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

Regular Meeting
Design Review Board
May 5, 2016
7:00 p.m.

AGENDA
TIBURON DESIGN REVIEW BOARD

CALL TO ORDER AND ROLL CALL

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

ORAL COMMUNICATIONS

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

STAFF BRIEFING (If Any)

OLD BUSINESS

1. 2225 VISTAZO EAST STREET
File No. DR2015145; Shor Capital, LLC, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling. The applicant proposes to construct a new 5,730 square foot house. Assessor's Parcel No. 059-091-55. [DW]

Documents: 2225 VISTAZO EAST STREET.PDF

2. 17 ACELA DRIVE
File Nos. DR2016002/VAR2016015; Miraj and Nisha Shah, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for excess lot coverage. The applicant proposes to add 1,966 square feet of additions to the existing main floor and a new lower floor of an existing one-story house. The project would result in a 4,504 square foot dwelling, with 4,684 square feet (17.8%) of lot coverage, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Assessor's Parcel No. 058-231-16. [DW]

Documents: 17 ACELA DRIVE.PDF

PUBLIC HEARINGS & NEW BUSINESS

3. 2350 PARADISE DRIVE
File No. DR2016030; Peter and Tracy Dempsey, Owners; Site Plan and Architectural Review to legalize as-built construction of a fence and construction of a new fence for an existing single-family dwelling. Assessor's Parcel No. 059-191-03. [KO]

Documents: 2350 PARADISE DRIVE.PDF

4. 1694-1696 TIBURON BOULEVARD
File Nos. DR2016011/VAR2016011; ACV Argo Tiburon LP, Owner; Site Plan and Architectural Review for construction of a new three-story mixed use commercial and residential building, with a Variance for excess flagpole height. The first floor of the proposed building would contain 2,450 square feet of commercial space and the upper two floors would contain two residential condominium units. A proposed 40 foot tall flagpole would be taller than the maximum flagpole height of 24 feet. Assessor's Parcel No. 059-101-12. [DW]

Documents: 1694-1696 TIBURON BLVD.PDF

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

Documents: 1550 TIBURON BLVD.PDF

MINUTES

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.

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

STAFF REPORT

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

From: **Planning Manager Watrous**

Subject: **2225 Vistazo East Street; File Nos. DR2015145; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling (Continued from March 17, 2016)**

Reviewed By: _____

BACKGROUND

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 2225 Vistazo East Street. The subject property is currently vacant.

This application was first reviewed at the February 18, 2016 Design Review Board meeting. At that meeting, several property owners in the vicinity raised concerns about the overall size and visual mass of the proposed house, compatibility with the surrounding neighborhood, and the proposed widening of the private roadway of Vistazo East Street.

The Design Review Board shared the concerns about the overall size of the house, concluding that a variance for excess lot coverage was not warranted for a house of this size on such a large lot. The Board also raised objections to a proposed rooftop deck, the amount of glazing on the front of the house and the overall roof height. The Board determined that the proposed street widening was a requirement of the Fire District and would not be a substantial change to the neighborhood. The Board directed the applicant to revise the house design to address these issues and continued the application to the March 17, 2016 meeting.

The applicant subsequently submitted revised plans for the project. The floor area of the proposed house was reduced by 100 square feet to 5,730 square feet and the garage reduced in size by 144 square feet to 716 square feet. The lot coverage of proposed house was reduced by 535 square feet to cover 6,260 square feet (15.0%) of the site, which was 1 square foot less than the 15.0% maximum lot coverage permitted in the RO-2 zone and eliminated the need for the lot coverage variance. The rooftop deck and putting green were removed. The overall roof height was lowered by one foot. The swimming pool was shortened in depth. The overall floor plans, house layout and windows on the building elevations were not substantially changed.

At the March 17, 2016 meeting, several neighboring residents again raised concerns about the overall size of the proposed house and its compatibility with the Old Tiburon neighborhood. The consensus of the Board was that not enough had been done to substantially change the design of the house. The Boardmembers felt that 1) the house still had too much glazing; 2) the structure was too tall for a two-story home with a flat roof; 3) the retaining walls were too large; 4) the pool elevation exacerbated the wall issues; and 5) the house did not fit with the surrounding neighborhood, particularly the Old Tiburon neighborhood below the house. The application was continued to the April 21, 2016 meeting. The applicant requested a continuance to the May 5, 2016 meeting after determining that the revised story poles were not correctly installed.

The applicant has now submitted further revised plans for the project, which included the following changes:

- The lot coverage was reduced by 162 square feet to 6,098 square feet (14.5% of the site) and patio, walkway and pool areas were reduced by 350 square feet.
- The lower floor ceiling height was reduced to 10 feet, which reduced the overall roof height by one foot.
- The pool was shortened in both directions and the walls in front were reduced to a maximum height of 8 feet and made a darker color.
- Glazing was removed from most of the master bathroom on the upper level northeast elevation.
- The solar panels and the uphill deer fence were moved downhill closer to the house.

The floor area of the house was not changed. The applicant submitted a table comparing the floor area of the proposed house and the ratios of floor area to lot size to other properties above and below the site.

ANALYSIS

Design Issues

The currently revised house design appears to once again only incrementally respond to the issues raised by the Design Review Board. Modest changes were made to the pool design, lot coverage and building height, but the floor area of the house would remain the same and the glazing visible on the front elevation was essentially unchanged.

At the March 17, 2016 meeting, the Design Review Board raised five main concerns:

1. <u>The house still had too much glazing</u>. The revised plans only eliminated windows for the bathroom on the right side of the house. The lower height of the building reduced the height of the glazing on the front elevation by one foot, but did nothing to change the overall window design.

2. The structure was too tall for a two-story home with a flat roof. The height of the house was reduced by one foot, to a maximum height of 25.5 feet. The house would have 10 foot ceilings in the lower level and a minimum ceiling height of 10.5 feet on the upper level.

3. The retaining walls were too large. The retaining walls supporting the pool were modified, with planters placed in front of the walls, shortening some walls and reducing their visibility from below.

4. The pool elevation exacerbated the wall issues. The elevation of the pool surface is unchanged.

5. The house did not fit with the surrounding neighborhood, particularly the Old Tiburon neighborhood below the house. The basic design and the total floor area of the proposed house are unchanged. The applicant has submitted statistical comparisons to justify the size of the house in relation to other homes in the vicinity, using an invented statistic of the percentage of combined floor area and garage space to the lot size. This list also shows that the floor area of the proposed house and garage would be larger than any other home either uphill or downhill from the site.

Staff believes that the revised project design does not sufficiently address the concerns raised at the February 18 and March 17, 2016 meetings. In particular, the Design Review Board should note that Section 16-52.020 (H[3]) (Guiding Principles for Site Plan and Architectural Review) of the Tiburon Zoning Ordinance states that the Board should determine if "the height, size, and/or bulk of the proposed project bears a reasonable relationship to the character of existing buildings in the vicinity." Staff believes that the character of the proposed house design is inconsistent with the character of other homes in the vicinity. Without further, more substantial changes to the project design, the application would likely be inconsistent with this guiding principle of the zoning ordinance.

The Permit Streamlining Act deadline for this application has been extended to July 1, 2016. The Design Review Board has the ability to continue the application if the applicant demonstrates a willingness to make more substantial changes to the project design to address the concerns raised by the Board.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-2 zone.

Public Comment

As of the date of this report, no letters have been received regarding the subject application since the March 17, 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 application be continued to the May 19, 2016 meeting, with specific direction regarding substantial project design changes to be made. If the Board wishes to deny the application, staff should be directed to prepare a resolution of denial for adoption at the next meeting. If the Board wishes to approve the application, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Revised application materials dated April 10, 2016
3. Design Review Board staff report dated February 18, 2016
4. Design Review Board staff report dated March 17, 2016
5. Minutes of the February 18, 2016 Design Review Board meeting
6. Minutes of the March 17, 2016 Design Review Board meeting
7. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

2225 VISTAZO EAST STREET

FILE #DR2015145

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 November 17, 2015, or as amended by these conditions of approval. Any modifications to the plans of April 11, 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. Storm drain improvements shall be designed in accordance with Marin County criteria. Hydrology calculations, pipe sizing and storm drain plans shall be submitted for the review and approval by the Town Engineer.

    e. No lot-to-lot drainage is allowed except where easements for drainage are provided. No drainage shall discharge across sidewalks.

    f. Post-development stormwater flows shall be limited to pre-development levels. Detention basins or similar structures may be required. Calculations shall be submitted showing that post-development stormwater peak flows will not be greater than pre-development peak flows for the 10, 25 and 100 year, 30 minute event.

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

h. An Erosion and Sediment Control Plan (ESCP) shall be required to document and identify potential pollution sources that may affect stormwater runoff discharges from the site and best management practices (BMPs) that will be implemented to prevent such discharges.

i. Sewer easements shall be protected at all times and no construction shall take place on or beneath such easements.

j. A civil engineer shall prepare a detailed site drainage plan and incorporate the erosion control notes for review and approval by the Building Division and Engineering Division.

10. 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.

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

a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. The automatic fire sprinkler system shall be upgraded to a NFPA 13R system. CFC 903.2

b. Access shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Additional fire personnel steps shall be installed to the satisfaction of the Fire District. CFC 503.1.1

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

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

e. The access gate shall have a minimum unobstructed width of 12 feet. Gates shall be operable using the Fire District's "Knox" key system. CFC 503.6.2

f. The water mains and new fire hydrant shall be installed and made serviceable prior to the start of any construction above the foundation. CFC 501.4

g. The fire apparatus road slope shall comply with Fire District Standard 503.2.1. Alternative means of protection shall include widening the roadway of Vistazo East Street to 12 feet and adding a fire hydrant at on Vistazo East Street at the driveway entrance to the subject property.

13. The project shall comply with all requirements of Sanitary District No. 5.

14. A construction staging plan shall be approved by the Building Official prior to issuance of a building permit for this project.

