



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

Regular Meeting  
Design Review Board  
October 6, 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] **CONTINUED TO  
OCTOBER 20, 2016**

Documents:

[8 APOLLO ROAD.PDF](#)

**2. 3 SAN RAFAEL AVENUE**

File Nos. DR2016071/VAR2016022; Kim Ming Lam, Owner; Site Plan and Architecture Review to legalize as-built improvements for an existing single-

family dwelling, with a Variance for reduced side setback. A shed and trash enclosure have been constructed on the site. The structures are located adjacent to the side property line, in lieu of the required 8 foot side setback. Assessor's Parcel No. 055-262-09. [KO]

Documents:

[3 SAN RAFAEL AVE.PDF](#)

### **3. 6 VIA CAPISTRANO**

File Nos. DR2016105/VAR2016036; Top Tier Group, Inc., Owner; Site Plan and Architecture Review for construction of additions to an existing single-family dwelling, with a Variance for reduced side setback. The project would increase the floor area of the house by 661 square feet to a total of 4,026 square feet and would increase the lot coverage on the site by 108 square feet to a total of 2,281 square feet (11.1%). A portion of one addition would extend to within 10 feet, 1 inch of the west (left) side property line, in lieu of the minimum side setback of 15 feet. Assessor's Parcel No. 038-312-02. [DW]

Documents:

[6 VIA CAPISTRANO.PDF](#)

### **4. 132 HACIENDA DRIVE**

File Nos. DR2016110/VAR2016037; Roger Milano, Owner; Site Plan and Architecture Review for construction of additions to an existing single-family dwelling, with a Variance for excess building height. The addition would modify the existing roofline above an entry foyer. The proposed building height would be 36 feet, in lieu of the maximum building height of 30 feet. Assessor's Parcel No. 039-070-28. [KO]

Documents:

[132 HACIENDA DRIVE.PDF](#)

## **ACTION ITEMS**

### **5. MINUTES**

Consider adoption of minutes of meeting of September 15, 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](http://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.



TOWN OF TIBURON  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
October 6, 2016  
Agenda Item: **1**

## STAFF REPORT

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

**From:** Community Development Department

**Subject:** NOTICE OF CONTINUANCE  
**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 September 15, 2016)**

Staff recommends that this item be continued for the following reason(s):

- No story poles have been erected/no certification received
- Requested information has not been received
- Item not properly advertised
- The applicant has requested a continuance to October 20, 2016
- Other:**

The application will be continued to the October 20, 2016 Design Review Board meeting.



## **STAFF REPORT**

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

**From:** Community Development Department

**Subject:** 3 San Rafael Avenue; File Nos. DR2016071 and VAR2016022;  
Site Plan and Architectural Review to Legalize As-built Improvements  
for an Existing Single-Family Dwelling, with a Variance for Reduced  
Side Setback

### **PROJECT DATA**

**ADDRESS:** 3 SAN RAFAEL AVENUE  
**ASSESSOR'S PARCEL:** 055-262-09  
**FILE NUMBER:** DR2016071 AND VAR2016022  
**OWNER:** KIM MING LAM  
**APPLICANT:** CASPER CURTO  
**LOT SIZE:** 25,000 SQUARE FEET  
**ZONING:** R-1 (SINGLE FAMILY RESIDENTIAL)  
**GENERAL PLAN:** MH (MEDIUM HIGH DENSITY RESIDENTIAL)  
**FLOOD ZONE:** AE/X  
**DATE COMPLETE:** SEPTEMBER 15, 2016

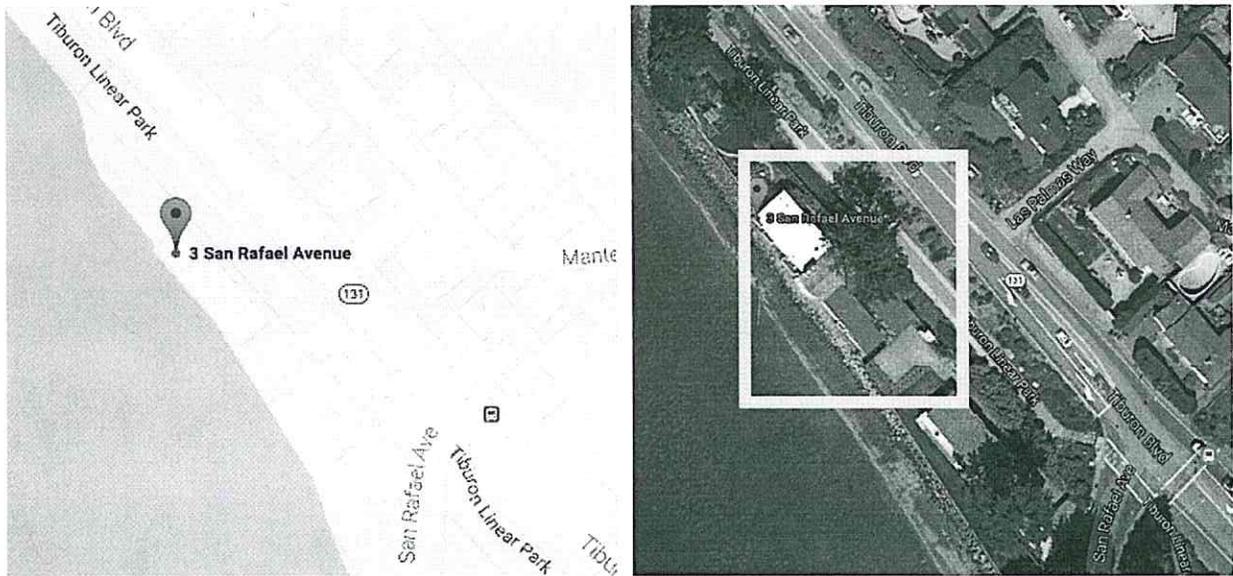
### **PROJECT DESCRIPTION**

The applicant is requesting design review approval to legalize as-built improvements for an existing single-family dwelling, with a variance for reduced side setback, on property located at 3 San Rafael Avenue. The property is currently developed with a single-family dwelling with an attached garage.

There would be no modifications to the existing single-family dwelling and garage. The as-built improvements include a new 4 foot, 10 inch tall trash enclosure and an 8 foot tall shed on the north side of the existing driveway and garage. A new 6 foot tall wooden fence would replace an existing wooden fence along the north side property line and would connect to an existing fence along the property line.

The two accessory structures would be situated inches from the north side property line. As the minimum side setback in R-1 zone is 8 feet, the applicant has requested a variance for reduced side setback.

## PROJECT SETTING



The subject property is located on San Rafael Avenue with views of the bay, Belvedere, and Sausalito. The property is situated in between the bay, Old Rail Trail, and Tiburon Boulevard. The closest neighbor to the property is 1 San Rafael Avenue, which both properties share a driveway.

## ANALYSIS

### Design Issues

The majority of the as-built improvements would be screened by the wooden fence and by existing vegetation and would not appear to create any visual impacts for the adjacent neighbors on San Rafael Avenue and on Tiburon Boulevard. The sheds are constructed of a wooden material, which could blend in with the wooden fence when viewed from the Old Rail Trail and Tiburon Boulevard.

The trash enclosure and storage shed appear to have been sited to provide easy access from the driveway and the front of the garage. However, staff believes that there are alternative locations for the structures on the site, including an area behind the garage that would still provide appropriate access for these structures and comply with the required setbacks.

The Design Review Board is encouraged to visit the site to assess the existing structures location and alternative locations as well.

### 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 reduced side setback.

## Variance Findings

In order to grant the requested variance for reduced side setback, 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 subject property is 25,000 square feet, but narrow and long. The property is between the Town's Old Rail Trail, Tiburon Boulevard, and the bay. As noted above, staff believes that the improvements could be located in another location on the property and be outside the required setbacks. The existing house was constructed 15 feet from the north side property line. Therefore, there do not appear to be any special circumstances applicable to the property that would deprive the applicant of 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.**

The variance would constitute a grant of special privilege because the Board has not approved variances for sheds within the side setbacks in other properties in the R-1 zones. Most of the requests for side setbacks have been for the construction of a residence and/or larger accessory structures.

- 3. The strict application of this Ordinance would result in practical 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 residence has a garage and there are other locations on the property with space for these two structures outside the side setback. Therefore, there is no practical difficulty or unnecessary hardship to comply with the setback requirements.

- 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 structures is located adjacent to a public street and trail, and would also not create a nuisance for the adjacent neighbors.

