, slightly sloped roof on the rear. Three skylights would be installed. A 6 foot tall wood fence would connect between the house and existing fencing along the side property lines. An existing cedar tree in the front would be removed and replaced with new trees and landscaping.

The floor area of the proposed house would be 2,075 square feet, with 396 square feet of garage space, which is 373 square feet less than the floor area ratio for a lot of this size. The proposed house would cover 2,471 square feet (35.3%) of the site, which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. A variance is therefore requested for excess lot coverage.

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 grey colored stucco and brown wood and aluminum trim. The flat roof would have a light grey finish.

PROJECT SETTING



The subject property is situated in the interior portion of the Belveron East neighborhood. The lot is generally flat, but is situated at an elevation slightly above the properties to the rear along Juno Road.

ANALYSIS

Design Issues

The front portion of the proposed home would be lower than the maximum height of the existing house, while the rear would be somewhat taller. The existing house has a pitched roof with a ridgeline height of 14 feet, 6 inches. The front portion of the house would have a flat roof with a height of 11 feet, 10 inches. The raised portion of the roof above the living room, dining room

and kitchen would be slightly sloped, with a height of 14 feet, 10 inches on the side and 16 feet toward the center.

The taller portion of the proposed house would be visible from the rear yard of the home at 13 Juno Road. The story poles indicate that much of this additional building height, including the upper living room windows, would be visually prominent when viewed from the neighboring back yard. Although the existing property line fence and landscaping along the shared property line would limit privacy impacts from the living room, the raised elevation of the subject property, combined with the taller building height and flat plane of the rear of the house, would make this structure appear more massive from this neighboring property. The Design Review Board is encouraged to view the story poles from the home at 13 Juno Road.

The contemporary building design of the proposed house is inconsistent with the architecture of the original homes in the Belveron East neighborhood and most of the remodeled homes in this subdivision. However, there have been other homes in the vicinity that have been remodeled in the recent past with similar updated designs. The Design Review Board should determine whether the proposed house design would be compatible with the prevailing architectural character of the surrounding neighborhood.

There is a small storage shed to the rear of the existing house that has not been calculated into the lot coverage of this property. To comply with the noticed variance for excess lot coverage, this shed shall be removed as part of the construction of the proposed house.

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 variance for excess lot coverage.

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 subject property is substantially smaller than the 10,000 square foot minimum lot size required in the R-1 zone and is located in the interior of the Belveron East subdivision where two-story homes have been discouraged. These characteristics are special circumstances applicable to this property whereby the strict application of the maximum lot coverage requirement would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity.

- 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 or similar zones have received variances for excess lot coverage, particularly in areas where a two-story home would be discouraged.

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 maximum lot coverage requirement for this property would force the proposed house to add an upper story of living area which would be incompatible with the character of this portion of the surrounding neighborhood, and therefore would create a practical difficulty for the applicant.

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 or privacy 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 variance.

Public Comment

As of the date of this report, one letter has been received regarding the subject application from the owners of 13 Juno Road.

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. Letter from Felicia Wolford and Charles Cathey, dated August 7, 2016
4. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

Boardmember Tollini said that he also had not changed his opinion and agreed with Boardmember Chong. He noted that this is a substandard lot and felt that the findings for the exception could be easily made because the size and structure was compatible with the pattern of the neighborhood and with the site. He noted that there is no requirement that a request for exception must comply with the lot coverage maximum. He said that this would fit the pattern of two-story homes in the area. He said that nothing about the site suggests that this would be overbuilt and he noted that the changes would reduce the lot coverage. He felt that this proposal would turn the house into a more functional family house and that the bedrooms would be modestly shaped.

Chair Kricensky said that he was in between the two opposing opinions. He felt that it was important to be consistent with the idea that when a lot is over both lot coverage and floor area it is overbuilt. However, he thought that the design works and the revisions helped a great deal.

Boardmember Tollini asked what the other Boardmembers would prefer to see, noting that reducing the size of the second story would limit it to only a master suite and one bedroom.

Boardmember Cousins said the Board needs to draw a line somewhere and there is a reason for the floor area ratio. Boardmember Tollini respectfully disagreed with staff's findings regarding the exception and saw no inconsistency with the proposed structure on the lot. Boardmember Cousins stated that the house would completely fill the lot and be out of scale. Vice Chair Emberson stated that the other lots in the neighborhood feel more spacious. Boardmember Tollini stated that the question was whether the findings can be made, and he believed that the Board can make the findings.

Boardmember Chong said that there is a difficulty for a family with children in bedrooms on a different floor from the master suite and he did not believe that is a good design. Vice Chair Emberson stated that having children or how a family is raised is not relevant to the decisions that should be made regarding an exception and although she liked the design she felt that it would be overbuilt.

Chair Kricensky said that he believed that the argument about how the bedrooms work was a valid point. He said that this project would be only 320 square feet over the FAR and the lot is much smaller than the surrounding properties and the minimum lot size. He believed that it was possible to make the findings for the exception.

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| ACTION: It was M/S (Tollini/Chong) that the request for 4 Corte Las Casas is exempt from the California Environmental Quality Act and to approve the request, subject to the attached conditions of approval. Vote: 3-2 (Emberson and Cousins opposed). |
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E. NEW BUSINESS

3. **8 APOLLO ROAD:** File Nos. DR2016080 & VAR2016021; Cedric Barringer, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for excess lot coverage. The floor area and the lot coverage of the house would be increased by 726 square feet for a lot coverage of 35.3%,

which is greater than the 30.0% maximum lot coverage allowed in the R-1 zone. Assessor's Parcel No. 038-301-14.