COUTURE ARCHITECTURE
15 allyn avenue . san anselmo . california . 94960 . 415.482.0224 . Couture Architecture.net

April 10, 2016

RECEIVED
APR 11 2016
PLANNING DIVISION

Dan Watrous
Tiburon Planning Department
1505 Tiburon Boulevard
Tiburon, CA 94920

RE: Planning application for 2225 Vistazo East Street

Dan,

The revised plans dated 4-10-16 have been submitted to the planning department. In response to comments received at the March 17th Planning Commission hearing we have incorporated the following revisions to the plans:

- Reduced size of pool:
  - Shorten length by 5'-0"
  - Shorten width by 4'-6"
  - Reduced wall height to 8'-0" max.
  - Changed pool wall material to darker toned material
  - Added planters in front of wall for screening.
- Increased the front yard setback by 3'-7".
- Reduced patio, walkway and pool areas by 350 sq.ft.
- Reduced Lot Coverage by 162 sq.ft.
- Reduced excavation off-haul by 50 cu.yrds.
- Reduced lower floor ceiling height to 10'-0" by raising the floor height – this also reduces the excavation off-haul. The upper flat roofs have also been lowered 6". The total effect reduces the building floor to roof height by 1'-0" and reduced the overall glazing amount by 165 sq.ft.
- Removed most of the glazing on the eastern upper story (master bathroom).
- Removed all 16 upper floor soffit lights.
- Revised plantings to limit growth height. Please see included site section A1.7 for tree heights and view corridors.
- Moved solar panel location in response to comments by the property owner of 480 Ridge Road.
- Moved fence location in response to comments by the property owner of 480 Ridge Road.

We have also included the following with our resubmittal:

- Story pole certification letter.
- Updated neighborhood outreach summary.
- 16-52.020(i) Building Area Allowance Chart 1
  - This shows the typical neighboring parcel's building area allowances as well as the actual building areas of recent approvals.
- Vistazo East, Ridge Road & Straits View Neighborhood Compatibility Chart 2.
  - This shows the relationship of the proposal to the neighboring homes including recent approvals.
- Material board with revised pool wall finish.

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We have spent considerable time in the neighborhood identifying where the proposed home may be visible from the interior or exterior living spaces of the neighboring homes. From this search it is clear that the visibility from neighboring interior or exterior living spaces is very limited to only a few locations:

- 2243 Vistazo East: the east end of the master bedroom is visible between a gap in the existing trees.
    - We have removed almost all windows from this wall eliminating any potential privacy concerns.
- 2228 Vistazo East: Although the proposal is not visible from any interior space (there are no windows in this direction) or the front yard (there is an existing group of trees screening the view) the west side of the proposal (pool & pool wall area) can be seen if you look back in this direction from the deck. Existing trees and the roof overhang or 2228 Vistazo East currently screens the eastern portion of the proposal.
    - In response to this we have reduced the pool wall height and length, added screening plants in front of the wall and changed the material to a darker tone.
- Ridge Road & Straits View Drive. These homes all sit much higher on the hillside and looked down over the property. The proposal does not enter or block any views and there are currently no objections from these property owners in regards to the current proposal.

The proposal in not visible from any major streets, the downtown or waterfront areas, however, it is visible from a few vantage points on some local streets.

- West portion of Vistazo East: this is the closest vantage point and will eventually be screened by the row of trees along the driveway (see Neighborhood Sections A&B sheet A1.7).
    - The most effected neighbors are 2151, 2160, 2180, 2200, 2220 Vistazo East. None of these neighbors object to the current proposal.
- The east end of Vistazo East: this location is 750' away from the home – from here the proposal will join in with the other numerous homes on the hillside and ridgeline visible from this location.
- Lower portion of Solano Street: this location is 750'-1,000' away from the home – from here the proposal will join in with the other numerous homes on the hillside and ridgeline visible from this location.

While we understand the proposed property appears to be in a small greenbelt in the neighborhood the reality is, this property and the ones next to it, are legally developable lots identical to the neighboring lots currently with homes on them. We feel the current proposal location, size and design is well within the property owners rights for this property and compatible within this neighborhood. We have reviewed the existing entitlements granted to other neighboring properties and included this information in the attached Charts 1 & 2. In comparison to the existing neighbors, the proposal is well within, and generally well below, the average existing building area when compared to lot size. This is particularly true when compared to recent approvals (highlighted in red).

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Also, very important to note, that this is one of the largest properties in the neighborhood, the property does not sit on a ridgeline, is not in any view corridor and is not visible from the downtown or waterfront areas. The home has also been designed to minimize the bulk by placing **52%** of the area of the upper and lower floors below existing grade.

The architectural design proposed, modern with generous overhangs and open, glass walls, is very similar to the current design thread in Tiburon as seen in other recent approvals listed below:

- 430 Ridge Road
- 460 Ridge Road
- 1860 Mountain View Drive
- 1940 Straits View Drive

We have done extensive neighborhood outreach in the design of this home and believe we have addressed and alleviated every valid concern the neighbors have had. With approval, this proposal brings great benefits to the neighbors on Vistazo East and the homes above. The minimal street widening, the addition of a fire hydrant to this portion of Vistazo East and the fire truck turnaround all provide immense fire safety to the neighbors at a great expense to the property owner. A large lot can accommodate a large home as long as it is sensitively designed and has a minimal impact of the neighbors. We feel the current proposal meets this objective.

Thank you,

Scott Couture, AIA
Couture Architecture

Tiburon Zoning & Neighborhood Review **Chart 1**

16-52.020 (i) building area allowances for R-1, R-2 & RO-2 Districts

Lot size	10% of lot size		2000 sq.ft.		Garage Allow.		Allow. Building area	B.A/Lot %	
7,500	**750**	+	**2,000**	+	**600**	=	**3,350**	**45%**	**Typical lot size downhill of**
10,000	**1,000**	+	**2,000**	+	**600**	=	**3,600**	**36%**	**Vistazo East & on Centro East**
12,500	1,250	+	2,000	+	600	=	3,850	**31%**	
15,000	1,500	+	2,000	+	600	=	4,100	**27%**	
17,500	1,750	+	2,000	+	600	=	4,350	**25%**	
20,000	**2,000**	+	**2,000**	+	**600**	=	**4,600**	**23%**	**Typical Ridge Road &**
22,500	**2,250**	+	**2,000**	+	**600**	=	**4,850**	**22%**	**Straits View Drive Lots**
25,000	2,500	+	2,000	+	600	=	5,100	**20%**	
27,500	2,750	+	2,000	+	600	=	5,350	**19%**	
30,000	3,000	+	2,000	+	600	=	5,600	**19%**	
32,500	3,250	+	2,000	+	600	=	5,850	**18%**	
35,000	3,500	+	2,000	+	600	=	6,100	**17%**	
37,500	3,750	+	2,000	+	600	=	6,350	**17%**	
40,000	**4,000**	+	**2,000**	+	**600**	=	**6,600**	**17%**	**Subject lot & neighboring**
42,500	**4,250**	+	**2,000**	+	**600**	=	**6,850**	**16%**	**lots uphill of Vistazo East**
45,000	4,500	+	2,000	+	600	=	7,100	**16%**	
47,500	4,750	+	2,000	+	600	=	7,350	**15%**	
50,000	5,000	+	2,000	+	600	=	7,600	**15%**	

Recent Approvals: building areas

Lot size	Address	Home Size		Garage Size		Total Building Area	B.A/Lot %	
21,420	430 Ridge Road	5,678	+	506	=	6,184	**29%**	430 Ridge Road
24,960	440 Ridge Road	4,686	+	545	=	5,231	**21%**	440 Ridge Road
23,316	460 Ridge Road	4,998	+	506	=	5,504	**24%**	460 Ridge Road
21,728	1940 Straits View	4,475	+	420	=	4,895	**23%**	1940 Straits View
21,318	2135 Vistazo East	4,744	+	512	=	5,256	**25%**	2135 Vistazo East
41,470	**2225 Vistazo East**	**5,730**	+	**716**	=	**6,446**	**16%**	**2225 Vistazo East**

Vistazo East, Ridge Road & Straits View Drive Neighborhood compatibility chart

Neighboring Homes (sq.ft. numbers are taken from assessor records)

Address	Zoning	Site Area	Building Area*	Building Area/Site
2110 Vistazo East	R-1	12,393 sq.ft	4,274 sq.ft.	**35%**
2120 Vistazo East	R-1	24,150 sq.ft	3,208 sq.ft.	**13%**
2131 Vistazo East	RO-2	21,736 sq.ft	1,069 sq.ft.	**5%**
2135 Vistazo East	RO-2	21,318 sq.ft	5,256 sq.ft.	**25%***
2140 Vistazo East	R-1	8,050 sq.ft	3,925 sq.ft.	**25%**
2151 Vistazo East	RO-2	41,640 sq.ft	2,592 sq.ft.	**6%**
2160 Vistazo East	R-1	7,788 sq.ft	3,743 sq.ft.	**48%**
2180 Vistazo East	R-1	8,255 sq.ft	2,614 sq.ft.	**32%**
2200 Vistazo East	R-1	7,772 sq.ft	2,921 sq.ft.	**38%**
2220 Vistazo East	R-1	7,812 sq.ft	1,545 sq.ft.	**20%**
2225 Vistazo East	**RO-2**	**41,470 sq.ft**	**6,446 sq.ft.**	**15.5%***
2228 Vistazo East	R-1	12,500 sq.ft	3,941 sq.ft.	**31%**
2236 Vistazo East	R-1	11,270 sq.ft	3,805 sq.ft.	**34%**
2243 Vistazo East	RO-2	48,720 sq.ft	1,470 sq.ft.	**3%**
2244 Vistazo East	R-1	7,140 sq.ft	3,150 sq.ft.	**44%**
2245 Vistazo East	RO-2	29,200 sq.ft	1,300 sq.ft.	**5%**
430 Ridge Road	RO-2	21,420 sq.ft	6,184 sq.ft.	**29%***
440 Ridge Road	RO-2	24,960 sq.ft	5,231 sq.ft.	**21%***
450 Ridge Road	RO-2	22,250 sq.ft	4,177 sq.ft.	**19%**
460 Ridge Road	RO-2	23,316 sq.ft	5,504 sq.ft.	**24%***
480 Ridge Road	RO-2	21,594 sq.ft	2,333 sq.ft.	**11%**
490 Ridge Road	RO-2	21,242 sq.ft	4,907 sq.ft.	**23%***
500 Ridge Road	RO-2	23,000 sq.ft	4,140 sq.ft.	**18%**
510 Ridge Road	RO-2	20,640 sq.ft	2,140 sq.ft.	**10%**
1910 Straits View Drive	RO-2	44,146 sq.ft	5,289 sq.ft.	**16%***
1930 Straits View Drive	RO-2	24,289 sq.ft	2,036 sq.ft.	**8%**
1940 Straits View Drive	RO-2	21,728 sq.ft	4,895 sq.ft.	**23%***