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

Flood Hazard Zone. According to current flood hazard maps, the subject property is located within flood hazard zone "AE," which is an area subject to inundation by the 1% annual chance

of flood and "X", which is an area not in the flood hazard area. The majority of the residence, garage, and the location for the as-built sheds are in the "X" zone area.

### **PUBLIC COMMENT**

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

### **PRELIMINARY ENVIRONMENTAL DETERMINATION**

Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Sections 15301 and 15303 of the CEQA Guidelines.

### **RECOMMENDATION**

Staff recommends that the Board:

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) [Guiding Principles], 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 Sections 15301 and 15303. If the Board agrees with Staff's conclusion, it is recommended that the applicant submit revised plans showing the sheds outside the required setbacks. 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 Plans

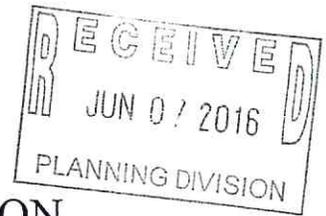
**ATTACHMENT 1**

**DRAFT CONDITIONS OF APPROVAL  
3 SAN RAFAEL AVENUE  
FILE NOS. DR2106071 AND VAR2016022**

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 6, 2016, as amended by these conditions of approval. Any modifications to the plans of September 21, 2016 must receive Design Review approval.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such un-approved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge, with defense counsel subject to the Town's approval. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
5. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
6. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
7. The project shall comply with the requirements of the California Fire Code to the satisfaction of the Building Official. The Tiburon Fire Protection District (TFPD):
  - a. The storage sheds are located within the existing Fire Apparatus Turnaround. The sheds will be allowed to remain in place if the following conditions are met:
    - i. The trees along the driveway shall be trimmed so that a minimum of 12 feet clearance is provided down the driveway.
    - ii. An inspection is done on the existing required automatic fire sprinkler

system and smoke alarms to confirm both systems have been maintained and are functioning properly.

- iii. The fence along the property line by the multi-use path is no higher than six feet, including any lattice or other decorative features.
8. All requirements of the Sanitary District No. 5 shall be met.
  9. Fencing shall not exceed six feet (6') in height at any point, measured from grade.



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) ATF
- 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 AS-BUILT

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: # 3 SAN RAFAEL AVE PROPERTY SIZE: 25000 ✓  
 ✓ PARCEL NUMBER: 05526209 ZONING: R-1 ✓

PROPERTY OWNER: MR. KIM LAM 3134 Geary Blvd  
SF CA 94118  
 MAILING ADDRESS: # 3 SAN RAFAEL AVE TIBURON  
MAGGIE LAU (MAINLAND SECRETARY)  
 PHONE/FAX NUMBER: 415-696-3579 E-MAIL: MAGGIELAU2010@HOTMAIL.COM

\* APPLICANT (Other than Property Owner): CASPER R. CURTO  
 MAILING ADDRESS: 7612 HILLMONT DR. OAKLAND, CA 94605  
415 613-1265 CASPERCURT@COMCAST.NET  
 PHONE/FAX NUMBER: 510-636-9270 E-MAIL: \_\_\_\_\_

ARCHITECT/DESIGNER/ENGINEER \_\_\_\_\_  
 MAILING ADDRESS: \_\_\_\_\_  
 PHONE/FAX NUMBER: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

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

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):  
REPLACE FAILED FENCING SEE DRAWING  
REPLACE FAILED & ROTTEN STORAGE SHED & GARBAGE  
CONTAINER - BRINGING ELECTRICAL POWER TO  
AUTOMATE GATE AT DRIVEWAY ENTRY

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:\* Casper R. Curto 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:\* Casper R. Curto 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*

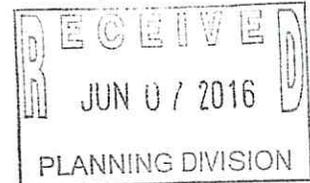
#### NOTICE TO APPLICANTS

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](http://www.townoftiburon.org)



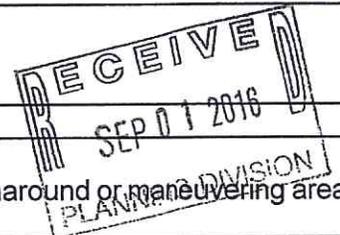
#### DO NOT WRITE BELOW THIS LINE

VAR2016-022 DEPARTMENTAL PROCESSING INFORMATION		
Application No.: DR2016-071	GP Designation:	Fee Deposit: \$510.00 / \$360
Date Received: 6/7/16	Received By: LS	Receipt #: R1332 / R1433
Date Deemed Complete: 9/15/16		By: JCO
Acting Body:	Action:	Date:
Conditions of Approval or Comments:		Resolution or Ordinance #

## MINOR ALTERATION SUPPLEMENT

Please fill in the information requested below:

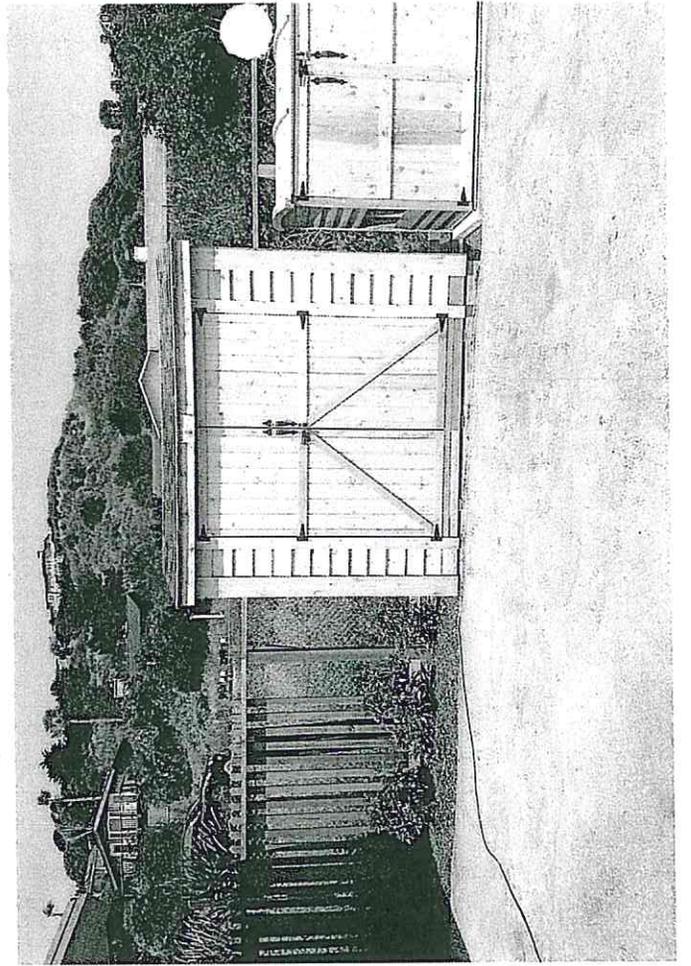
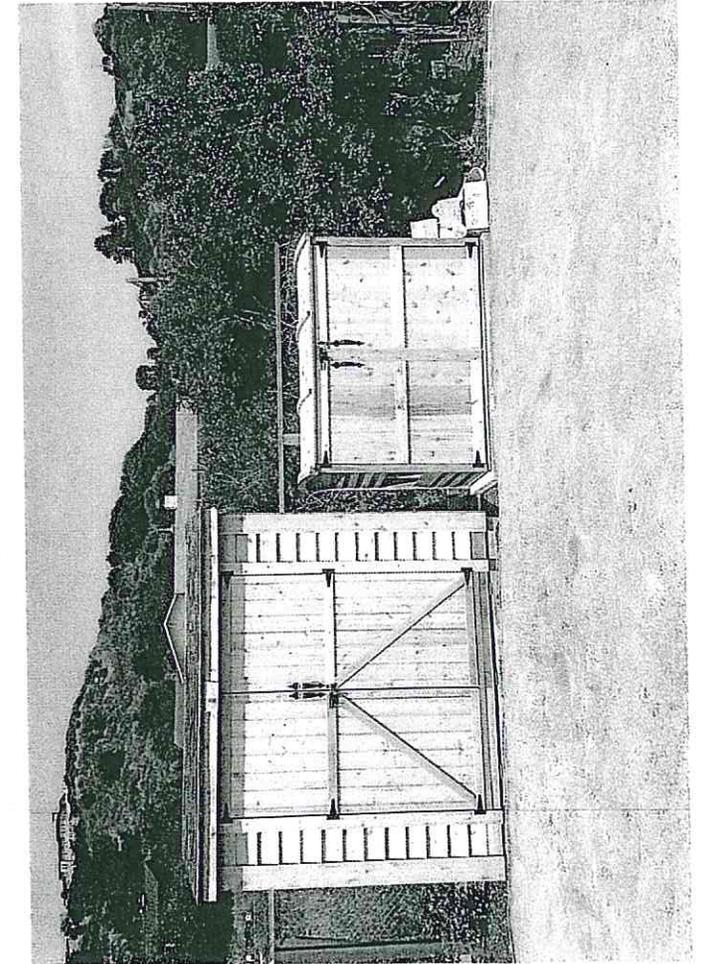
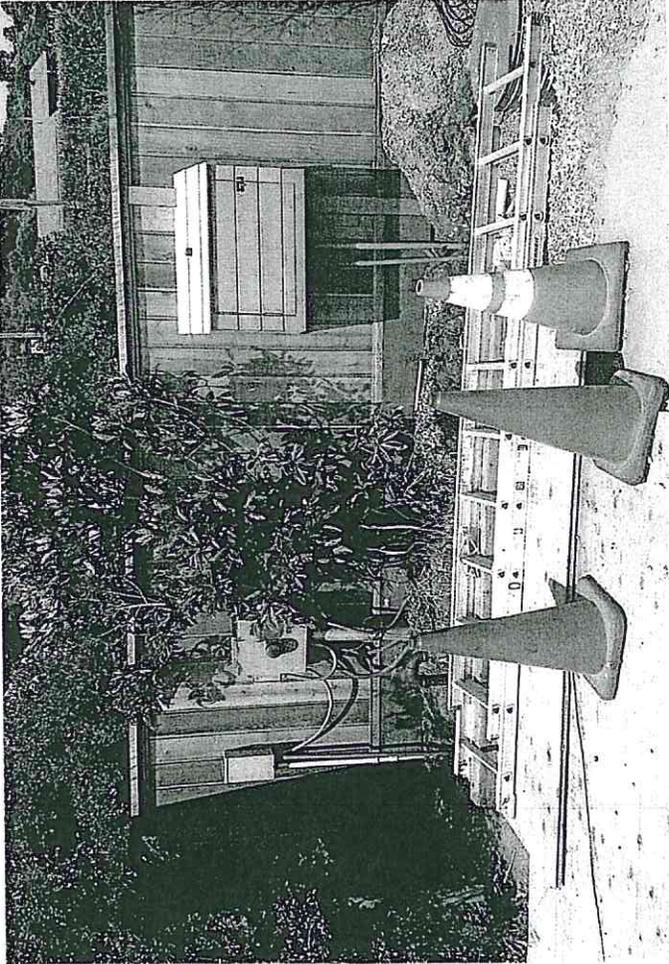
1. Briefly describe the proposed project (attach separate sheet as needed):  
INSTALL PREFAB STORAGE SHED & TRASH SHED - REPLACE SECTION OF FENCE
2. Lot area in square feet (Section 16-100.020(L))\*: \_\_\_\_\_ Zoning: \_\_\_\_\_
3. Square footage of Landscape Area: 5102
4. Impervious Surface Area Calculations (in square feet) & Grading Estimates (in cubic yards):
  - a) Existing Impervious Surface Area: \_\_\_\_\_
  - b) Completed Project Impervious Surface Area: \_\_\_\_\_
  - c) Land Area (in square feet) to be disturbed/cleared during construction: \_\_\_\_\_
  - d) Amount of Grading or Earth Movement involved (total in cubic yards): \_\_\_\_\_
5. Proposed use of site (example: single family residential, commercial, etc.):  
 Existing RESIDENTIAL  
 Proposed \_\_\_\_\_
6. 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	CALCULATED	PER ZONE
<b>Setbacks from property line</b> (Section 16-100.020(Y))*					
<b>Front</b>	ft.	ft.	ft.	ft.	ft.
<b>Rear</b>	ft.	ft.	ft.	ft.	ft.
<b>Right Side</b>	ft.	ft.	ft.	ft.	ft.
<b>Left Side</b>	ft.	ft.	ft.	ft.	ft.
<b>Maximum Height</b> (Section 16-30.050)*	ft.	ft.	ft.	ft.	ft.
<b>Lot Coverage</b> (Section 16-30.120(B))*	<u>2789</u> sq.ft.	<u>50</u> sq.ft.	<u>2939</u> sq.ft.	sq.ft.	sq.ft.
<b>Lot Coverage as Percent of Lot Area</b>	%	%	%	%	%
<b>Gross Floor Area</b> (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)

RECEIVED  
JUN 22 2016  
PLANNING DIVISION



Outdoor Living Today

Model # 99-120

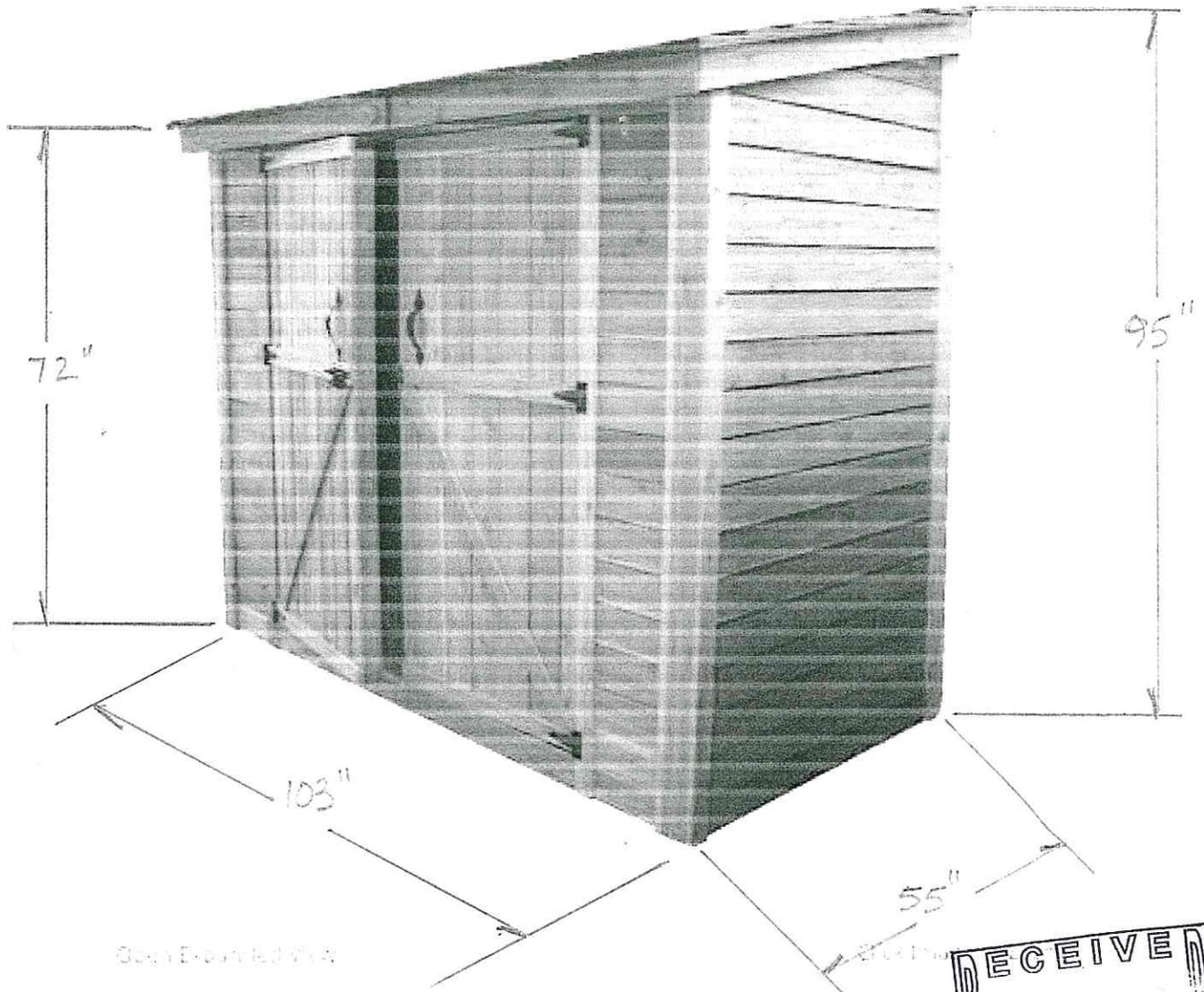
Item # 100154530

# Spacesaver 8 ft. x 4 ft. Western Red Cedar E

★★★★★ 181

[Write a Review](#)

[Questions & Answers \(5\)](#)