The applicant is requesting Design Review approval for the construction of additions to an existing one-story single-family dwelling on property located at 8 Apollo Road. As more than 50% of the existing structure would be demolished as part of this application, the project has been deemed to be construction of a new single-family dwelling.

The existing house would be expanded to the front and rear. The new floor plan would include a master bedroom suite, three additional bedrooms and two more bathrooms, a living room, dining room, kitchen and laundry room, along with a one-car garage. The roof would be changed from a flat roof to flat roof for the front portion of the building, with a raised, slightly sloped roof on the rear. Three skylights would be installed. A 6 foot tall wood fence would connect between the house and existing fencing along the side property lines. An existing cedar tree in the front would be removed and replaced with new trees and landscaping.

The floor area of the proposed house would be 2,075 square feet, with 396 square feet of garage space, which is 373 square feet less than the floor area ratio for a lot of this size. The proposed house would cover 2,471 square feet (35.3%) of the site, which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. A variance is therefore requested for excess lot coverage.

Cedric Barringer, owner and architect, described the project and said that they proposed to add garage and floor area to extend the house to the north and south. He said that the house would be a contemporary design and that the neighborhood is a mixture of contemporary updated houses so he believed this would fit into the neighborhood. He stated that he spoke with neighbors and addressed some of the items they raised. He stated that there are several homes in the neighborhood that are over 20 feet tall and he therefore did not believe that the 16 foot height was excessive, particularly since only a portion would be at this height and it would be set back from the street. He acknowledged that the ceilings would be high, but he felt that that is necessary since it is a single story structure. He noted that the bedroom windows would go up to the eaves and he intended to install shades on them. He displayed some small changes he was willing to make after discussions with neighbors, including reducing the plate height on the left side to 12 feet, reducing the other plate height to 13.6 feet, and reducing the depth of the eave to 3 feet.

Boardmember Tollini said that the existing house looks like it is built into the setback on the southwest. Mr. Barringer said that the existing house extends into the setback by about 2 feet and the new design includes a stepped design in that area to stay out of the setback.

The public hearing was opened.

Pezh Beykpour said that their primary concern was the great room and the impact of its height. He said that they met with the owner and he agreed to reduce the height by 2 feet, though tonight he said 18 inches. He said that they would like to see new story poles prior to any approval.

Andrew Wisner said that they have similar concerns. He appreciated the applicant discussing the plans and they want to be supportive, but when the story poles went up they felt that this was very vertical and there would be a lot of glass. He appreciated wanting to keep the contemporary style, but they had talked about lowering the height by 2 feet. He stated that most houses in the neighborhood have a gable roof and do not have a 10 foot plate height. He said that the flat roof design would extend the height to the edges of the building. He felt that with a 10 foot plate height there should not also be a pop-up flat roof.

Mr. Barringer said that they had talked about lowering the structure by 2 feet but when he sketched it out it ended up less and he did not intend to be misleading.

The public hearing was closed.

Vice Chair Emberson said she loves the design and believed it would be a great addition to the neighborhood. However, she felt that it would be too large and she noted that shades on the windows are not permanent. She stated that the plate heights were huge and would feel intrusive with the flat roof. She said that the windows would go up to the 11 foot roof height and be visible over the fence. She said that could not support the application.

Boardmember Tollini also complemented the applicant for being proactive with the neighbors, but he believed that the comments of the neighbors were fair. He said that his main concerns were the height of the back volume and the height of the glazing throughout the house. He said that there is a difference in comparing roof heights to a maximum height across a flat roof to a maximum height along a ridge line. He felt that the design would have too much height and volume for the immediate neighbors. He believed that some compromises were in order and that seeing new story poles made sense. He acknowledged that pulling the house out of the setback helps. He thought that the design was very attractive and noted that there are homes on Juno Road with a flat roof, but reducing the roof height and the glazing would make the house fit better with the neighborhood.

Boardmember Chong agreed with Boardmember Tollini. He said that this was a gorgeous design but he had the same concerns as the other Boardmembers. He said that the volume was too present when viewed from 6 Apollo Road and the height was an issue. He suggested some significant changes to reduce the height and perhaps move it further away from the property line to allow room for more mature plantings.

Boardmember Cousins said that increasing the whole house height to 15 feet and bringing it to the setback line would result in a massive increase in building volume. He said that other existing houses typically have a plate height of 8 feet and the other house with a flat roof at 12 Apollo Road still looks pretty tall. He did not believe that a 14 foot height would work with a flat roof because the scale would be too large for this area. He added that the house would have a huge impact on the homes along Juno Road that are set 3 feet below in elevation. He said that he liked the design and materials.

Chair Kricensky agreed with the other Boardmembers. He felt that the height, windows, and flat roof would be too much. He said that it is not appropriate to simply compare the height of a flat

roof to that of a roof ridgeline. He said that the house would place the whole mass of the building, with windows, against the setback line. He stated that fences and landscaping usually cover views of windows and light pollution, but when the windows are pushed that high they create light pollution and perceived intrusion of privacy. He said that the pop-up would be too intrusive on the neighbors.

Vice Chair Emberson noted that an 18 inch height reduction would not be enough. The other Boardmembers agreed. Boardmember Tollini suggested that there might be more tolerance for height in the middle of the site.

ACTION: It was M/S (Chong/Emberson) to continue the request for 8 Apollo Road to the September 15, 2016 meeting. Vote: 5-0.

4. **143 GILMARTIN DRIVE:** File Nos. DR2016081 & FAE2016008; Lynn Pieper and David Lewis, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Floor Area Exception. The project would add to both floors of a two-story home. The floor area of the house would be increased by 1,467 square feet to a total of 6,040 square feet, which is 322 square feet greater than the floor area ratio for this site. Assessor's Parcel No. 039-290-35.