***Building Area = House + Garage.**

***Recent approvals or renovation/modernizations**

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
February 18, 2016
Agenda Item: 1

STAFF REPORT

To:	**Members of the Design Review Board**
From:	**Planning Manager Watrous**
Subject:	**2225 Vistazo East Street; File Nos. VAR2015022/DR2015145; 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:	**2225 VISTAZO EAST STREET**
OWNER:	**SHOR CAPITAL, LLC**
APPLICANT:	**COUTURE ARCHITECTURE**
ASSESSOR'S PARCEL:	**059-091-55**
FILE NUMBERS:	**VAR2015022/DR2015145**
LOT SIZE:	**41,740 SQUARE FEET**
ZONING:	**RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)**
GENERAL PLAN:	**M (MEDIUM DENSITY RESIDENTIAL)**
FLOOD ZONE:	**X**
DATE COMPLETE:	**FEBRUARY 2, 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 a new two-story single-family dwelling on property located at 2225 Vistazo East Street. The subject property is currently vacant.

The upper floor of the house would include a living room, dining room, kitchen, family room and a master bedroom suite, along with a mud room and an additional bathroom. The lower floor would include four more bedrooms and bathrooms, along with a media room, laundry room, wine

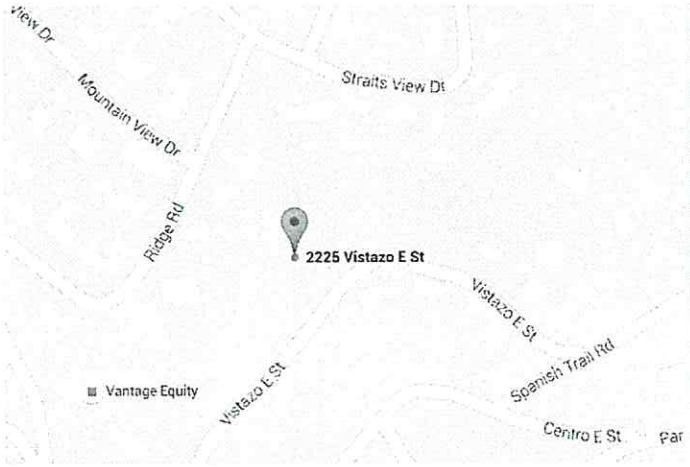
cellar and storage room. Decks would extend off both floors to the east and patios would be located at ground level on several sides of the building. A roof deck would cover much of the southern portion of the upper floor. A swimming pool would be situated off the upper floor. A 6 foot tall wood and wire deer fence would surround most of the lot.

An attached three-car garage would be situated on the uphill side of the house. Vehicular access to the house would be provided by a long driveway leading uphill from the street below, bordered by retaining walls up to 6.5 feet in height. A driveway gate would be installed near the bottom of the site.

The floor area of the proposed house would be 5,830 square feet, with 860 square feet of garage space, which is 84 square feet less than the floor area ratio for a lot of this size. The proposed house would cover 6,795 square feet (16.3%) of the site, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 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 cedar and limestone siding with black trim. The color and materials of the flat roof has not been specified, but a living roof would be installed above the garage and a portion of the upper floor adjacent to the proposed roof deck.

PROJECT SETTING





The subject property is steeply sloped, with frontage on Vistazo East Street below, accessed from Diviso Street to the west. The portion of Vistazo East directly adjacent to the site is a private street. The lot is situated below homes in the Hillhaven neighborhood along Ridge Road and Straits View Drive.

BACKGROUND

On May 15, 1997, the Design Review Board held a public hearing to consider the approval of a Site Plan and Architectural Review application (File #797029) for construction of a new 6,668

square foot single-family residence on the subject property by a prior property owner. Over the course of three meetings, nearby property owners and the Board raised concerns about the size and scale of the home compared to other dwellings in the vicinity, while the applicant made only minor changes to the project design. On October 2, 1997, the Board adopted Resolution No. 97-1 (**Exhibit 3**) denying the application.

The applicant appealed this decision to the Town Council, which heard the appeal on February 4, 1998. The Council concurred with the decision of the Design Review Board and adopted Resolution No. 3267 (**Exhibit 4**) denying the appeal, finding in particular that the mass, bulk and size of the proposed house was incompatible with the character of the Old Tiburon neighborhood.

Several years later, the same property owner submitted a Site Plan and Architectural Review application for a similar house design, prepared by a different architect. The application was never deemed complete and was ultimately withdrawn.

ANALYSIS

Design Issues

The proposed home would be situated on the upper portion of the site. Story poles have been erected for the proposed house. Existing vegetation along the uphill side of the street provides some screening of the house site, but would likely be removed during construction of the project. However, the homes below on Vistazo East Street are oriented away from the site toward Angel Island and Raccoon Strait, with limited views uphill toward the site of the proposed house, so the removal of this screening should have little effect on views from these nearby residences.

The proposed house would be situated well below the nearest uphill homes along Ridge Road. An evaluation of the story poles indicates that the house should not intrude into water views from any of these uphill neighboring dwellings. There are no other nearby homes on the same elevation as the subject property with sideways views across the proposed house location.

The private roadway of Vistazo East Street is very narrow in the area of the site. The Tiburon Fire Protection District will require that the street be widened to 12 feet to provide better emergency access to the site and that a fire hydrant be installed near the street.

The design of the proposed home is more consistent with the design of other homes in the vicinity than the design proposed in 1997 for this property. The previous house design featured a Mediterranean theme, with stucco walls and tile roofing, and a third level below for a garage in front of the house. The driveway design also included stucco walls much taller than 6 feet. The more contemporary design of the currently proposed house would spread the house more horizontally on the site and blend with the hillside in a manner more consistent with the Hillside Design Guidelines.

The previous project review included an analysis of the floor area of 31 homes in the vicinity of the subject property and found that 25 of these 31 homes were less than half the size of the proposed house. Although the proposed house would have only a slightly smaller floor area than

the previous house design, a number of larger homes have been approved and built in the adjacent Hillhaven neighborhood since 1997. As a result, the floor area of the proposed house would appear to be more consistent with the sizes of other homes in the vicinity than that of the previously requested dwelling.

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 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 very steep, with no level area upon which to develop a new dwelling or surrounding improvements. 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 RO-2 or similar zones have received variances for excess lot coverage, although many such variances have been approved to maintain a one-story house design, in contrast to the proposed two-story home.

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 proposed house design includes substantial deck and pool areas that count toward the calculated lot coverage for this project. Although these outdoor spaces could be reduced in size to comply with the maximum allowable lot coverage, the applicant contends that this space is necessary to provide usable outdoor space which would otherwise be infeasible on such a steep lot. The strict interpretation of the lot coverage requirement would result in a project design that would not accommodate outdoor uses normally associated with a new single-family dwelling.

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

As noted above, the proposed project would not create 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, no letters have been received regarding the subject application.

RECOMMENDATION

The Design Review Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board agrees with staff's conclusions, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Design Review Board Resolution No. 97-1
4. Town Council Resolution No. 3267
5. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
March 17, 2016
Agenda Item: 1

STAFF REPORT

To:	**Members of the Design Review Board**
From:	**Planning Manager Watrous**
Subject:	**2225 Vistazo East Street; File Nos. VAR2015022/DR2015145; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling (Continued from February 18, 2016)**
Reviewed By:	_____

BACKGROUND

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 2225 Vistazo East Street. The subject property is currently vacant.

This application was first reviewed at the February 18, 2016 Design Review Board meeting. At that meeting, several property owners in the vicinity raised concerns about the overall size and visual mass of the proposed house, compatibility with the surrounding neighborhood, and the proposed widening of the private roadway of Vistazo East Street.

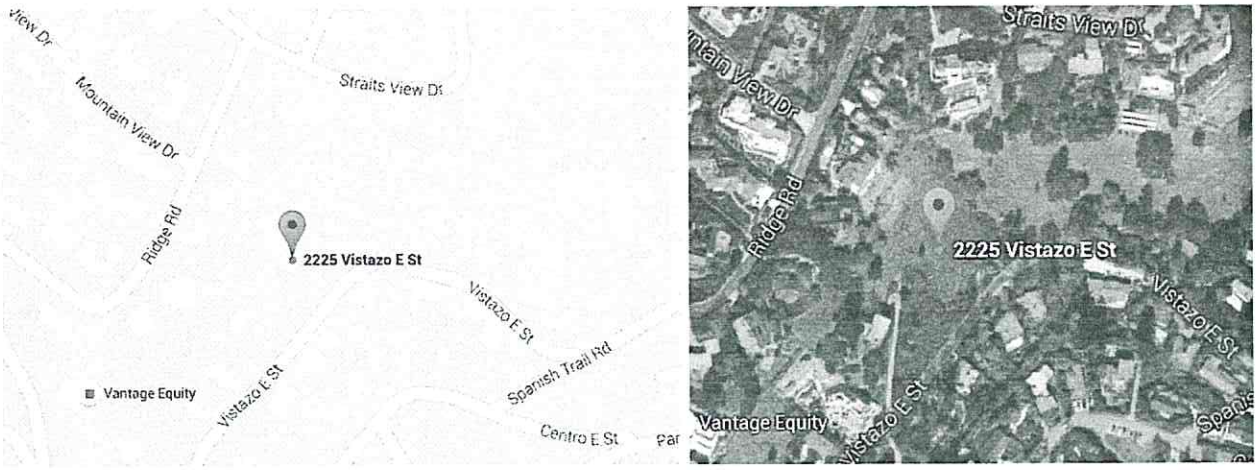
The Design Review Board shared the concerns about the overall size of the house, concluding that a variance for excess lot coverage was not warranted for a house of this size on such a large lot. The Board also raised objections to a proposed rooftop deck, the amount of glazing on the front of the house and the overall roof height. The Board determined that the proposed street widening was a requirement of the Fire District and would not be a substantial change to the neighborhood. The Board directed the applicant to revise the house design to address these issues and continued the application to the March 17, 2016 meeting.