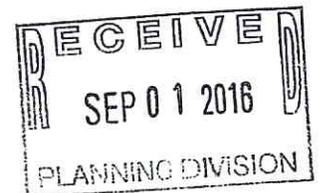
RECEIVED  
SEP 01 2016

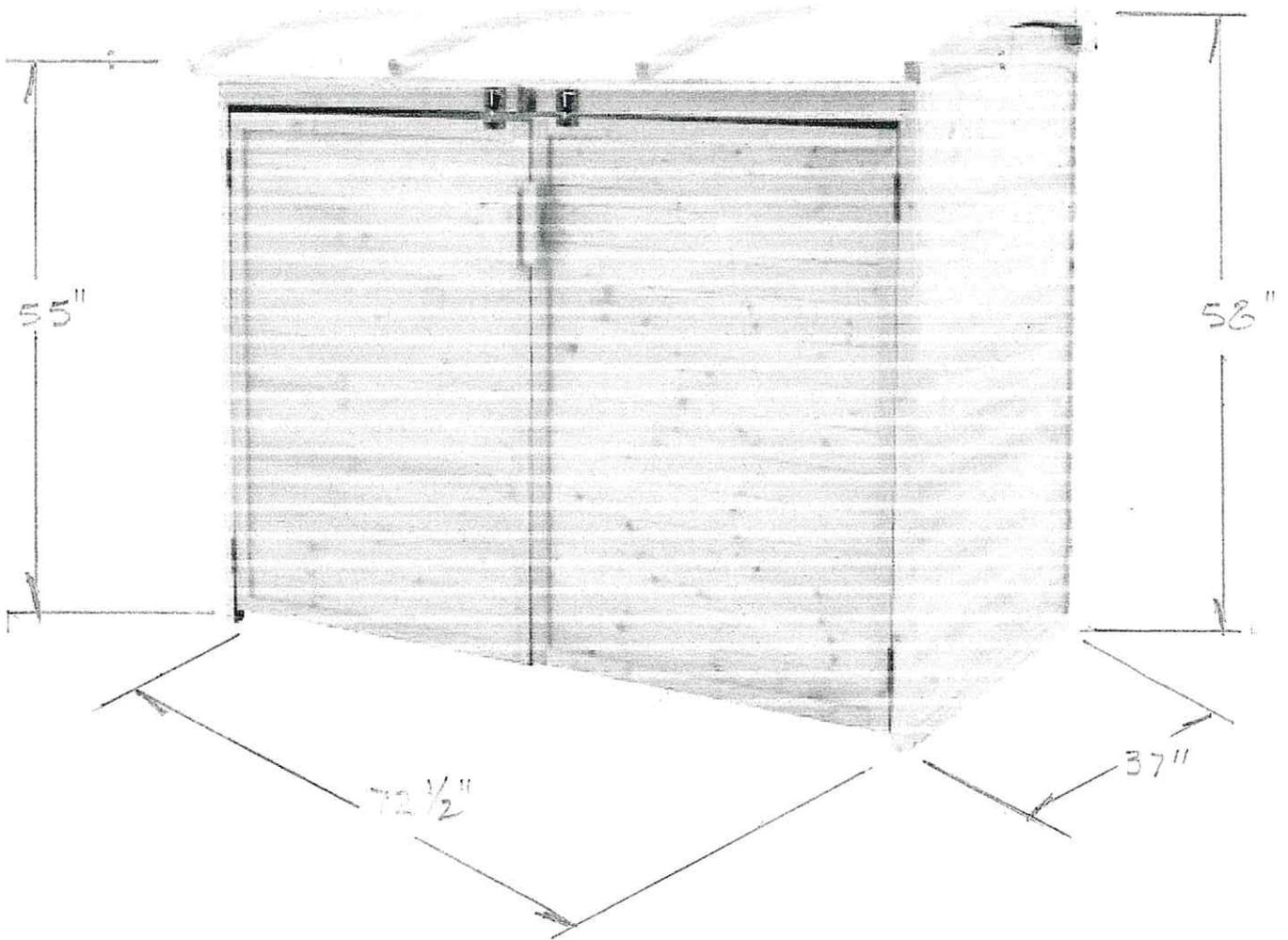
# Product Overview

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No fighting your way to the back of the shed with the Outdoor Living Today Partnership Spacesaver 8 ft. x 4 ft. Western Red Cedar Double Doors Shed. The shed's double-door design gives you easy access to its large interior storage space. The shed has a lean-to design that makes it an ideal choice for placement against a fence or a wall. The panelized wall design features OLT's Cedar Bevel Siding. The manageable roof panel sizes save you the effort of dangerous cutting. The manufacturer will call to offer site preparation information and discuss delivery before shipping.

- Assembled dimension approximately: 103 in. W x 55 in. D x 95 in. H
- Western red cedar construction for natural strength and beauty
- 192 cu. ft. storage capacity accommodates lots of seasonal items
- Precut assembly pieces, no time-consuming or dangerous cutting
- Panelized wall design features OLT's proprietary cedar lap siding
- 2 ft. x 4 ft. cedar joists and floor runners included for the floor frame
- Plywood floor included for your convenience
- 62 in. W x 72 in. H double door opening makes it easy to move large outdoor tools to and from the shed
- Roof panels with pre-attached western red cedar shingles for extra strength and a handsome appearance
- Easy assembly with minimal tools and no time-consuming, dangerous cutting
- Assembly time is approximately 1 to 2 days depending on skill level; technical assistance available at 1.888.658.1658
- Western red cedar is naturally resistant to decay and insects
- Product ships unstained
- Accepts a wide range of finishes to help you create a personalized look
- Made entirely with renewable resources for environmental friendliness
- Minimal tools required and hardware included
- Outdoor Living Today customer service is available to offer information or suggestions regarding site preparation, staining or sealing the western red cedar used on the space saver garden shed, interior decorating and storage tips are also available if requested





WASTE SHED

RECEIVED  
SEP 01 2016  
PLANNING

Outdoor Living Today

Model # OTC4705

Item # 209274817

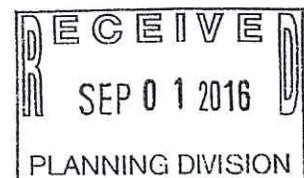
# 6 ft. x 3 ft. Oscar Waste Management Shed

★★★★☆

131

[Write a Review](#)

[Questions & Answers \(2\)](#)

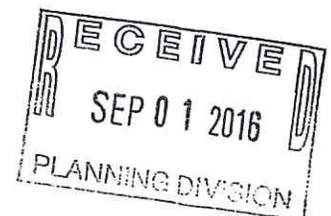


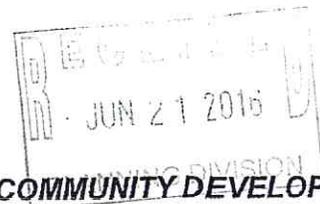
# Product Overview

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Large enough to accommodate two large 58 Gal. containers and featuring beautiful western red cedar construction, the Oscar Waste Management Shed excels in function and form. This 6 ft. x 3 ft. trash-bin shed can be accessed from the top via a lift-up arched lid with stay-put gas shocks and through the front double doors, all of which come together snugly to prevent rodents and critters from entering. The precisely-cut preformed cedar panels are easy to put together and the kit includes all hardware required for assembly. Also use it to protect sporting goods, patio furniture, garden equipment or other outdoor variables from the ravages of precipitation and sun exposure.

- Interior dimensions: 66-3/4 in. W x 32 in. D x 50 in. H in the front and 53 in. H in the back
- Exterior dimensions: 72-1/2 in. W x 37 in. D x 55 in. H in the front and 58 in. H in the back
- Functional front double doors provide easy access to refuse containers or seasonal items
- Holds up to 2 large 58 Gal. garbage containers
- Convenient and easy-to-use curved lid with gas shocks for hassle-free top access
- 30 cu. ft. storage capacity accommodates a number of seasonal items
- Panelized western red cedar components enable quick assembly with hardware included
- Pre-manufactured cedar floor included
- Made entirely with renewable resources
- Accepts a wide range of paint or stain finishes
- Weighs 216 lbs
- 1-year limited warranty





**COMMUNITY DEVELOPMENT DEPARTMENT**  
 Planning Division (415)-435-7390  
[www.ci.tiburon.ca.us](http://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 Yard Setback	_____	_____	_____	_____
Rear Yard Setback	_____	_____	_____	_____
Left Side Yard Setback	_____	_____	_____	_____
✓ Right Side Yard Setback	8'	8'	0	_____
Lot Coverage	_____	_____	_____	_____
Height	_____	_____	_____	_____
Parcel Area Per Dwelling Unit	_____	_____	_____	_____
Usable Open Space	_____	_____	_____	_____
Parking	_____	_____	_____	_____
Expansion of Nonconformity	_____	_____	_____	_____
Other (Please describe):	_____			
	_____			
	_____			

VAR2016-022

## REQUIRED FINDINGS

The Tiburon Municipal Code, Chapter 16 (Zoning, Section 16-52.030(E)) and California State law (Government Code Section 65906) require that specific findings be made prior to granting of a variance. These findings must be supported by evidence presented to the decision-making body prior to granting of the variance.