The applicant is requesting design review approval for construction of additions to an existing single-family dwelling, with a floor area exception, on property located at 143 Gilmartin Drive. The property is currently developed with a 4,544 square foot two level, single-family dwelling with an attached 629 square foot two-car garage.

As part of an interior remodel and additions to the existing home, the proposal would add a 437 square foot addition to the main level, which would include an expansion to the kitchen, add a breakfast nook, family room, powder room, mud room, guest room, a bathroom and expand the garage to a three-car garage. A 988 square foot addition on the second level would include three bathrooms, two bedrooms, exercise room, office/au pair room, and laundry room. Other proposed improvements would include modified windows and doors on all sides of the existing home, one (1) new skylight on the roof above the hallway, three new roof decks, a 42 square foot cabana with bathroom and storage, pool, spa, trellises, BBQ island, outdoor shower, new landscaping, and stucco walls with a variety of heights.

The floor area of the property would be increased by 1,467 square feet to a total of 6,040 square feet, which is 322 square feet greater than the 5,718 square foot floor area ratio for this site. The application has therefore requested a floor area exception. The proposed additions would be within the established building envelope, and the precise plan does not include any lot coverage requirements.

David Lewis, owner, said they moved to Tiburon two years ago and designed the plans to minimize the impact to the neighbors.

Ted Bonneau, architect, showed an aerial view of the property and noted the general character of the neighborhood consists of large lots with large single-family homes and generous amounts of



STAFF REPORT

To: Members of the Design Review Board
From: Community Development Department
Subject: 488 Washington Court; File Nos. DR2016069 and VAR2016019;
Site Plan and Architectural Review Application for Construction of a
Fence for an Existing Single-Family Dwelling, with a Variance for Excess
Fence Height

PROJECT DATA

ADDRESS: 488 WASHINGTON COURT
ASSESSOR'S PARCEL: 034-251-29
FILE NUMBERS: DR2016069 AND VAR2016019
OWNER: MATT MESA
APPLICANT: CLOUGH CONSTRUCTION
LOT SIZE: 7,526 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: MH (MEDIUM-HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: AUGUST 19, 2016

PROJECT DESCRIPTION

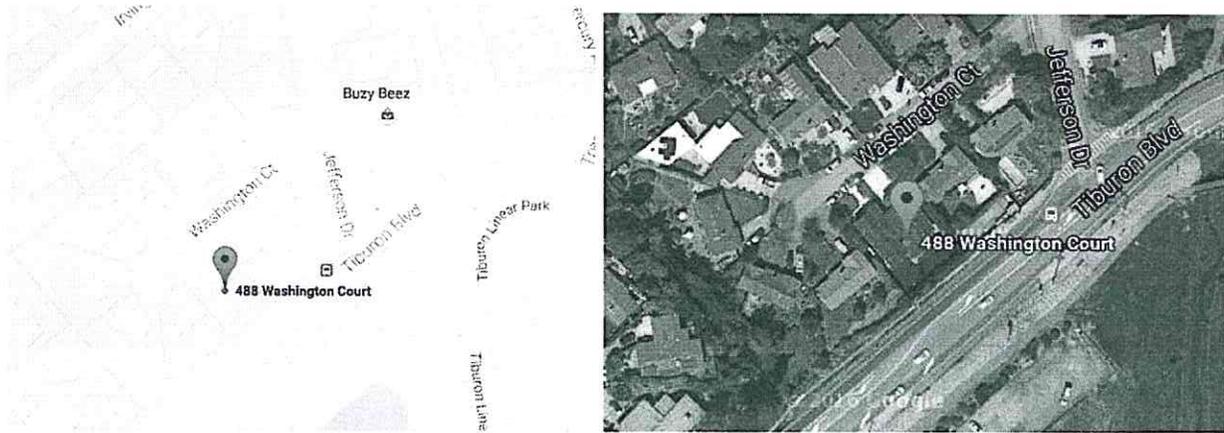
The applicant is requesting design review approval for construction of a fence for an existing single-family dwelling, with a variance for excess fence height, on property located at 488 Washington Court in the Belveron West neighborhood. The property is currently developed with a single-family dwelling.

The proposed redwood fence would be located near the rear property line towards Tiburon Boulevard and would have a maximum height of eight feet (8'). The existing 5 foot tall wooden fence would be raised to the proposed height of 8 feet. The existing vegetation along the rear of the property would remain on the inside of the fence. An existing second wooden fence is located on the outside of the existing 5 foot tall fence and it is unclear if that fence would remain or be removed from the property.

The proposed eight foot fence would connect to the remaining perimeter six foot (6') fence along the other property lines with the exception of the proposed 8 foot tall fence would extend a small portion on the east side property line instead of the 6 foot tall wooden fence.

The maximum permitted fence height within a required setback in any zone is six feet (6'). The applicant is therefore requesting a variance for excess fence height, in order to construct an eight foot fence near the rear property line and a small portion on the east side property line.

PROJECT SETTING



The subject site is located west of the intersection of Jefferson Drive and Tiburon Boulevard and towards the end of the cul-de-sac on Washington Court. The property abuts Tiburon Boulevard. The rear property is situated at the same elevation as Tiburon Boulevard, but the house and deck would appear to be built up from the boulevard.

ANALYSIS

Design Issues

The rear of the house and property are visible above the existing fence line from vehicles and pedestrians traveling along Tiburon Boulevard, which creates a privacy and noise issue for the residents. While the existing vegetation creates a privacy buffer between the residence and the public street for the backyard area, a taller fence would create an additional buffer and lessen the noise impact from the boulevard. In addition, other residences along Juno Road and other locations on Tiburon Boulevard have eight feet tall fences on the rear property due to the close proximity to this busy roadway.