The applicant has now submitted revised plans for the project. The overall floor plans and house layout on the site have not been substantially changed. The lower floor was reduced by 95 square feet and the upper floor reduced by 5 square feet. The garage was reduced by 144 square feet. The rooftop deck and putting green were removed. The overall roof height was lowered by one foot. The swimming pool was shortened in depth. The windows on the building elevations appear to be unchanged.

The floor area of the proposed house has been reduced by 100 square feet to would be 5,730 square feet, with the garage reduced in size by 144 square feet to 716 square feet, resulting in a

total floor area which would be 328 square feet less than the floor area ratio for a lot of this size. The lot coverage of proposed house has been reduced by 535 square feet to cover 6,260 square feet (15.0%) of the site, which is 1 square foot less than the 15.0% maximum lot coverage permitted in the RO-2 zone. A variance is therefore no longer requested for excess lot coverage.

PROJECT SETTING



ANALYSIS

Design Issues

The revised house design appears to respond to many of the issues raised by the Design Review Board, although most of the changes are minor or incremental in nature. The lot coverage was reduced almost the absolute minimum necessary to eliminate the need for a variance. The floor area of the house was reduced by 1.7% and the one foot height reduction is similarly small in scope. The elimination of the rooftop deck and putting green would eliminate one potential privacy concern.

The Design Review Board should evaluate the revised project design and determine if the changes are sufficient to address the concerns raised at the February 18, 2016 meeting.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-2 zone. The applicant is no longer requesting a variance for excess lot coverage.

Public Comment

As of the date of this report, no letters have been received regarding the subject application since the February 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 attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Design Review Board staff report dated February 18, 2016
3. Minutes of the February 18, 2016 Design Review Board meeting
4. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

MINUTES #2
TIBURON DESIGN REVIEW BOARD
MEETING OF FEBRUARY 18, 2016

The meeting was opened at 7:00 p.m. by Chair Tollini.

A. ROLL CALL

Present: Chair Tollini, Vice Chair Kricensky, Boardmembers Chong, Cousins and Emberson

Absent: None

Ex-Officio: Planning Manager Watrous and Associate Planner O'Malley

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING

Planning Manager Watrous stated that the item for 681 Hawthorne Drive was continued to the March 3, 2016 meeting.

D. NEW BUSINESS

1. **2225 VISTAZO EAST STREET:** File No. VAR2015022/DR2015145; Shor Capital, LLC, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling, with a Variance for excess lot coverage. The applicant proposes to construct a new 5,830 square foot house. The lot coverage of the house would be 6,795 square feet (16.3%), which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Assessor's Parcel No. 059-091-55.

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 2225 Vistazo East Street. The upper floor of the house would include a living room, dining room, kitchen, family room and a master bedroom suite, along with a mud room and an additional bathroom. The lower floor would include four more bedrooms and bathrooms, along with a media room, laundry room, wine cellar and storage room. Decks would extend off both floors to the east and patios would be located at ground level on several sides of the building. A roof deck would cover much of the southern portion of the upper floor. A swimming pool would be situated off the upper floor. A 6 foot tall wood and wire deer fence would surround most of the lot. An attached three-car garage would be situated on the uphill side of the house. Vehicular access to the house would be provided by a long driveway leading uphill from the street below, bordered by retaining walls up to 6.5 feet in height. A driveway gate would be installed near the bottom of the site.

The floor area of the proposed house would be 5,830 square feet, with 860 square feet of garage space, which is 84 square feet less than the floor area ratio for a lot of this size. The proposed

house would cover 6,795 square feet (16.3%) of the site, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. A variance is therefore requested for excess lot coverage.

Scott Couture, architect, said that when they first started the project they reached out to neighbors with a letter and they met with several residents and corresponded with others by email. He said that they took the neighbors' advice to not block views or create a design similar to the Frankovich project that was previously proposed on the property that was denied. He noted that the roadway is about 10 feet wide and very narrow and the neighbors have told them that they like that and did not want the road widened or connected through to Paradise Drive. He stated that because this is a steep hillside lot, there were only a few options for the fire truck turnaround, so a turnaround at the base would require extensive retaining walls 12-15 feet tall, but a turnaround in the corner of the property near the existing acacia trees was the best solution. He said that they were able to tuck the driveway up and around the house and locate the garage underground without requiring extensive retaining walls, which was a good solution to reduce the visual mass of the house. He said that the house was designed around the location of the driveway and garage. He said that the fire district required that the roadway be widened to 12 feet and that a fire hydrant be installed.

Mr. Couture stated that the house would be well below the height limit, with only one section that would touch the 30 foot height limit. He said that the garage would be fully buried and be landscaped on top. He said that no skylights were proposed to eliminate uphill glare issues. He described the landscape plan and pointed out existing trees and proposed trees to be planted for screening. He stated that this would be a low profile house that would step up the hillside. He felt that they had addressed the neighbors' screening concerns by planting trees and hedges.

Boardmember Emberson asked Mr. Couture to explain the difference between placing the garage under the house and digging into the hillside since each would require excavation. Mr. Couture said that it was a matter of appearance and described the impact of placing the garage in both locations.

Chair Tollini asked if the 1997 "Frankovich" project was ever approved. Planning Manager Watrous said that it was denied, then denied on appeal.

The public hearing was opened.

Carol McKegney said that she owns the vacant lot adjoining the site and said that she did not receive any contact until she contacted the applicant. She stated that the homes on Vistazo East Street are all under 4,000 square feet and she believed that this larger home would set a precedent. She also noted that there are some live springs in that area.

Lawrence Stotter said that he has lived in his home since the 1960s and almost everyone in the neighborhood is very pleased with the natural atmosphere. He said that he was very concerned that other improvements in the area have all been within the 3,500 to 4,500 square foot range. He stated that the previous application was rejected in 1997 when the Town found that the mass, bulk, and size of the proposed home was incompatible with the character of the Old Tiburon

neighborhood. He said that this proposed project would be totally different and he was concerned that the property was not being developed by someone living in the neighborhood. He requested the Board take the same action as on the 1997 project, for the same reasons.

James Bernhisel said that this property is incredibly steep. He was struck by the appearance of the solar panels which would be visible from his property. He noted that a rooftop deck and putting green was proposed at the highest point of the property, so he would be looking down on chairs, people, and noise, and he suggested moving the deck space to an area that is more private. He felt that the house should be moved downhill to be consistent with other houses in the area. He was also concerned about the height of the plantings if allowed to grow to full height.

Alison Swearingen said that she rents a home on Carol McKegney's property. She said that she has gotten to know the character of the neighborhood and felt that there is something special about it and the people. She characterized building a large mansion on this property for profit as out of place and greedy.

David Peterson said that Vistazo East Street consists of two dead end roads, one of which is gravel. He said that the houses in the Hillhaven neighborhood are similar in scale to the proposed house, but there is nothing like this proposed house on Vistazo East. He characterized the project as a "trophy" house that would be inconsistent with the neighborhood. He felt that the amount of decking would invite parties and there is no parking or ability to accommodate that amount of cars on the road. He had noise and light concerns for the deck. He noted that the site is in an RO-2 zone but it is served by a road that serves R-1 zoned dwellings.

Ann Diemer said that she was just learning about the project and she was concerned how the logistics would be handled on this road during the construction phase. She was also concerned with light pollution from the structure and the effect it would have on the neighborhood.

Mr. Couture agreed with the residents that developers can be difficult and described how he has worked in his practice with developers to be sensitive to the neighbors. He explained their neighborhood outreach efforts and said that they tried to be as forthcoming as possible. He stated that this lot has been vacant for a long time and the neighborhood may have gotten used to it as open space, but it is the property owner's right to be able to develop their property. He said that they utilized the Hillside Design Guidelines to the fullest and minimized the appearance and mass of the building. He thought that the home would fit nicely in the neighborhood and was designed with a lot of screening without creating any view blockages. He said that the solar panels would be well hidden on the site by existing landscaping and this seemed like the best location for them. He said that the developer wants to build a high quality house and wants it to fit in with the neighborhood. He said that construction parking would be on site.

Chair Tollini asked if any calculations were done to determine the net off haul of dirt. Mr. Couture stated that it would be just over 6,000 cubic yards.

The public hearing was closed.

Boardmember Chong asked if the State of California prevents the Board from discussing solar panels. Planning Manager Watrous said that the Board cannot discuss solar panels or suggest moving them.

Boardmember Emberson said that the house design was gorgeous, but it is not appropriate for the site. She said that the home would be appropriate for Ridge Road, but inconsistent with the smaller and less impactful houses on Vistazo East. She suggested that the house was positioned to capture views and not to avoid retaining walls. She said that the windows would be massive and the south facing windows would face the sun all day long. She agreed with the neighbors that the road is small and the house is too big and it does not fit on this street. She thought that the decking was massive. She said that she could not make the findings for the variance and suggested reducing the size of the house.

Vice-Chair Kricensky said that he liked the design of the house and that it was worked into the hillside. However, he felt that the house was not compatible with the neighborhood. He said that maximizing the floor area would make the house loom over the other homes below. He felt that placing the house lower on the site may not help, but that better colors might help. He thought that the house was too big and that a variance was not needed on such a large lot. He thinks the rooftop deck and putting green are inappropriate. He noted that large overhangs are necessary to shade the large windows, but was concerned with the amount and height of glazing.