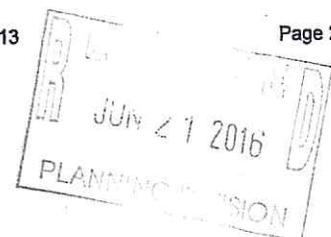
Please respond to the following statements and describe or attach any evidence supporting your answers. Please prepare your responses on a separate sheet.

1. Describe what special circumstances apply to the property (such as size, shape, topography, location, or surroundings) that cause a strict application of the zoning regulations to deprive you of privileges enjoyed by other properties in the vicinity and same or similar zone. *THE VEGETATION ON CITY PROPERTY WAS NOT MAINTAINED & AS A RESULT GREW ON FENCE & SHEDS WHICH CAUSED DETRIMENT*
2. Explain how granting of the variance would not result in a special privilege that is inconsistent with limitations on other properties in the vicinity and in the same or similar zone. *CLIENT IS NOT ASKING FOR ANY SPECIAL PRIVILEGE*
3. Explain how the strict application of the zoning regulations would result in practical difficulty or unnecessary physical hardship. Self-created hardships shall not be considered. *THE SHED IS TO STORE GARDEN EQUIPMENT. CLIENT DOES NOT LIVE AT LOCATION FULLTIME*
4. Explain how granting of the variance would not be detrimental to the public welfare or injurious to other property in the vicinity. *BOTH STRUCTURES ARE ON THE PROPERTY & WILL BE COMPLETELY FENCED IN.*

## APPLICATION REQUIREMENTS

The following materials shall be required for a complete variance application. Some of these items may be waived if deemed unnecessary by Planning Division staff:

- (A) A completed Land Development Application along with the filing fee (See Fee Schedule).
- (B) Ownership, applicant and property identification:
  - (1) Names and addresses of all persons who own an interest in the subject property and identification of the interest (option, fee title, Trustee, etc.). Also include four sets of pre-printed mailing labels containing the name and current mailing address of the applicant, property owner, and representative (if any).
  - (2) Names and addresses of all representatives of the owners authorized to represent the project to the Town
  - (3) A legal description of the parcel and a statement of the area contained therein.
  - (4) A recent title report verifying the description and vestees.





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

Design Review Board Meeting  
October 6, 2016  
Agenda Item: **3**

## **STAFF REPORT**

**To:** Members of the Design Review Board  
**From:** Planning Manager Watrous  
**Subject:** 6 Via Capistrano; File Nos. DR2016105 & VAR2016036; Site Plan and Architectural Review for the Construction of Additions to an Existing Single-Family Dwelling, with a Variance for Reduced Side Setback  
**Reviewed By:** \_\_\_\_\_

### **PROJECT DATA**

**ADDRESS:** 6 VIA CAPISTRANO  
**OWNER:** TOP TIER GROUP, INC.  
**APPLICANT:** JAY SHERLOCK (ARCHITECT)  
**ASSESSOR'S PARCEL:** 038-312-02  
**FILE NUMBERS:** DR2016105/VAR2016036  
**LOT SIZE:** 20,473 SQUARE FEET  
**ZONING:** RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)  
**GENERAL PLAN:** M (MEDIUM HIGH DENSITY RESIDENTIAL)  
**FLOOD ZONE:** X  
**DATE COMPLETE:** SEPTEMBER 15, 2016

### **PRELIMINARY ENVIRONMENTAL DETERMINATION**

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15303.

### **PROJECT DESCRIPTION**

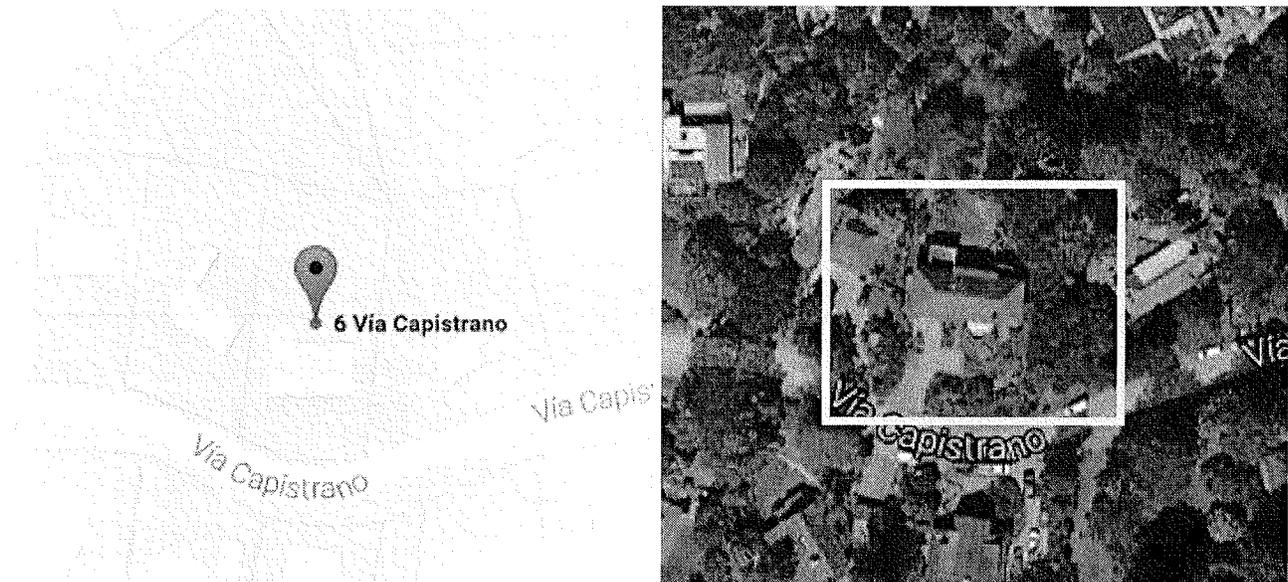
The applicant is requesting Design Review approval for the construction of additions to an existing two-story single-family dwelling on property located at 6 Via Capistrano. Two additions to the rear of the second floor would add an additional bedroom and two bathrooms, and expand the existing master bedroom suite. A bicycle storage room would be added on the first floor behind the garage and below the new bedroom. An outside stairway would be added along the side of the house leading to the new second floor bedroom. The exterior materials of the house would be modified on different elevations.

The floor area of the house would be increased by 661 square feet to a total of 4,026 square feet, which is 21 square feet less than the 4,047 square foot floor area ratio for this site. The proposal would increase the lot coverage on the site by 108 square feet to a total of 2,281 square feet (11.1%), which is less than the 15.0 % maximum lot coverage permitted in the RO-2 zone.

The existing house extends to within 10 feet, 1 inch of the west (left) side property line. One of the proposed additions would follow the alignment of the existing house and would also extend to within 10 feet, 1 inch of the property line. As a 15 foot side setback is required in the RO-2 zone, a variance is requested for reduced side setback.

A color and materials board has been submitted and will be present at the meeting for the Board to review. The house would be refinished with wood siding, light beige stucco and bronze trim. Dark grey composition shingles would be installed on the roof.

## PROJECT SETTING



The subject property is situated on a relatively level site on the uphill side of Via Capistrano just west of the intersection with Reed Ranch Road. Mature vegetation extends along the rear and sides of the house.

## ANALYSIS

### Design Issues

The proposed second floor addition on the right (east) side of the house would include several bathroom windows that would face in the direction of the adjacent home at 4 Via Capistrano. The windows would appear to be screened by a series of mature trees along the common property

line, but the Design Review Board may wish to consider requiring that one or more of these windows use obscure glazing for privacy protection.

The bedroom and bicycle storage additions on the left (west) side of the house would extend into the required side setback. The footprint of the neighboring residence at 8 Via Capistrano angles toward the shared property line, bringing the two dwellings in closer proximity in the area of the proposed additions. The proposed west-facing second floor bedroom windows would be visible over the fence along the side property line from several upper level windows of the adjacent home. The placement of these windows within the required setback would exacerbate potential privacy concerns with the windows of both homes facing each other. In addition, the proposed outside stairway on this side within the required setback would heighten the visibility of residents walking up and down the stairs for the neighboring dwelling.