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 previously noted variance for excess fence height.

Variance Findings

In order to grant the requested variance for excess fence height, the Board must make all of the following findings required by Section 16-52.030(E) of the Tiburon Zoning Ordinance.

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will**

deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or substantially the same zone.

The strict application of the six foot maximum fence height in the rear of the site would deprive the applicant of the privilege of maintaining lower noise impact due to the property being adjacent to a busy public street.

- 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.**

This particular request would not constitute a grant of special circumstances, as there have been similar requests for excess fence height due to noise and privacy issues along Trestle Glen Boulevard and Tiburon Boulevard that have been granted by the Board.

- 3. The strict application of this Ordinance would result in practice difficulty or unnecessary physical hardship. Self-created hardships may not be considered amount 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 this ordinance would result in practical difficulty for the property, as a six foot high fence would not provide an adequate noise barrier for the rear property from the public street.

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

Granting of the variance would not appear to be detrimental or injurious to the public or other properties, as the proposed fence is located adjacent to a public street, and would also not create a nuisance for the adjacent neighbors.

There would appear to be sufficient evidence to support the findings for the variance requested.

PUBLIC COMMENT

As of the date of this report, no public comments 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

Staff recommends that the Design Review Board:

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) [Guiding Principles], Section 16-52.030 (E) Variance, 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 wishes to approve the project and can make the findings necessary to approve the requested variance, it is recommended that the attached conditions of approval be applied.

Attachments:

1. Conditions of Approval
2. Application and Supplemental Materials
3. Submitted Plan

ATTACHMENT 1

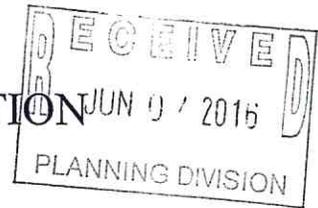
**CONDITIONS OF APPROVAL
488 WASHINGTON COURT
FILE NOS. DR2016069 AND VAR2016019**

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 June 7, 2016, as amended by these conditions of approval. Any modifications to the plans dated September 1, 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 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. 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 plans set(s) submitted for the building permits.
6. 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.
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. All new fencing and footings shall be located entirely on the subject property (APN: 034-251-29)



TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION



TYPE OF APPLICATION

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

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 488 Washington Court PROPERTY SIZE: 7,526 sq. ft.
PARCEL NUMBER: 034-251-29 ZONING: R-1

PROPERTY OWNER: Matt Mesa
MAILING ADDRESS: 488 Washington Court Tiburon, CA 94920

PHONE/FAX NUMBER: 415-310-8584 E-MAIL: MMesa@jefferies.com

*APPLICANT (Other than Property Owner): Clough Construction
MAILING ADDRESS: 4220 Redwood Hwy San Rafael, CA 94903

PHONE/FAX NUMBER: 415-444-5554 E-MAIL: Scott@cloughconstruction.com
Blake@cloughconstruction.com

ARCHITECT/DESIGNER/ENGINEER Clough Construction
MAILING ADDRESS: 4220 Redwood Hwy San Rafael, CA 94903

PHONE/FAX NUMBER: 415-444-5554 E-MAIL: Scott@CloughConstruction.com

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 11'x6' Side Fence to Connect the Two existing Fences Same
Style as existing fence.
Extend existing 8'x6' Back fence to 8' tall Same Style as
the existing fence

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:* [Signature] Date: 6-7-16

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:* [Signature] Date: 6-7-16

**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*

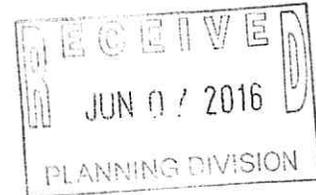
NOTICE TO APPLICANTS

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



DO NOT WRITE BELOW THIS LINE

| | | |
|---|------------------------|---------------------------------|
| DEPARTMENTAL PROCESSING INFORMATION | | |
| Application No.: <u>VAR2016-019/ DR-2016-0691</u> | GP Designation: | Fee Deposit: <u>\$935</u> |
| Date Received: <u>6/7/16</u> | Received By: <u>LS</u> | Receipt #: <u>R1329</u> |
| Date Deemed Complete: <u>8/19/16</u> | Action: | By: <u>[Signature]</u> |
| Acting Body: | | Date: |
| Conditions of Approval or Comments: _____ | | Resolution or Ordinance # _____ |

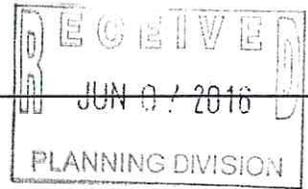
DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

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

1. Briefly describe the proposed project: Build New 11x6' Side Fence to connect the two existing fences same style as existing fence
Extend existing 85'x6' Back-portion of Side fence to 8' tall same style as existing fence.

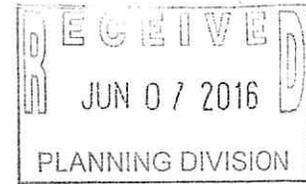
2. Lot area in square feet (Section 16-100.020(L)): 7,526 sq. ft.
3. Square footage of Landscape Area: _____
4. Proposed use of site (example: single family residential, commercial, etc.):
 Existing SFD
 Proposed SFD

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 | ft. | ft. | ft. | ft. | ft. |
| Rear | ft. | ft. | ft. | ft. | ft. |
| Right Side | ft. | ft. | ft. | ft. | ft. |
| Left Side | ft. | ft. | ft. | ft. | ft. |
| Maximum Height (Section 16-30.050)* | ft. | ft. | ft. | ft. | ft. |
| Lot Coverage (Section 16-30.120(B))* | sq.ft. | sq.ft. | sq.ft. | sq.ft. | sq.ft. |
| Lot Coverage as Percent of Lot Area | % | % | % | % | % |
| Gross Floor Area (Section 16-100.020(F))* | sq.ft. | sq.ft. | sq.ft. | sq.ft. | sq.ft. |