Boardmember Cousins said that he liked the design of the house and he understood why the owner was requesting to build a house of this size. He said that he would not support a variance but found the floor area to be acceptable. He felt that moving the garage above the house made it less visible from the top and that the driveway was less intrusive. He said that there was a tremendous amount of exterior decking. He said that he would like to reduce the apparent mass of the house, possibly by reducing the decks and eliminating the rooftop deck. He also requested a reduction or some screening of the large windows on the eastern side.

Boardmember Chong said that he visited the site and said that he could have possibly supported the variance, as the outdoor space requires more lot coverage. He noted the list of concerns from the neighbors and agreed that the rooftop deck should be eliminated. He stated that the Fire District required widening the road. He said that a small house at the bottom of the lot is not appropriate for such a large site. He did not think that the project would fundamentally change the character of the neighborhood.

Chair Tollini noted that there are different zones for properties across the street from each other and there will be different houses on different sized lots. He said that the only recently developed lot on the uphill side has a very large house. He stated that this is a huge lot and will have a large house one way or another, but there are things that can be done to make the house feel smaller. He said that he could not support the variance and noted that the roof would be almost 30 feet tall at one point. He said that he would like to see the height of the roof brought down, and louvering or cutting down for the glazing on the east side. He agreed that the rooftop deck did not work. He believed that expanding the road to 12 feet would make it safer and not take away from its charm. He stated that mounding up the grade below the pool represented an artificial approach to developing the site.

Boardmember Chong and Chair Tollini summarized the Board's concerns that 1) variances should be avoided as a starting point for size reduction; 2) no rooftop deck; 3) reduce the glazing on the downhill and east sides; and 4) lowering the roof height.

ACTION: It was M/S (Emberson/Tollini) to continue the application for 2225 Vistazo East Street to the March 17, 2016 meeting. Vote: 5-0.

2. **4030 PARADISE DRIVE:** File No. FAE2015014/DR2015142; Taylor Lembi, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Floor Area Exception. The applicant proposes to add 1,601 square feet of basement and a 214 square foot ground level addition to the existing house. The project would result in 5,283 square feet of floor area, which is greater than the 4,800 square foot floor area ratio for a lot of this size. Assessor's Parcel No. 039-091-11.

The applicant is requesting design review approval for the construction of additions to an existing single-family dwelling, with a floor area exception, on property located at 4030 Paradise Drive. The existing 3,468 square foot single-family dwelling includes a dining room, kitchen, living room, family room, and a bathroom on the main level; and a master bedroom suite, bathroom, and two bedrooms on the upper level. There is also an existing multi-level detached accessory structure with a 492 square foot garage in the front property and wooden decks to the sides and rears of the site.

As part of an interior remodel and additions to the existing home, the proposal would add a 1,601 square foot lower level, which includes a playroom, gym, laundry room, bathroom, and master bedroom suite. A 214 square foot addition to the main level would include a great room and library. Other improvements include new wooden decks with glass railings at the main level and lower level; a rooftop deck over a portion of the new addition; four new skylights; a new chimney; and solar panels on the roof of the main structure and accessory structure. A new pool, spa, BBQ area and retaining walls would be located in the rear adjacent to the lower level deck.

The proposal would result in lot coverage of 4,115.5 square feet (14.7%), which is below the maximum 15% permitted lot coverage in the RO-2 zone. The proposal would result in a floor area of 5,283 square feet, which is 483 square feet above the 4,800 square foot floor area ratio for the property. A floor area exception is therefore required.

Taylor Lembi, owner, introduced his architect who will make the presentation.

Yakuh Askew, architect, said that the owner wished to update the house and they tried to be as respectful of the existing house as possible. He said that this is a steep site and said that they wanted to provide additional outdoor space, so the remodel includes a pool which terraces down to meet the landscaping and some "pocket" outdoor spaces. He said that they wanted to bury the addition below the residence to allow better open space off the main area. He said that they were also updating and improving the design of the residence. He reviewed the materials and showed additional images of the residence.

MINUTES #4
TIBURON DESIGN REVIEW BOARD
MEETING OF MARCH 17, 2016

The meeting was opened at 7:03 p.m. by Chair Tollini.

A. ROLL CALL

Present: Chair Tollini, Vice Chair Kricensky, Boardmembers Chong, Cousins and Emberson

Absent: None

Ex-Officio: Planning Manager Watrous and Minutes Clerk Rusting

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING - None

D. OLD BUSINESS

1. **2225 VISTAZO EAST STREET:** File No. DR2015145; Shor Capital, LLC, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling. The applicant proposes to construct a new 5,730 square foot house. Assessor's Parcel No. 059-091-55.

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 2225 Vistazo East Street. The subject property is currently vacant. This application was first reviewed at the February 18, 2016 Design Review Board meeting. At that meeting, several property owners in the vicinity raised concerns about the overall size and visual mass of the proposed house, compatibility with the surrounding neighborhood, and the proposed widening of the private roadway of Vistazo East Street.

The Design Review Board shared the concerns about the overall size of the house, concluding that a variance for excess lot coverage was not warranted for a house of this size on such a large lot. The Board also raised objections to a proposed rooftop deck, the amount of glazing on the front of the house and the overall roof height. The Board determined that the proposed street widening was a requirement of the Fire District and would not be a substantial change to the neighborhood. The Board directed the applicant to revise the house design to address these issues and continued the application to the March 17, 2016 meeting.

The applicant has submitted revised plans for the project. The lower floor was reduced by 95 square feet and the upper floor reduced by 5 square feet. The garage was reduced by 144 square feet. The rooftop deck and putting green were removed. The overall roof height was lowered by one foot. The swimming pool was shortened in depth. The windows on the building elevations appear to be unchanged.

The floor area of the proposed house has been reduced by 100 square feet to would be 5,730 square feet, with the garage reduced in size by 144 square feet to 716 square feet, resulting in a total floor area which would be 328 square feet less than the floor area ratio for a lot of this size. The lot coverage of the proposed house has been reduced by 535 square feet to cover 6,260 square feet (15.0%) of the site, which is 1 square foot less than the 15.0% maximum lot coverage permitted in the RO-2 zone. A variance is therefore no longer requested for excess lot coverage.

Scott Couture, architect, reviewed the revisions made to the project. He said that they received good feedback on the architecture and materials and therefore did not want to make any drastic changes, but instead made a series of small changes to reduce the scale of the project. He said that they made four of the five windows on the eastern face translucent to address privacy concerns. He said that they removed 100 square feet of floor area and reduced the garage by 145 square feet and no longer are requesting any variances. He said that they pushed the front edge of the pool back one foot and the side by one foot.

Mr. Couture showed an aerial photograph of the area and noted the extent of development on neighboring properties compared to the proposed home. He noted that this lot is large for the neighborhood and he thought that the proposed home would fit nicely on the site. He described their neighborhood outreach, including neighbors behind the project which resulted in proposing to plant trees that would grow to 25 feet in height to cover the roof but not grow high enough to block views.

Mr. Couture reviewed the Hillside Design Guidelines and indicated how they felt that they have followed those guidelines. He displayed depictions of views of the house from the street and noted the locations of plantings. He stated that the house would have a low profile and would not protrude into the views of neighboring homes.

The public hearing was opened.

James Bernisel said that it is hard to see how steep and enormous this lot is. He said that the house would be situated at the top of the hill to become more a part of the Hillhaven neighborhood above and behind it instead of Old Tiburon. He thought that the right thing to do was put the solar panels on the roof or below the house. He stated that the Sunset Garden Book says that the trees proposed to be planted can grow to 40 feet.

Lawrence Stotter said that the people who live in Old Tiburon live there because they want to live there and be a part of the community and he was concerned that this project is being built for profit by people who do not want to live in the house. He felt that the applicants were coming back again and again with small changes until they wear down the Board. He summarized the Board's previous comments that the mass, size, and bulk of the house were not characteristic of Old Tiburon and do not belong in this area.

David Peterson said that only token changes were made to the house, but the above grade swimming pool on a 45 degree slope was not changed and would have a 12 foot tall, 50 foot long wall. He said that the house would have 2,500 to 3,000 square feet of decking. He said that 80

percent of the southern and western walls would be glazed and since the ceilings would be 11 to 13 feet high, everything would be glass. He felt that the overhangs over the decks were huge and would include flood lights shining down. He felt that the applicants were not responsive to the concerns raised at the last meeting and he thought that the aerial view was highly misleading. He said that this is a one acre lot because of its 45 degree slope. He said that this lot is serviced by a road that services neighboring houses that are less than half the size and he believed that this house would be out of character with the neighborhood.

Mr. Couture said they reached out to neighbors and care about the impact of the project on them. He said that the lot does not have a 45 degree slope and that this is a very large site but not one of the steeper sites on which they have built a house. He noted that the home at 2135 Vistazo East Street is developed to approximately the same extent as their proposed home. He believed that the size of the proposed home was in scale with the neighborhood and there would be substantial distance from the neighbors and a lot more privacy than other homes on the street. He reiterated that he felt that the design complied with the Hillside Design Guidelines. He said that they would not remove any trees from the site but would instead adding trees to it. He said that the proposed trees would not grow up to block the neighboring views and the lighting would be pointed down and shielded. He said that over 900 square feet was reduced from the previous design. He felt that the home would proportionally fit in with the scale of the neighborhood since the lot is so large.

The public hearing was closed.

Boardmember Cousins said that the biggest changes made to the plans were to the garage and the roof deck, which did not affect the mass of the building. He said that the other changes were minimal and were not enough to address the Board's previous concerns. He said that the house would have a lot of glazing and that the bathroom alone would have over 200 square feet of glass. He said that the building height was very high for a two-story home with a flat roof. He felt that there was a lot that could be done to revise the building design. He thought that the location of the house was acceptable and that it could be a large house, but the house did not have to be so massive and the amount of glass should be controlled.

Boardmember Chong said that he had had fewer concerns and he felt that the changes addressed most of his issues. He said that it is a shame that there are such different sized lots on the same street but a large home will be developed on this lot because of its size. He noted that the downhill neighbor would be 300 feet away from the downlights.