There do not appear to be any structural issues that would prevent the proposed western addition from being pushed back to comply with the required setback. A smaller addition would slightly reduce the size of the proposed additional bedroom on the second floor and would likely result in a larger first floor family room instead of the currently proposed bicycle storage room. The Design Review Board may also wish to consider eliminating the outside stairway and raising the bedroom window sill heights to lessen any potential privacy concerns with the addition.

#### Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-2 zone, with the exception of the requested variance for reduced side setback.

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

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

The size of the lot is larger than the 20,000 square foot minimum lot size required in the RO-2 zone, and the lot is generally rectangular and has a moderate slope. The existing house is situated within the required west side setback, but the proposed additions could be easily redesigned to comply with the required setback. Therefore staff does not believe that these physical characteristics would create special circumstances that would deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones if the minimum side setback requirement is strictly applied.

2. ***The Variance will not constitute a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.***

Numerous other properties in the RO-2 and similar zones have been granted variances for reduced side setbacks, often to align additions with an existing house footprint or due to topographical constraints on the location of future additions. Therefore, the requested variance would not appear to be a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.

3. *The strict application of this Zoning Ordinance would result in practical difficulty or unnecessary physical hardship. Self-created hardships may not be considered among the factors that might constitute special circumstances. A self-created hardship results from actions taken by present or prior owners of the property that consciously create the very difficulties or hardships claimed as the basis for an application for a Variance.*

As noted above, the existing house is situated within the required west side setback, but the proposed additions could be redesigned to comply with the required setback. Staff therefore does not believe that the strict application of the minimum side setback requirement would result in practical difficulty or unnecessary physical hardship.

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 location of the proposed additions within the required setback could result in privacy impacts on the home at 8 Via Capistrano.

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

#### **Public Comment**

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

#### **RECOMMENDATION**

The Design Review Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board agrees with staff's conclusions, the application should be continued with direction to redesign the project to comply with the required side setback. If the Board can make the findings required 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 plans

Prepared By: Daniel M. Watrous, Planning Manager

## CONDITIONS OF APPROVAL

### 6 VIA CAPISTRANO

#### FILE #DR2016105 & VAR2016036

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 August 8, 2016, or as amended by these conditions of approval. Any modifications to the plans of September 27, 2016 must be reviewed and approved by the Design Review Board.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not “deemed approved” if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
6. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney’s fees that might result from the third party challenge.
7. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24” x 24” in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact

- (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site
8. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
  9. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
    - a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
    - b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.
    - c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.
  10. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
  11. The project shall comply with the requirements of the California Fire Code and the Southern Marin Fire Protection District, including, but not limited to, the following:
    - a. Prior to construction, a vegetation management plan (VMP) shall be submitted for review and approval by the Fire District which includes the following:
      - i. The entire plan content elements described in narrative form.
      - ii. No less than three (3) sets of plans shall be sent for code official review which includes the house, zone, plant type and spacing.
      - iii. The Hazard Assessment matrix.
      - iv. The list of plants to be used and materials consistent with the approval plant list.
      - v. Prepared according to the Southern Marin Fire District Standard 220 Vegetation/Fuel Management Plan.
    - b. Prior to construction, a fire hydrant upgrade is required. When additions or modifications are made, the nearest fire hydrant (if a new one is not required)

located by the Fire Code Official, shall be upgraded to the minimum standard of one 4½ inch outlet and one 2½ inch outlet. An exception to this requirement may be made if the cost of upgrading the fire hydrant exceeds 2% of the cost of the permit based on the building permit valuation.

- c. A vertical overhead clearance of 13'6" shall be maintained free of obstructions above any roadbed (trees, brush, etc.)
- d. A fire sprinkler system shall be required for this project, including the following:
  - i. If the combination of the addition, alteration or remodeling exceeds 50% of the floor area of the existing structure, the project is considered a "substantial remodel".
  - ii. Fire sprinkler coverage shall be provided throughout the entire structure according to Chapter 9 of the California Fire Code.
  - iii. Fire sprinkler system shall be installed according to NFPA 13D and Southern Marin Fire Standard 401.
  - iv. Plans for fire sprinkler design and hydraulic calculations shall be completed by a licensed C-16 sprinkler contractor and submitted to the Southern Marin Fire District, Fire Prevention Bureau for approval prior to installation. Fire sprinkler design and installation shall conform to the provisions of the Southern Marin Fire District Standard 401 and NFPA standard(s) 13, 13D or 13R.
- e. The address shall be posted in accordance with requirements of the California Fire Code and SMFD Standard 205 (Premises Identification).
- f. Smoke and carbon monoxide detectors shall be installed in accordance with the California Building Code.
- g. Noncombustible roofing is required and shall be provided as follows;
  - i. All new roofs shall be non-combustible.
  - ii. Roof repairs or replacement of less than 25% shall have no requirement. Repairs or replacement of 25% to 50% shall use Class C minimum roofing. Repairs of 50% or more shall use non-combustible roofing (Class A roof [for other than Group R Occupancies, a Class A or Class A assembly] as defined by the California Building Code).
  - iii. In no case shall the roofing material used be less fire resistive than the existing roof.

- h. Prior to occupancy, a spark arrestor shall be installed on the chimney(s).
  - i. This project shall comply with California Fire Code Chapter 33 – *Fire Safety During Construction and Demolition*. These requirements include but are not limited to Temporary Heating Equipment, Precautions Against Fire, Flammable and Combustible Liquids, Flammable Gases, Owners Responsibility for Fire Protection, Fire Reporting, Access for Fire Fighting, Means of Egress, Water Supply for Fire Protection, Standpipes, Automatic Fire Sprinkler Systems, Portable Fire Extinguishers, Motorized Construction Equipment, and Safeguarding Roofing Operations.
  - j. Fire access to the project as well as other surrounding properties shall be maintained at all times. Unapproved restrictions in roadway access shall result in citations and vehicles being towed at the owner’s expense.
12. The project shall comply with all requirements of the Richardson Bay Sanitary District.



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: 8/4/16

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: 8/4/16

*\*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*

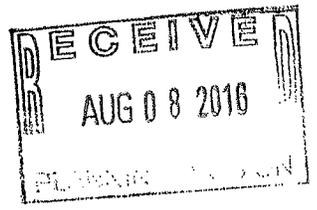
**NOTICE TO APPLICANTS**

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.

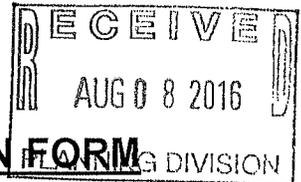
The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks 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](http://www.townoftiburon.org)



**DO NOT WRITE BELOW THIS LINE**

<b>VAR2016036 DEPARTMENTAL PROCESSING INFORMATION</b>		
Application No.: <u>DR2016105</u>	GP Designation:	Fee Deposit: <u>\$1395</u>
Date Received: <u>8/8/2016</u>	Received By: <u>[Signature]</u>	Receipt #: <u>R1658</u>
Date Deemed Complete: <u>9/15/16</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):

- Briefly describe the proposed project: • (N) INTERIOR RENOVEL • (N) ADDITION TO 1<sup>ST</sup> LEVEL (108 # TO INCREASE FOOTPRINT • TWO (N) ADDITIONS AT 2<sup>ND</sup> LEVEL ABOVE THE (E) FOOTPRINT. • (N) EXTERIOR STUCCO AND WOOD SIDING TO REPLACE (E) STUCCO & SIDING.
- Lot area in square feet (Section 16-100.020(L)): 20,473
- Square footage of Landscape Area: NO NEW LANDSCAPING ON THIS PERMIT (EXISTING LANDSCAPE AREA 8,786 PLANTS, TREES, BUSHES)
- Proposed use of site (example: single family residential, commercial, etc.):  
Existing SFR  
Proposed SFR
- Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.  
NO CHANGES TO PARKING AREA

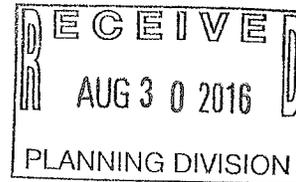
TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
Yards (Setbacks from property line) (Section 16-100.020(Y))* Front	30' ft.	— ft.	— ft.	ft.	30 ft.
Rear	42'-1 1/2" ft.	— ft.	— ft.	ft.	20%-25 ft.
Right Side	20'-8" ft.	- ft.	- ft.	ft.	15 ft.
Left Side	10'-1" ft.	- ft.	10'-1" ft.	ft.	15 ft. VARI
Maximum Height (Section 16-30.050)*	27'-7 1/2" ft.	— ft.	— ft.	ft.	30 ft.
Lot Coverage (Section 16-30.120(B))*	2,173 sq.ft.	2,281 sq.ft.	2,281 sq.ft.	sq.ft.	3071 sq.ft.
Lot Coverage as Percent of Lot Area	10.6 %	11.14 %	11.14 %	%	15 %
Gross Floor Area (Section 16-100.020(F))*	3,365 sq.ft.	4,026 sq.ft.	4,026 sq.ft.	sq.ft.	4,047 sq.ft. +600

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



August 15<sup>th</sup>, 2016

Tiburon Planning Department  
1505 Tiburon Blvd,  
Tiburon, CA 94920



Property Address:  
6 Via Capistrano  
Tiburon, CA 94920

**Description of Variance:**

The request for variance is to build in the side setback on the west side of the property. The house was originally built within the existing west side set back and is located between 10'-1" to 10'-7" from the property line. The current side set back is 15 feet.