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



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

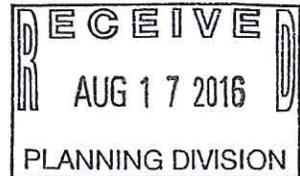
APPLICATION FOR VARIANCE

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?

| <u>Condition</u> | <u>Zoning Requirement</u> | <u>Existing Condition</u> | <u>This Application Proposes</u> | <u>Magnitude Of Variance Requested</u> |
|-------------------------------|---------------------------|---------------------------|----------------------------------|--|
| Front Setback | _____ | _____ | _____ | _____ |
| Rear Setback | _____ | _____ | _____ | _____ |
| Left Side Setback | _____ | _____ | _____ | _____ |
| Right Side Setback | _____ | _____ | _____ | _____ |
| Lot Coverage | _____ | _____ | _____ | _____ |
| Height | 6' | 6' | 8' | add 2' |
| Parcel Area Per Dwelling Unit | _____ | _____ | _____ | _____ |
| Usable Open Space | _____ | _____ | _____ | _____ |
| Parking | _____ | _____ | _____ | _____ |
| Expansion of Nonconformity | _____ | _____ | _____ | _____ |

Other (Please describe): Raise existing back fence from 6' in height to 8' in height
The property is on Tiburon Blvd. near Trestle Glen. Vehicle head lights
into the home. Others have raised their fences in this area



Response To The Town of Tiburon

APN 034-251-29
Address: 488 Washington Court
Applicant: Clough Construction Tel.: 415-444-5554
Owner: Matt Mesa
Application #: DR2016069 & VAR2016019
Date: August 17, 2016

Dear Sirs,

Please find the written statement addressing the reasons to approve the requested variance for a change in existing fence height as shown on the submitted drawings.

The residence is located with the rear yard back fence on Tiburon Blvd. across from Blackies Pasture where there is constant vehicle traffic noise and vehicle lights shinning over the current fence at night. We cordially request this variance for a current 5' tall fence to be elevated to 7' in height along the Southern and a portion of the Eastern property lines to help alleviate this problem. This height change should not affect any of the residents of the Town of Tiburon.

Sincerely,

Scott Clough

Clough Construction

Decks & Fences that Transform Your Home



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
September 15, 2016
Agenda Item: **3**

STAFF REPORT

To: Members of the Design Review Board

From: Community Development Department

Subject: 12 Venus Court; File Nos. DR2016086 and VAR2016023;
Site Plan and Architectural Review Application for Construction of a
Fence for an Existing Single-Family Dwelling, with a Variance for Excess
Fence Height

PROJECT DATA

ADDRESS: 12 VENUS COURT
ASSESSOR'S PARCEL: 034-281-12
FILE NUMBERS: DR2016086 AND VAR2016023
OWNER: SARAH BOWEN
APPLICANT: CLOUGH CONSTRUCTION
LOT SIZE: 16,533 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: MH (MEDIUM-HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: AUGUST 19, 2016

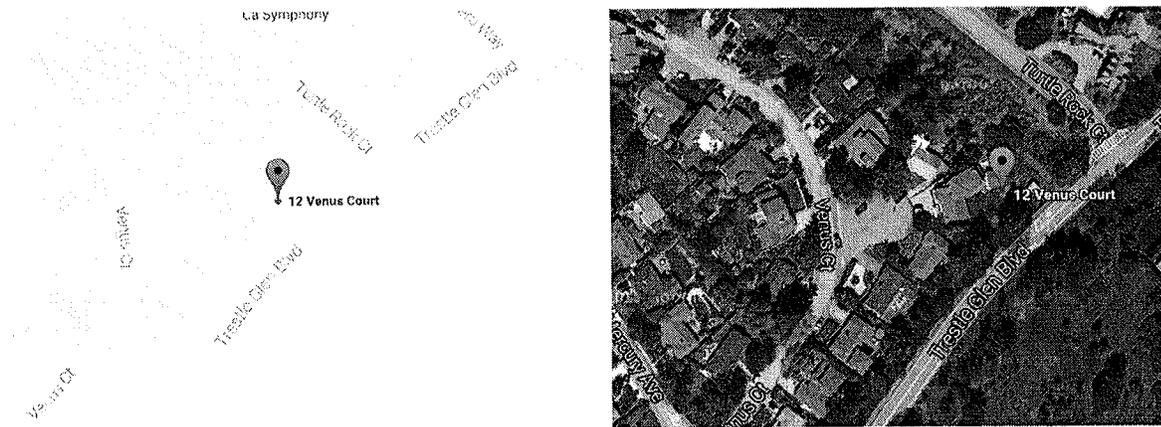
PROJECT DESCRIPTION

The applicant is requesting design review approval for construction of a fence for an existing single-family dwelling, with a variance for excess fence height, on property located at 12 Venus Court in the Belveron East neighborhood. The property is currently developed with a single-family dwelling.

The proposed fencing would be located along the property lines around the perimeter of the property and would vary in height from 5 feet to 9 feet tall. The proposed fencing towards Trestle Glen Boulevard would have a maximum height of nine feet (9') and would be a solid redwood material. The proposed nine foot fence would connect to the remaining perimeter five to six foot tall fence along the other property lines. The majority of the fencing would be utilize solid materials with the exception on the north property line, where an open wood and wire fence would be located. The majority of the existing fencing would be removed.