Boardmember Emberson stated that the applicant did the minimum necessary to avoid a lot coverage variance. She noted the Zoning Ordinance does not suggest that houses should be built to the maximum allowed. She believed that Ridge Road houses should not go on Vistazo East Street. She agreed with Mr. Peterson's comments that the reason this lot is so large is because the hill is steep. She thought that only incremental changes were made. She noted that the 12 foot tall wall around the swimming pool would be made of limestone and would be very white and large. She said that she loved the house design but felt that it did not work and needed to be tweaked more.

Vice Chair Kricensky said that he also liked the design, but not in this location. He thought that it was deceiving to compare this house to the neighboring homes above and below, as the house would have so much glass and was stretched along the hillside more like a Ridge Road house than one that belongs on Vistazo East Street. He said that the Zoning Ordinances clearly states that the FAR is not a goal to be achieved and that a house should fit in with its neighborhood. He said that the pool was artificially elevated and contrary to the Hillside Design Guidelines. He felt that the size of the pool wall was extreme and really adds to the mass of the project, which looks bigger than the house would really be. He noted that the Hillside Guidelines also state that framed views are better than large expanses of windows and said that the amount of glass on the bare hillside lit up at night would be excessive.

Chair Tollini agreed with the other Boardmembers regarding the glazing, height, wall size, pool elevation, and overall fit with the neighborhood. He appreciated the changes that were made, but said that they were modest and incremental and did not made a meaningful difference in the building massing. He felt that not enough had been done to address the Board's concerns. He said that the style of the home was dramatic and that it needed to be more subtle to coexist with the other homes on the street. He noted that the home at 2135 Vistazo East Street has much less glazing and is a more traditional home that fits in better. He also suggested finding smaller range of tree heights than the wax myrtle.

Planning Manager Watrous stated that the applicant would need to grant an extension to the Permit Streamlining Act deadlines for the application to be continued. Mr. Couture verbally agreed to the extension.

ACTION: It was M/S (Emberson/Kricensky) to continue the application for 2225 Vistazo East Street to the April 21, 2016 meeting. Vote: 5-0.

E. NEW BUSINESS

2. **73 REED RANCH ROAD:** File No. VAR2016001/DR2016005; Wesley Dodds, Owner; Site Plan and Architectural Review for construction of a fence and trellis for an existing single-family dwelling, with a Variance for excess fence height. A new fence in the rear property would be 9 feet tall, in lieu of the maximum fence height of 6 feet. Assessor's Parcel No. 038-301-07.

The applicant is requesting Design Review approval for the construction of a fence and trellis for an existing single-family dwelling on property located at 73 Reed Ranch Road. The fence and trellis would be constructed adjacent to an existing swimming pool and pool deck area in the rear of the property. The proposed fence would be 9 feet tall. As the Tiburon Zoning Ordinance restricts fences to a maximum height of 6 feet within required setbacks, a variance is requested for excess fence height.

Wes Dodds, owner, said that he shares a property line fence with his neighbor whose pool deck looks directly down into his yard. He said that he would like to build a nine foot tall fence and a trellis for privacy. He said that his neighbor supports this requests and would look directly into his yard with only a six foot tall fence.

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

STAFF REPORT

To:	**Members of the Design Review Board**
From:	**Planning Manager Watrous**
Subject:	**17 Acela Drive; File No. DR2016002 & VAR2016015; Site Plan and Architecture Review for Construction of Additions to an Existing Single-Family Dwelling, with a Variance for Excess Lot Coverage (Continued from March 3, 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 17 Acela Drive. This application was first reviewed at the March 3, 2016 Design Review Board meeting. At that meeting, several neighboring residents raised concerns about potential view impacts that would be caused by the proposed second story addition. The Board acknowledged the neighbor's concerns, raised doubts about the feasibility of a second story addition at this location and expressed concerns about the size of the proposed roof deck. The application was continued to the April 7, 2016 to allow the applicants to revise the project design. The applicants subsequently requested a further continuance to the May 5, 2016 meeting.

The applicants have now submitted revised plans for the project. The upper floor addition has been eliminated and replaced with additions on the existing main floor and a new lower floor. The new lower floor would include three bedrooms and two bathrooms. The additions on the main floor would expand the living room, dining room and one bedroom and bathroom. A new deck would extend above the proposed lower floor addition. The roofline of the existing house would be modified, but would retain its flat roof and would not increase in height.

The floor area of the would be increased by 1,966 square feet to 4,504 square feet, which is 46 square feet smaller than the previously proposed addition and 127 square feet less than the floor area ratio for a lot of this size. The revised project would increase the lot coverage of the house to 4,684 square feet (17.8%) of the site, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. A variance for excess lot coverage is now requested.

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 medium grey colored cement panels and dark grey stucco siding. Black membrane roofing would be installed.

ANALYSIS

Design Issues

The revised project design appears to respond to the concerns raised by the Design Review Board and neighboring residents at the previous meeting. The project would no longer intrude into views from other homes along Acela Drive, as the main and lower floor additions would not appear to be located within any existing viewlines currently enjoyed by other residences across the site.

The proposed deck off the main level of the home is still relatively large. However, the deck has been pulled back from the home at 16 Acela Drive and would not appear to be particularly close to other residences in the vicinity.

Zoning

Staff has reviewed the proposal and finds that it is in general conformance with the development standards for the RO-2 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 roughly rectangular in shape and is larger than the minimum lot size in the RO-2 zone. However, the building pad for the existing house is situated well below street level and the existing house is very short, which are physical conditions which severely limit the location of future additions on this site. These physical characteristics create special circumstances that would deprive the owners of this property of development privileges for a home design similar to those enjoyed by other properties in the vicinity if the subject variance is not granted.

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 excess lot coverage, particularly in instances where a home design with a new upper floor of living area would result in substantial view blockage for other homes in the vicinity.

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 potentially intrude into the viewlines for other homes in the vicinity, 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 described above, the proposed additions would not project into views or create privacy concerns 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, no letters have been received regarding the subject application since the March 3, 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 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 March 3, 2016
3. Minutes of the March 3, 2016 Design Review Board meeting
4. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

17 ACELA DRIVE

FILE #DR2016002/VAR2016015

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 January 19, 2016, or as amended by these conditions of approval. Any modifications to the plans of April 25, 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 Tiburon Fire Protection District, including, but not limited to, the following:

    a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2

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

    c. The vegetation on this parcel shall comply with the requirements of TFPD. CFC 304.1.2

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

location of the roof ridge on the drawing. He said that the ridge that would be higher than the existing ridge is 14 inches higher, not 3 feet higher and would not block any water views.

Vice-Chair Kricensky asked if the finished floor is at the same elevation as the existing upper floor, and the applicant confirmed that it would be the same.

The public hearing was closed.

Boardmember Cousins stated that the ridge height was confusing. He noted the figures in the submitted plans and stated that the applicant related all comments about the proposed ridge height to the maximum ridge height of the existing house, but most of the house would be 2-3 feet taller than the existing house. He believed that placing the garage underneath was a great idea. He was concerned that the minimum ceiling height would be 9 feet and go up to 14 feet. He believed that the ridge heights could be lowered to less impact on the uphill neighbors' views. He said that he would like to see some changes to minimize the impacts on neighboring homes.

Boardmember Chong said that the lot coverage guidelines are intended to prevent overbuilding on a lot and he felt that the guidelines were being stretched in this case. He said that the tradeoff of putting the garage on the bottom instead of going up to two stories was done more often and he said that he could support the lot coverage variance. However, he felt that there was room for improvement on the roof height to reduce the impact on the Sausalito, shoreline and Richardson Bay views of the uphill neighbors.

Vice-Chair Kricensky noted the Board has given variances before to keep a house to a one-story design on smaller lots, but this is a larger lot with a larger house that would affect neighbors. He agreed with the comments about the roof and said that it was difficult to see its location. He said that the house was pushing out to all the setbacks, the kitchen would loom out and the ceilings might be even higher than shown on the plans. He felt that bringing down the roof height could solve the view issues.

Chair Tollini said that most of the roof would be 2.75 feet above most of the existing roof and he felt that the height had been increased too much. He encouraged tucking the garage below, but said that the upper floor would sprawl to every setback. He felt that this pushed the envelope of bulk in the neighborhood. He added that the amount of glazing and the projected kitchen did not help the design. He felt that it was hard to support the lot coverage variance when the design was so impactful.

ACTION: It was M/S (Chong/Kricensky) to continue to continue the application for 681 Hawthorne Drive to the April 7, 2016 meeting. Vote: 4-0 (Emberson recused).

Boardmember Emberson returned to the meeting.

3. **17 ACELA DRIVE:** File No. DR2016002; Miraj and Nisha Shah, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling. The applicant proposes to add a 2,012.5 square foot second story addition and a rooftop

deck to an existing one-story house. The project would result in a 4,550.5 square foot dwelling. Assessor's Parcel No. 058-231-16.

The applicant is requesting Design Review approval for the construction of additions to an existing one-story single-family dwelling on property located at 17 Acela Drive. The project would create a new second story to the house. The second story would include a family room, three bedrooms, three bathrooms and a laundry room. A partially covered rooftop deck would extend above the existing attached garage on the first story.

The floor area of the would be increased by 2,012.5 square feet to 4,550.5 square feet, which is 81 square feet less than the floor area ratio for a lot of this size. The second story project would not extend beyond the footprint of the existing home, which currently covers 4,147 square feet (15.8%) of the site, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone.

Linda Massey, architect, said that the proposed project was to add a second story to the existing home and add a little over 2,000 square feet, which would bring the floor area to 5,550 square feet. She said that the project fit the character of the surrounding neighborhood where the majority of homes have multiple stories and include elevated decks or raised patios. She said that the existing home is small compared to the neighboring homes. She stated that they worked hard to minimize the impact of the second story on the neighbors in their initial design and are open to making alterations, but they want to be sure any potential changes come from a clear understanding of what views would be blocked and what would not be blocked. She said that the existing house is below street level and cut into the hillside and there is a large amount of vegetation between the house and the street. She said that their plan was to move the mass as far to the east as they could, and leave the northwest area as the open roof deck because it would have the least impact to the neighbors. She displayed diagrams of the view impacts on neighboring properties. She said that the home across the cul-de-sac at 14 Acela Drive enjoys a panoramic view from both the living area and the master bedroom. She said that the majority of the lagoon would be visible but a portion would be blocked by the addition, but only about 5% of the view would be impacted.