The proposed addition on the west rear side of the property is a total of 108 square feet. 67 square feet of the 108 square foot addition will be in the side set back. The house and the addition are not parallel to the property line. The proposed addition will be between 10' 7" and 11' 1" from the property line which is farther from the property line than the existing structure.

To create a harmonious addition and not create an unusual jog in the wall we are proposing to continue the addition in line the existing house to prevent an off balance and a potential unsightly condition.

- A. We are requesting the above variance due to the existing subject property characteristics. The subject property has special circumstances due to the unique physical characteristics of the site. The existing structure is perched on a level portion of the lot. To keep a beautiful and harmonious exterior appearance and avoid creating any abnormal angles or to build into the open, usable rear yard we are proposing to keep the west side wall in a continuous straight line, creating a cleaner looking addition. Strict application of this code denies the property owner privileges enjoyed by other owners in this vicinity and under identical zoning districts. Building in the rear yard would reduce rear, private, open space which other neighbors have the privilege of using and enjoying.
- B. The subject property is a single family residence and will remain a single family residence. Granting the variance will not change the use or activity of the property.
- C. Granting the variance will not result in special privileges inconsistent with the limitation upon other properties in the vicinity. Some of the neighboring properties have been built within the current setbacks at time of construction. By granting this variance the owners of the subject property will have privileges enjoyed by other owners in this vicinity and under identical zoning districts. This variance will bring the disadvantage subject property up to the level of use enjoyed by neighbors. The existing structure was originally built in the side setback and the granting of the variance will not result in a special privileges that are inconsistent with limitations on other properties in the vicinity in the similar zone.



- D. The strict application of the zoning regulations would result in practical difficulty forcing the additional space to be not consistent compared to the existing architectural language currently experienced with this structure. Unsightly forced roof lines would be unattractive and new re-entrant corners caused by extruded portions of new additions can increase dangerous conditions during an earthquakes. To avoid squaring off the North West corner we would ensure unnecessary and unreasonable physical hardships to the landowners and the function of the variance is to relieve such consequences.
- E. The granting of this variance will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in to which the property is located. By building within the side setback and creating a harmonious exterior appearance we are creating a healthy setting and potential for appreciated value for both the property owners and neighboring properties.

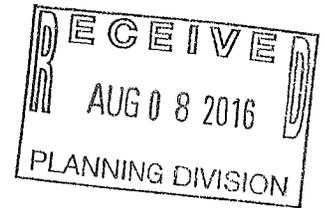
Thank you in advance for your consideration. Please feel free to contact us at any time with questions or concerns.

Best Regards,

Jay Sherlock  
Architect, CA#33354  
jay@studioj-arch.com  
415-999-5803

# Plant List

(see A-1.2 for tree locations)



- 8" Pine
- 11" Oak
- (3) 5" Oak
- 8" Oak
- 12" Oak
- 12" Oak
- 10" Oak
- (2) 4" Oak
- (2) 5" Oak
- 7" Oak
- 7" Oak
- 5" Oak
- (2) 7" Oak
- 8" Oak
- 30" Pine
- (4) 4" Oak
- (2) 20" Pine
- 4" Oak
- 19" Pine
- 8" Oak
- 36" Oak
- 10" Oak
- 24" Redwood
- 24" Redwood
- 24" Redwood
- 24" Redwood
- 4" Oak
- 4" Plum
- 17" Redwood
- 19" Redwood
- (2) 13" Redwood
- 8" Oak



## **STAFF REPORT**

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

**From:** Community Development Department

**Subject:** 132 Hacienda Drive; File Nos. DR2016110 and VAR2016037;  
Site Plan and Architectural Review for the Construction of Additions to  
an Existing Single-Family Dwelling, with a Variance for Excess Building  
Height

### **PROJECT DATA**

**ADDRESS:** 132 HACIENDA DRIVE  
**ASSESSOR'S PARCEL:** 039-070-28  
**FILE NUMBERS:** DR2016110 AND VAR2016037  
**PROPERTY OWNERS:** ROGER MILANO  
**APPLICANT:** MICHAEL HECKMANN  
**LOT SIZE:** 28,436 SQUARE FEET  
**ZONING:** RO-2 (RESIDENTIAL-OPEN)  
**GENERAL PLAN:** M (MEDIUM DENSITY RESIDENTIAL)  
**FLOOD ZONE:** X  
**DATE COMPLETE:** SEPTEMBER 14, 2016

### **PROJECT DESCRIPTION**

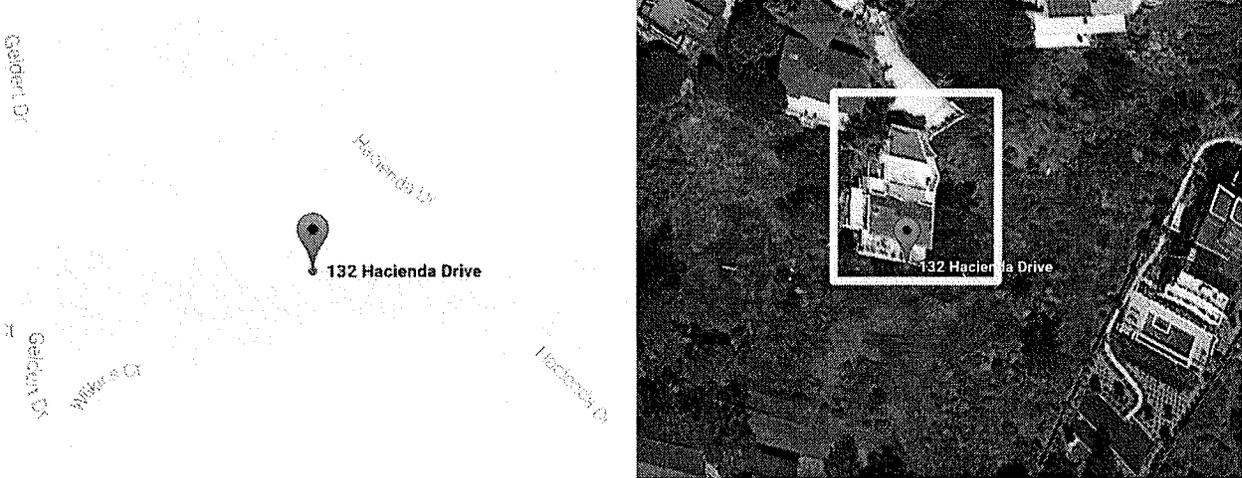
The applicant is requesting design review approval for the construction of additions to an existing single-family dwelling, with a variance for excess building height, on property located at 132 Hacienda Drive. The property is currently developed with a single-family dwelling.

The addition would modify the existing sloped roof over an entry foyer to a flat roof, which would increase the roof height and ceiling height on the upper level portion of the home. The existing ceiling height is 9 feet, 6 inches and would increase to 11 feet, 4 inches in the existing foyer. Other improvements include modifying windows on the upper level and new roofing material for the flat roof portion.

The maximum height of the existing home is 31 feet. The new roof would extend the height of the home to a maximum height of 36 feet. As the maximum building height for the RO-2 zone is 30 feet, a variance is requested for excess building height.

The modification includes a new roofing material, which consists of new standing seam metal roofing. The other portions of the home would remain with no modifications.

## PROJECT SETTING



The subject property slopes downwards from Hacienda Drive towards other homes downhill with views of San Francisco cityscape, the bay, other parts of Tiburon, Belvedere, Sausalito, and Golden Gate Bridge.