The maximum permitted fence height within a required setback in any zone is six feet (6'). The applicant is therefore requesting a variance for excess fence height, in order to construct a nine foot fence near the rear property line towards Trestle Glen Boulevard.

PROJECT SETTING



The subject site is located at the end of the cul-de-sac on Venus Court, near the intersection at Turtle Rock Court and Trestle Glen Boulevard. The property abuts Trestle Glen Boulevard. The property is situated at a lower elevation than Trestle Glen Boulevard.

ANALYSIS

Design Issues

The majority of the rear of the house and rear property are visible from vehicles and pedestrians traveling along Trestle Glen Boulevard, which creates a privacy and noise issue for the residents. Other residences along Trestle Glen Boulevard have eight feet tall fences on the rear property due to the close proximity to the busy streets. However, the fences for these other homes have been situated well below the elevation of Trestle Glen Boulevard. The proposed fence would be located much closer to the roadway elevation and substantially uphill from the house location.

Story poles have been installed for the proposed overheight fencing. When viewed from Trestle Glen Boulevard, the height of the fence would block views extending well above the roofline of the house on the site. It appears that a much shorter fence along this portion of the property line, possibly only six feet in height, would be adequate to screen views of the windows and outdoor areas around the home from Trestle Glen Boulevard.

The proposed fence along the rear property towards Trestle Glen Boulevard would be on the property line, which is towards the uphill portion of the property. The fence could be seen from other homes on Venus Court. The materials of the fence would be consistent with the other fences along Trestle Glen Boulevard, but would be taller in height and at a taller elevation. The fence would be 9 feet tall instead of the 8 feet tall fences or the standard 6 feet tall fences in this neighborhood.

The Design Review Board is encouraged to view the story poles from Trestle Glen Boulevard and from the adjacent properties to determine if the proposed height would be necessary to lessen the privacy and noise impacts on the subject property.

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 previously noted variance for excess fence height.

Variance Findings

In order to grant the requested variance for excess fence height, the Board must make all of the following findings required by Section 16-52.030(E) of the Tiburon Zoning Ordinance.

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or substantially the same zone.**

The strict application of the six foot maximum fence height in the rear of the site would not appear to deprive the applicant of the privilege of maintaining privacy and reducing noise impacts due to the property being adjacent to the busy street, as the line of sight between the roadway and the living areas of the home could be adequately screened by a six foot tall fence.

- 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.**

This particular request would not constitute a grant of special circumstances, as there have been similar requests for excess fence height due to noise and privacy issues along Trestle Glen Boulevard and Tiburon Boulevard that have been granted by the Board. However, the majority of the requests have been for 8 foot tall fences, not for 9 feet tall fencing at a higher elevation above the homes.

- 3. The strict application of this Ordinance would result in practice difficulty or unnecessary physical hardship. Self-created hardships may not be considered amount 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 this ordinance would not result in practical difficulty for the property, as a six foot high fence would appear to provide an adequate privacy and noise barrier for the property from the busy street.

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

Granting of the variance would not appear to be detrimental or injurious to the public or other properties, as the proposed fence is located adjacent to a public street, and would

also not create a nuisance for the adjacent neighbors. However, the extent of the 9 foot tall fence would be visible from portions of Venus Court

There would appear to be insufficient evidence to support the findings for the variance requested.

PUBLIC COMMENT

As of the date of this report, no public comments 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

Staff recommends that the Design Review Board:

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) [Guiding Principles], Section 16-52.030 (E) Variance, 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 project be continued with specific direction given to the applicant to reduce the proposed fence height to a more appropriate level. If the Board wishes to approve the project and can make the findings necessary to approve the requested variance, it is recommended that the attached conditions of approval be applied.

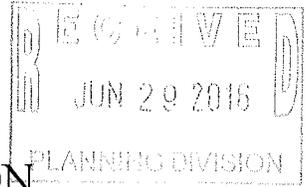
Attachments: 1. Conditions of Approval
 2. Application and Supplemental Materials
 3. Submitted Plan

ATTACHMENT 1

**CONDITIONS OF APPROVAL
12 VENUS COURT
FILE NOS. DR2016086 AND VAR2016023**

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 June 29, 2016, as amended by these conditions of approval. Any modifications to the plans dated September 1, 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 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. 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 plans set(s) submitted for the building permits.
6. 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.
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. All new fencing and footings shall be located entirely on the subject property (APN: 034-281-12)



**TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION**

TYPE OF APPLICATION

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

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 12 Venus Court PROPERTY SIZE: 16,533 sq ft
PARCEL NUMBER: 034-281-12 ZONING: R-1

PROPERTY OWNER: Sarah Bowen
MAILING ADDRESS: 12 Venus Court Tiburon, CA 94920

PHONE/FAX NUMBER: 408-613-3211 E-MAIL: jsambowen@mac.com

APPLICANT (Other than Property Owner): JAMES S. Clough - Clough Construction
MAILING ADDRESS: 4220 Redwood Hwy. San Rafael, CA 94903

PHONE/FAX NUMBER: 415-444-5554 E-MAIL: Scott@cloughconstruction.com

ARCHITECT/DESIGNER/ENGINEER Clough Construction
MAILING ADDRESS: 4220 Redwood Hwy. San Rafael, CA 94903

PHONE/FAX NUMBER: 415-444-5554 E-MAIL: Scott@cloughconstruction.com

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

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):
Remove and replace 55'x6' North Side Wood fence to match existing fence
Build new 76'x6' East Side Deer fence - Wood frame, wire mesh
Build new 106'x9' South East fence wood to match existing wood fence
Build new 55'x6' South Side Wood fence - Gate

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: 6-29-2016

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: * _____

Date: 6-29-2016

**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

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:

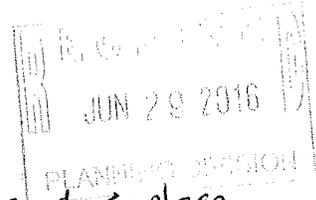
Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438(Fax)
www.townoftiburon.org

DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION

| | | | | |
|-------------------------------------|-----------------------------|-----------------|---------------------------|-----------------------|
| Application No.: | DR 2016 0826 / MAR 2016 023 | GP Designation: | Fee Deposit: | \$10935 ⁰⁰ |
| Date Received: | 6/29/16 | Received By: | Receipt #: | R1474 |
| Date Deemed Complete: | 8/19/16 | Action: | By: | LO |
| Acting Body: | | | Date: | |
| Conditions of Approval or Comments: | | | Resolution or Ordinance # | |

MINOR ALTERATION SUPPLEMENT



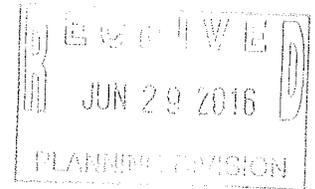
Please fill in the information requested below:

1. Briefly describe the proposed project (attach separate sheet as needed): Remove and replace existing North Side Fence 55'x6' wood to match existing North Side Fence. Build New 76'x6' East Side Deer Fence. Build New 156'x9' South East Wood Fence. Build New 55'x6' South Side Wood Fence.
2. Lot area in square feet (Section 16-100.020(L))*: 16,533 sq. ft. Zoning: R-1
3. Square footage of Landscape Area: _____
4. Proposed use of site (example: single family residential, commercial, etc.):
 Existing SFD
 Proposed SFD No Change
5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.
No change

| TO BE COMPLETED BY APPLICANT | | | | STAFF USE ONLY | |
|--|----------|-------------------------------------|----------|----------------|----------|
| ITEM | EXISTING | PROPOSED ADDITION AND/OR ALTERATION | PROPOSED | CALCULATED | PER ZONE |
| Setbacks from property line (Section 16-100.020(Y))* Front | ft. | ft. | ft. | ft. | ft. |
| Rear | ft. | ft. | ft. | ft. | ft. |
| Right Side | ft. | ft. | ft. | ft. | ft. |
| Left Side | ft. | ft. | ft. | ft. | ft. |
| Maximum Height (Section 16-30.050)* | ft. | ft. | ft. | ft. | ft. |
| Lot Coverage (Section 16-30.120(B))* | sq.ft. | sq.ft. | sq.ft. | sq.ft. | sq.ft. |
| Lot Coverage as Percent of Lot Area | % | % | % | % | % |
| Gross Floor Area (Section 16-100.020(F))* | sq.ft. | sq.ft. | sq.ft. | sq.ft. | sq.ft. |

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

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



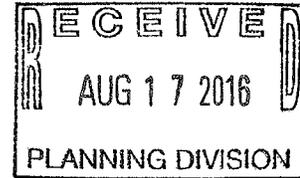
COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Division (415)-435-7390
www.ci.tiburon.ca.us

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?

| <u>Condition</u> | <u>Zoning Requirement</u> | <u>Existing Condition</u> | <u>This Application Proposes</u> | <u>Magnitude Of Variance Requested</u> |
|-------------------------------|---|---------------------------|----------------------------------|--|
| Front Setback | _____ | _____ | _____ | _____ |
| Rear Setback | _____ | _____ | _____ | _____ |
| Left Side Setback | _____ | _____ | _____ | _____ |
| Right Side Setback | _____ | _____ | _____ | _____ |
| Lot Coverage | _____ | _____ | _____ | _____ |
| Height | 6' | 0' | 9' | 3' |
| Parcel Area Per Dwelling Unit | _____ | _____ | _____ | _____ |
| Usable Open Space | _____ | _____ | _____ | _____ |
| Parking | _____ | _____ | _____ | _____ |
| Expansion of Nonconformity | _____ | _____ | _____ | _____ |
| Other (Please describe): | Build NEW 106'x9' Wood fence For Privacy from neighbor's view. No impact on neighbor's views. | | | |



Response To The Town of Tiburon

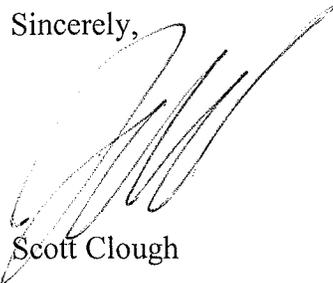
APN 024-281-12
Address: 12 Venus Court
Applicant: Clough Construction Tel.: 415-444-5554
Owner: Sarah Bowen
Application #: DR2016086 & VAR2016023
Date: August 7, 2016

Dear Sirs,

Please find the written statement addressing the reasons to approve the requested variance for a change in existing fence height as shown on the submitted drawings.

The residence is located with the rear yard property line located on Trestle Glen Blvd. where there is constant vehicle traffic noise and many people walking along the road. There is also a current problem with people throwing trash onto the owner's property and people cutting down a path through the owner's property to access the houses in the neighborhood below. We cordially request this variance for a new wood fence to be constructed from 7' to 9' in height along the South Eastern property lines on Trestle Glen Blvd. to help alleviate this problem. This new fence will be constructed down the current slope of the residence hillside and the top of the fence will not be much higher than the street level on Trestle Glen Blvd. and should not affect any of the residents of the Town of Tiburon.