Vice-Chair Kricensky asked for clarification of why only a sliver of the view would be affected if the second story is on the existing footprint of the house. Ms. Massey stated that a portion of the view is already blocked by existing trees, and therefore the addition would not impact as much of the view.

Ms. Massey said that the house at 16 Acela Drive has its main living area slightly below street level and none of the proposed project would affect views primarily toward Richardson Bay and Mt. Tamalpais from this home. She said that the home has second story views of the lagoon and the Golden Gate Bridge that would be affected. She said that the view of the San Francisco skyline is at an extremely acute angle and that is the portion of the view that would be blocked by the proposed addition. She said that there was no feasible way to construct a second story addition and maintain that view.

The public hearing was opened.

Fariba Shamsian said that she lives directly across the cul-de-sac from the proposed addition, which would significantly obstruct their view and reduce the value of their home. She said that this would place a massive structure in front of their home that would be visible from all windows. She said that they made adjustments when they went through the same design review process for their home. She said that the addition would also block neighbors' views.

Teri Jacks said that she lives next door to the proposed addition. She said that over the years neighbors have done a good job of preserving views, often building down rather than up when homes have been renovated and updated. She said that when they did their own renovation, they talked with neighbors and worked with staff to come up with designs that did not impact neighbors' views. She said that this addition would dramatically impact significant portions of their home and would loom over their home. She added that if the house was extending out to the northwest it would significantly impact their home.

Bruce Portner, project manager, said that he owns a real estate company in Tiburon and is familiar with the neighborhoods and changes taking place. He said that Ms. Jacks' property had room to expand downhill, but this property was built on bedrock and does not have the room to expand in the same way. He said that the existing house has 7.5 foot ceilings and a total height of 10 feet. He said that there may be some adjustments that could be made to help the neighbors.

Ms. Massey said they are fully prepared to make alterations to address concerns about the roof deck. She said that they want to work with the community and make this a respectful home, but they would like some assurance that a second story addition can be built.

The public hearing was closed.

Boardmember Cousins said that the lots are situated in a radial pattern around the cul-de-sac, with oblique views over adjacent sites. He said that the views from 16 Acela Drive toward this site are not primary views. He said that the applicant's house is already close to the setback lines and could not go down much without having to demolish the whole building. He said that the proposed second story was very high and would add 17 feet to the existing building. He suggested that there must be some way of reducing that height and its impact. He added that the roof deck location was also problematic.

Boardmember Chong said that he had a hard time supporting a second story. He said that he visited the homes at 14 & 16 Acela Drive and believed that other options have not been explored. He noted that there is some building pad to the southeast and also possibly the northwest. He felt that a decent amount of floor area could be gained without going up to a second story.

Boardmember Emberson said that she has the same concerns. She said that it was unusual to have a 27 foot tall house on a flat building pad. She said that there seemed to be other options besides adding a second story box on top of the house. She thought that the neighbors had valid concerns and added that the façade looked massive.

Vice-Chair Kricensky said that he understood that the first floor of the existing house is very low, but the house seemed out of balance and top heavy with the second story. He said that much of the extra volume was for bedrooms and closets and he was unsure whether a second story was feasible. He said that the deck over the garage would not work and would be very predominant over the master bedroom at 16 Acela Drive. He said that any such deck should face the views and be less impactful. He noted that other homes in the area had developed downhill. He could not tell if the second story could be modified to preserve neighbors' views and he saw no reason for the 27 foot height.

Chair Tollini agreed with the other Boardmembers and felt that the project design fundamentally did not work. He believed that a second story was unlikely to work and said that there should be a fair expectation that the addition should not affect the neighbors so much. He suggested that the houses are spread apart enough that a less impactful project could be designed. He said that the roof deck and building height were impactful and that the project was inconsistent with the Hillside Design Guidelines. He stated that it is possible to go down into bedrock as many other homes have done in Tiburon.

ACTION: It was M/S (Chong/Emberson) to continue to continue the application for 17 Acela Drive to the April 7, 2016 meeting. Vote: 4-0 (Emberson recused).

4. **180 GILMARTIN DRIVE:** File No. VAR2016002/DR2015155; Christopher and Suki Grounds, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for excess lot coverage. The applicant proposes to add 314 square foot master bedroom suite addition and new 271 square foot single-car garage addition to an existing single-family dwelling. The lot coverage of the house would be 3,297 square feet (16.2%), which is greater than the 15.0% maximum lot coverage permitted in the RO-1 zone. Assessor's Parcel No. 039-171-04.
CONTINUED TO MARCH 17, 2016

F. APPROVAL OF MINUTES #2 OF THE FEBRUARY 18, 2016 DESIGN REVIEW BOARD MEETING

Boardmember Cousins requested the following change:

> Page 4, fourth paragraph, third sentence: Change "…move the garage underground…" to "…move the garage above the house…"

Vice-Chair Kricensky requested the following changes;

> Page 4, fourth paragraph: Remove last sentence since it is repeated.
>
> Page 4, fourth paragraph: Add to the last sentence, "…that was concerned with the amount and height of glazing."

Chair Tollini requested changing 1) at the top of page 5 to: "1) No variances should be allowed as a starting point for size reduction".

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
March 3, 2016
Agenda Item: 3

STAFF REPORT

To:	**Members of the Design Review Board**
From:	**Planning Manager Watrous**
Subject:	**17 Acela Drive; File No. DR2016002; Site Plan and Architecture Review for Construction of Additions to an Existing Single-Family Dwelling**
Reviewed By:	_____

PROJECT DATA

ADDRESS:	**17 ACELA DRIVE**
OWNER:	**MIRAJ AND NISHA SHAH**
APPLICANT:	**LINDA MASSEY (ARCHITECT)**
ASSESSOR'S PARCEL:	**058-231-16**
FILE NUMBER:	**DR2016002**
LOT SIZE:	**26,316 SQUARE FEET**
ZONING:	**RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)**
GENERAL PLAN:	**M (MEDIUM HIGH DENSITY RESIDENTIAL)**
FLOOD ZONE:	**X**
DATE COMPLETE:	**FEBRUARY 10, 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 17 Acela Drive. The project would create a new second story to the house. The second story would include a family room, three bedrooms, three bathrooms and a laundry room. A partially covered rooftop deck would extend above the existing attached garage on the first story.

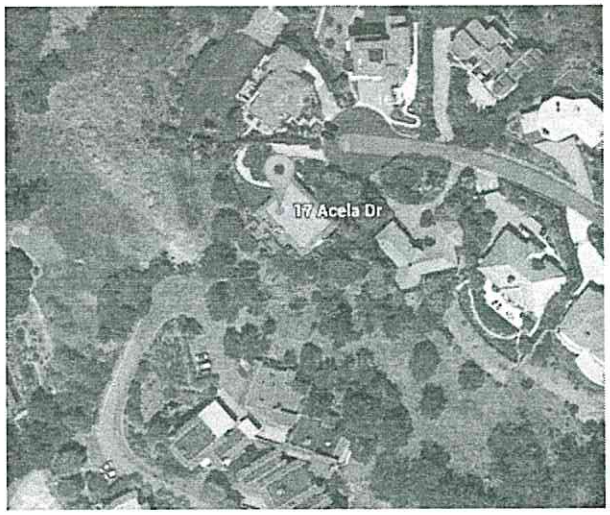
The floor area of the would be increased by 2,012.5 square feet to 4,550.5 square feet, which is 81 square feet less than the floor area ratio for a lot of this size. The second story project would not extend beyond the footprint of the existing home, which currently covers 4,147 square feet

(15.8%) of the site, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone.

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The structure would be finished with medium grey colored cement panels and dark grey stucco siding. Black membrane roofing would be installed.

PROJECT SETTING





The subject property is situated at the end of the cul-de-sac of Acela Drive. The existing house is located at an elevation below the street level. Mature vegetation along a portion of the front property line currently screens much of the one-story house from view of other homes across the street.

ANALYSIS

Zoning

Staff has reviewed the proposal and finds that it is in general conformance with the development standards for the RO-2 zone.

Design Issues

The proposed second story covers most of the footprint of the existing one-story home. The second story would be set back from the front of the house for the area of the proposed rooftop deck and set back 4 feet from the south and east sides of the building. The roof would angle slightly downhill toward the lower part of the site.

The second story would substantially increase the height of the building. The existing house is relatively short, with a height of only 10 feet, 6 inches. The second story would increase the

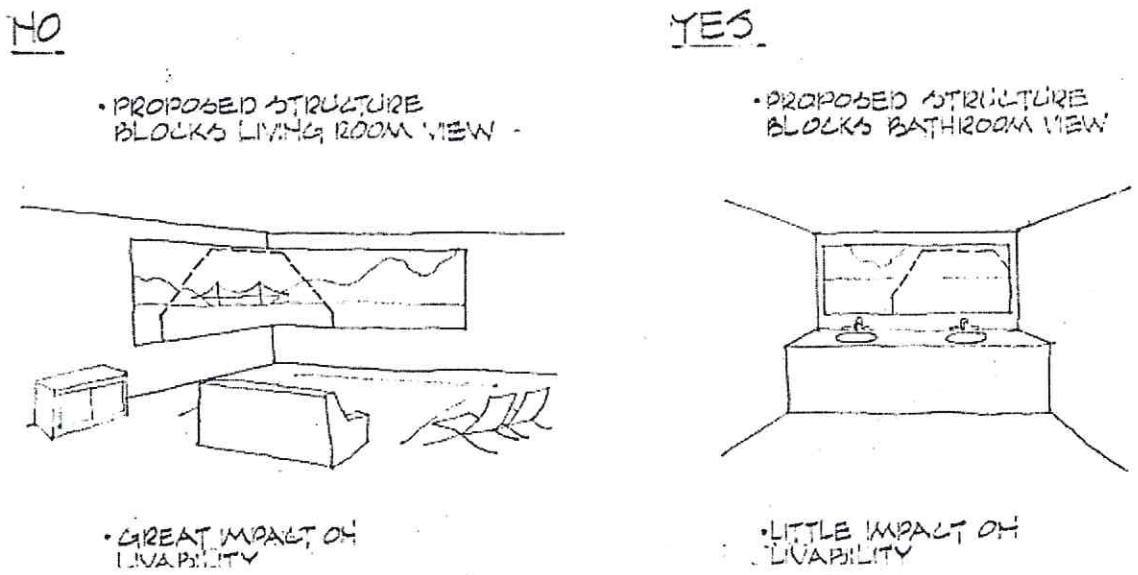
building height by 16 feet, 8 inches to a height of 27 feet, 2 inches. This proposed building height appears to be somewhat tall for a two-story home built on a relatively flat building site.