## ANALYSIS

### Design Issues

The existing single-family dwelling is at the end of a driveway that slopes downwards from Hacienda Drive and connects to two other homes. Both of the adjacent neighbors are at a higher elevation than the subject residence. The residence steps down the hillside with each level at different elevations. The majority of the roofs on this house are flat, except for the existing upper level foyer section that is a sloped roof. The proposed flat roof would be architecturally consistent with the other portions. In addition, the new raised roof would not appear to create any visual impacts for any of the adjacent neighbors.

### Zoning

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

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

Variance Findings

- 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 zones.**

The subject site is a steep hillside and the existing house is built to step down and follow the topography of the hillside. The proposed addition would maintain the same footprint as the existing house. Some of the existing house is already over the height limit.

- 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.**

Many properties located on lots with a steep slope have been granted variances for excess building height in situations where the existing home currently exceeds the building height and the proposed home would maintain the same footprint as the existing house.

- 3. The strict application of this Zoning Ordinance would result in practical difficulty or unnecessary physical hardship. Self-created hardships may not be considered among the factors that might constitute special circumstances. A self-created hardship results from actions taken by present or prior owners of the property that consciously create the very difficulties or hardships claimed as the basis for an application for a Variance.**

Staff is unable to make the hardship finding as there is no practical difficulty for maintaining the existing roof/ceiling height for a non-primary room. The existing ceiling height for the foyer is 9 feet, 6 inches, which is a normal ceiling height for any home.

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

Granting a variance for excess building height would not be detrimental or injurious to neighboring properties, as the proposed addition would maintain the same general location as the existing structure, which would not create view impacts on the adjacent neighbors.

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

## **PUBLIC COMMENT**

As of the date of this report, no letters 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 Sections 15301 and 15303.

## **RECOMMENDATION**

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 Sections 15301 and 15303. If the Board agrees with Staff's conclusion, it is recommended that the Board direct Staff to prepare a resolution of denial, to be adopted at the next meeting. 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 Plans

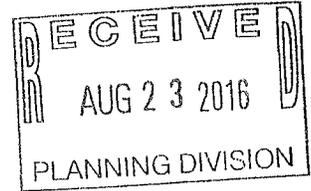
## ATTACHMENT 1

### CONDITIONS OF APPROVAL 132 HACIENDA DRIVE FILE NOS. DR2016110 AND VAR2016037

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on August 23, 2016, or as amended by these conditions of approval. Any modifications to the plans of September 26, 2016 must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge, with defense counsel subject to the Town’s approval. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney’s fees that might result from the third party challenge.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
7. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24” x 24” in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the

commencement of work and shall remain posted until the contractor has vacated the site.

8. The project shall comply with the requirements of the California Fire Code to the satisfaction of the Building Official. The Tiburon Fire Protection District (TFPD):
  - a. The automatic fire sprinkler system shall be modified to properly protect the new and remodeled areas. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2
9. All requirements of the Marin Municipal Water District shall be met.
10. All requirements of the Richardson Bay Sanitary District shall be met.



# 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
- Change of Address
- 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
- Certificate of Compliance
- Other \_\_\_\_\_

## APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 132 HACIENDA DRIVE PROPERTY SIZE: 28,436 SF  
 PARCEL NUMBER: 39.070.28 ZONING: RO-2

PROPERTY OWNER: ROGER MILANO  
 MAILING ADDRESS: 132 HACIENDA DR / TIBURON CA 94920  
 PHONE/FAX NUMBER: 415.407.8101 E-MAIL: ruggeml@aol.com

APPLICANT (Other than Property Owner): \_\_\_\_\_  
 MAILING ADDRESS: \_\_\_\_\_  
 PHONE/FAX NUMBER: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

ARCHITECT/~~DESIGNER~~/ENGINEER MICHAEL HECKMANN  
 MAILING ADDRESS: 1680 TIBURON BLVD. #7  
 PHONE/FAX NUMBER: 415.435.2446 / 435.2876 E-MAIL: heckmannarchitects@earthlink.net

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

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):  
RAISE ROOF OVER EXISTING FOYER  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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. 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: \_\_\_\_\_

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:\* *[Handwritten Signature]* \_\_\_\_\_ Date: \_\_\_\_\_

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

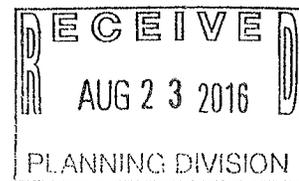
**NOTICE TO APPLICANTS**

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

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

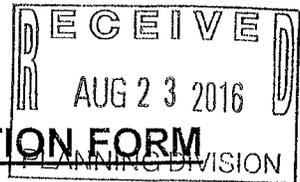
The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks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

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



**DO NOT WRITE BELOW THIS LINE**

<b>DEPARTMENTAL PROCESSING INFORMATION</b>		
VAR2016-037/ <del>VAR2016-038</del>	Application No.: DR2016-110	GP Designation: <i>M</i>
Date Received: <i>8/23/16</i>	Date Deemed Complete: <i>9/14/16</i>	Received By: <i>LS</i>
Acting Body:	Action:	Fee Deposit: <i>\$1385</i>
Conditions of Approval or Comments: _____	Resolution or Ordinance # _____	Receipt #: <i>R1762</i>
		By: <i>Ko</i>
		Date:



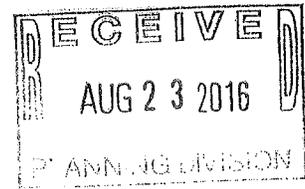
## DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

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

1. Briefly describe the proposed project: RAISE ROOF OVER EXISTING PORCH  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
2. Lot area in square feet (Section 16-100.020(L)): 28,436
  
3. Square footage of Landscape Area: \_\_\_\_\_
  
4. Proposed use of site (example: single family residential, commercial, etc.):  
 Existing SINGLE FAMILY RESIDENTIAL  
 Proposed (NO CHANGE)
  
5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.  
N.A.

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CAL- CULATED	PER ZONE <u>R0-2</u>
<b>Yards</b> (Setbacks from property line) (Section 16-100.020(Y))*					
<b>Front</b>	ft.	ft.	ft.	ft.	<u>30</u> ft.
<b>Rear</b>	ft.	ft.	ft.	ft.	<u>20' to 25'</u>
<b>Right Side</b>	ft.	ft.	ft.	ft.	<u>15</u> ft.
<b>Left Side</b>	ft.	ft.	ft.	ft.	<u>15</u> ft.
<b>Maximum Height</b> (Section 16-30.050)*	<u>31</u> ft.	<u>5</u> ft.	<u>36</u> ft.	ft.	<u>30</u> ft.
<b>Lot Coverage</b> (Section 16-30.120(B))*	sq.ft.	sq.ft.	sq.ft.	sq.ft.	<u>4265</u> sq.ft.
<b>Lot Coverage as Percent of Lot Area</b>	%	%	%	%	<u>15</u> %
<b>Gross Floor Area</b> (Section 16-100.020(F))*	sq.ft.	sq.ft.	sq.ft.	sq.ft.	<u>4873</u> sq.ft.

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



**Planning Division**  
**Community Development Department**  
**1505 Tiburon Boulevard Tiburon, CA 94920**  
**Phone (415) 435-7390 FAX (415) 435-2438**  
[www.townoftiburon.org](http://www.townoftiburon.org)

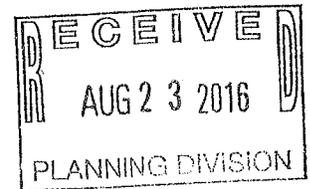
## APPLICATION FOR VARIANCE

A Variance is a form of regulatory relief available when a strict or literal application of zoning regulation or 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	30'	31'	36'	6'
Parcel Area Per Dwelling Unit	_____	_____	_____	_____
Usable Open Space	_____	_____	_____	_____
Parking	_____	_____	_____	_____
Expansion of Nonconformity	_____	_____	_____	_____
Other (Please describe):	_____			

# Heckmann Architects



RE: 132 Hacienda Dr.

## Findings to support Height Variance

23 Aug 16

1. This property is an extremely steep downslope lot which drops from the entry drive along the house at about 2:1 slope. The transition from entry landing to the interior rooms was originally built with radical drops in floor elevation. However, the roofs were not able to follow the interior floor level changes and created a very odd sloped ceiling unlike any other residences which are normally terraced down in horizontal steps.
2. Other properties in the RO-2 zone have been allowed minor height variances where no issues of view blockage or excessive scale occur.
3. The ordinances was strictly applied in the original construction. This resulted in an entry and foyer ceiling with a radical slope down right in the foreground at the interior landing which is very strange and uncomfortable.
4. The small area of roof to be raised is not visible from any public streets due to the secluded nature of the property and its isolated location. The higher roof will not affect the views or have a negative effect on any adjacent properties.