Sincerely,



Scott Clough

Clough Construction

Decks & Fences that Transform Your Home



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
September 15, 2016
Agenda Item: **4**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 173 Stewart Drive; File No. DR2016036; Consider Adoption of a Resolution Denying a Site Plan and Architectural Review Application for Construction of a New Single-Family Dwelling; Afie Royo, Owner; Assessor Parcel Number: 055-101-21

Reviewed By: _____

BACKGROUND

Following a public hearing and discussion at its September 1, 2016 regular meeting, the Design Review Board directed to staff to prepare a draft resolution denying a Site Plan and Architectural Review application for construction of a new single-family dwelling on property located at 173 Stewart Drive. The resolution was to be considered for adoption at the next regular meeting.

The draft resolution is attached as **Exhibit 1**. Draft minutes of the September 1, 2016 meeting are also included in the Design Review Board packet.

RECOMMENDATION

Staff recommends that the Board adopt the draft resolution denying the subject application.

ATTACHMENTS

1. Draft resolution

Prepared By: Daniel M. Watrous, Planning Manager

RESOLUTION NO. 2016-01

A RESOLUTION OF THE DESIGN REVIEW BOARD OF THE TOWN OF TIBURON DENYING A SITE PLAN AND ARCHITECTURAL REVIEW APPLICATION FOR CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING AT 173 STEWART DRIVE

ASSESSOR PARCEL NO. 055-101-21

WHEREAS, the Design Review Board of the Town of Tiburon does resolve as follows:

Section 1. Findings.

- A. The Town of Tiburon received an application for Site Plan and Architectural Review for the construction of a new single-family dwelling (File #DR2016036) on property located at 173 Stewart Drive. The application consists of the following:
1. Application form and supplemental materials received March 29, 2016; and
 2. Site plan, floor plans and elevations prepared by Joseph Farrell, received April 18, 2016, and revised plans dated August 22, 2016.
- B. The Design Review Board held a duly-noticed public hearing on this project on May 19, 2016. At that meeting, several neighboring residents raised concerns about the accuracy of the story poles and the height of the house. The Design Review Board did not support the project design and Board reiterated its concerns that were raised during the review of a previous application for this property, stating that having all of the living area on the upper floor without extending the lower floor was contrary to the Hillside Design Guidelines and that the eventual removal of the pine trees on the site would make the house very visible when viewed from below on Sierra Court. The Board encouraged the applicant to consider placing some of the floor area on the lower floor, which could require some excavation on the site. The application was continued to the July 7, 2016 meeting, and further continued until September 1, 2016 at the request of the applicant.
- C. The applicant subsequently submitted revised plans for the project that only marginally changed the project design. The roof was slightly reconfigured to lower the ridge height above the southern portion of the house by 1 foot 2 inches to 2 feet, 4 inches. The dining room windows were reduced in size by 25%. The main floor kitchen was 6 inches narrower and the lower floor laundry was pulled back 6 inches. The curved patio design was squared off and the glass railing was replaced with a solid railing. Otherwise, the floor plans were identical to the previous design and the floor area and lot coverage of the house remained unchanged.
- D. The Design Review Board held a duly-noticed public hearing on this project on September 1, 2016 to review the revised plans. At that meeting, several neighboring

residents again raised concerns about the overall size of the proposed house and visual mass and bulk when viewed from other homes in the vicinity. At that meeting, the Design Review Board reviewed revised plans for the proposed project in accordance with Section 16-52.020 (H) of the Tiburon Zoning Code (Guiding Principles in the Review of Site Plan and Architectural Review Applications), and the Tiburon Hillside Design Guidelines and determined that the project plans were inconsistent with these principles and guidelines. The consensus of the Board was that not enough had been done to substantially change the design of the house. The Boardmembers felt that it was unreasonable to expand the house on a single plane on a hillside lot and that there was adequate room to expand beneath the main level of the house. The Design Review Board voted to direct staff to prepare a resolution denying this application.

- E. The Design Review Board finds, based upon application materials and analysis presented in the May 19, 2016 and September 1, 2016 Staff Reports, public testimony, as well as visits to the site, that the proposed construction of a new single-family dwelling at this site would look too tall and massive when viewed from below and would be exacerbated by the placement of all the floor area onto the main level.
- F. The Design Review Board further finds that that the application is inconsistent with the guiding principle of Tiburon Zoning Ordinance Section 16.52.020 (H [1]), which states:

“Site plan adequacy: Proper relation of a project to its site, including that it promotes orderly development of the community, provides safe and reasonable access, and will not be detrimental to the public health, safety, and general welfare.”

The Design Review Board finds that the placement of all the floor area of the proposed house on the upper level of the building would not be properly related to the physical characteristics of this hillside corner lot and would result in visual mass when viewed from below that would not be consistent with the orderly development of the properties in the surrounding neighborhood.

- G. The Design Review Board further finds that that the application is inconsistent with the goals and principles of the Tiburon Hillside Design Guidelines. Goal 1 of the Guidelines encourages projects to “reduce effective visual bulk of a structure and to avoid monumental and excessively large buildings.” Goal 1, Principle 1 encourages projects to “cut [a] building into [the] hillside to reduce effective visual bulk.” The Design Review Board finds that the proposed house would place too much of its floor area on the upper level of the building and fail to cut the building appropriately into the hillside to the effective visual bulk of the building.

Section 2. Denial.

NOW, THEREFORE BE IT RESOLVED that the Design Review Board of the Town of Tiburon does hereby deny the application for Site Plan and Architectural Review for the reasons set forth above.

PASSED AND ADOPTED at a regular meeting of the Design Review Board of the Town of Tiburon on September 15, 2016, by the following vote:

AYES: BOARDMEMBERS:

NOES: BOARDMEMBERS:

ABSENT: BOARDMEMBERS:

JOHN KRICKENSKY, CHAIR
TIBURON DESIGN REVIEW BOARD

ATTEST:

DANIEL M. WATROUS, SECRETARY