The height of the proposed addition, combined with the relatively modest setbacks from the footprint of the existing home, would create a house that appears to be inconsistent with Goal 1 of the Hillside Design Guidelines "to reduce effective visual bulk of a structure and to avoid monumental and excessively large dwellings." The second story of the house is minimally articulated from the lower floor, with the exception of the rooftop deck. The Design Review Board should determine if the area of the second story should be reduced or stepped back to lessen the visual mass of the house.

The proposed second story would have substantial view and privacy impacts on the neighboring homes at 14 & 16 Acela Drive. Although vegetation on the site would screen portions of the second story, other portions of the second story and rooftop deck would be very visible from these nearby residences.

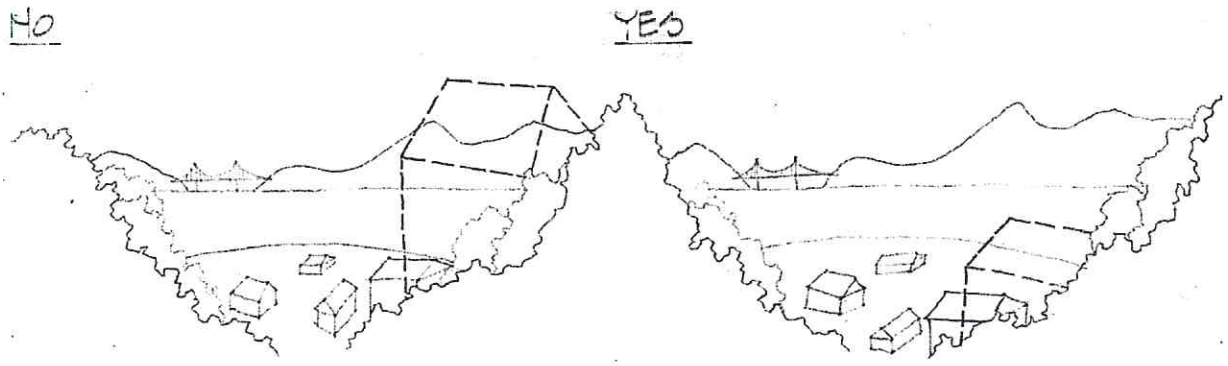
The following principles of the Hillside Design Guidelines should be used in evaluating the potential view impacts from these neighboring homes:

> Goal 3, Principle 7 (A) of the Hillside Design Guidelines states that "view protection if more important for the primary living areas of a dwelling (e.g. living room, dining room, family room, great room, kitchen, and decks associated with these rooms) than for less actively used areas of a dwelling (e.g. bedroom, bathroom, study, office, den)." The second story would block views from the living room and adjacent deck of the home at 14 Acela Drive. The second story would be visible primarily from the bedrooms of 16 Acela Drive, but the mass of the building would be noticeable from the living room deck as well.

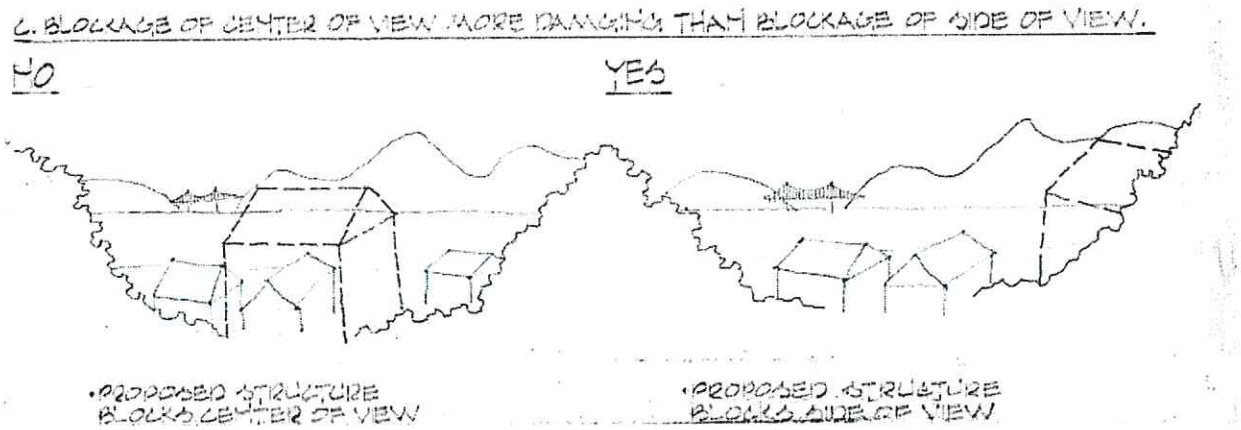


> Goal 3, Principle 7 (B) of the Hillside Design Guidelines states that "horizon line is [the] most sensitive part of [a] view, then foreground, then middleground. If possible, avoid

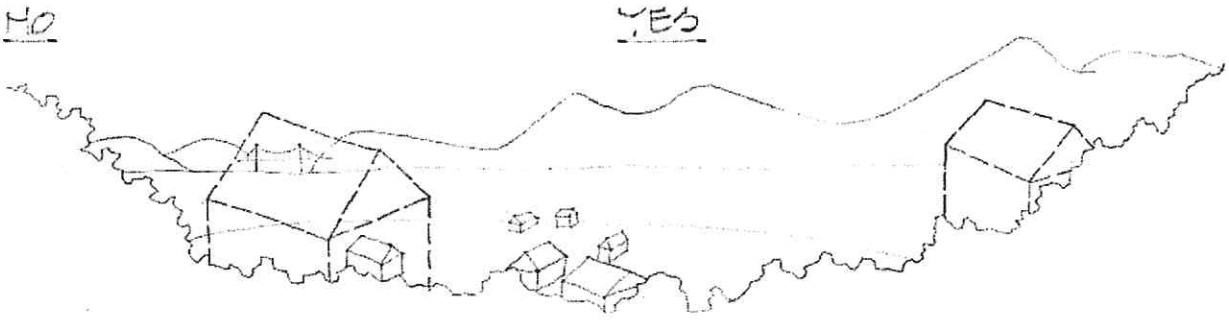
cutting [the] horizon line of a neighbor's view." The proposed raised roofline would cut into the horizon line of San Francisco from several bedrooms of the home at 16 Acela Drive, and would extend into the foreground views of the home at 14 Acela Drive.



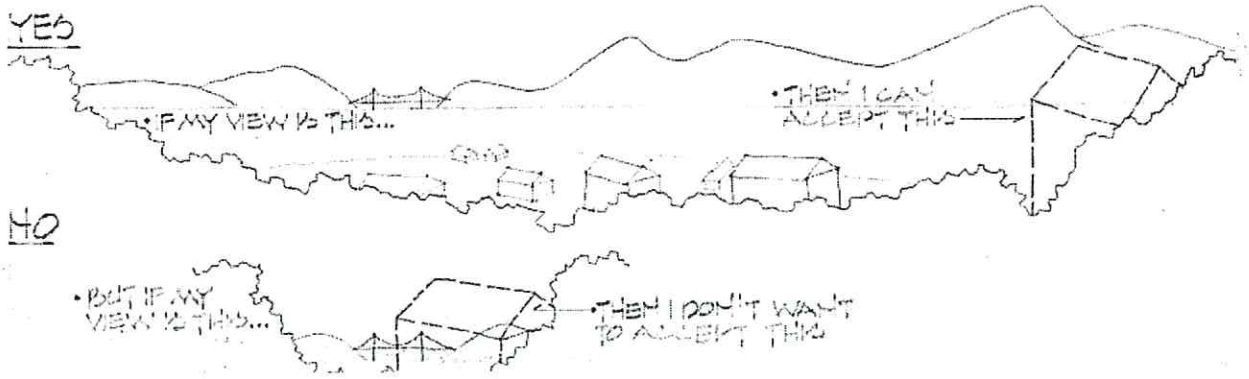
Goal 3, Principle 7 (C) of the Hillside Design Guidelines states that "blockage of center of [the] view [are] more damaging than blockage of [the] side of [the] view." The second story would intrude into the center of the view from the home at 14 Acela Drive and the side of the views from the home at 16 Acela Drive.



Goal 3, Principle 7 (D) of the Hillside Design Guidelines states that "blockage of important object in the view (Golden Gate Bridge, Belvedere Lagoon, Sausalito, Angel Island) is more difficult to accept than blockage of other, less well-known landmarks." The second story would block almost all views of the Belvedere Lagoon from the living room and adjacent deck of the home at 14 Acela Drive. The second story would intrude into Golden Gate Bridge views from one bedroom and eliminate downtown San Francisco views from another bedroom of the home at 16 Acela Drive.



Goal 3, Principle 7 (E) of the Hillside Design Guidelines states that "a wide panoramic view can accept more view blockage than the smaller slot view." Both homes at 14 & 16 Acela Drive have relatively panoramic views that run from San Francisco to Mt. Tamalpais.



The proposed rooftop deck would face almost directly toward the home at 16 Acela Drive and would be visible from several upstairs bedrooms and the corner of the master bedroom deck. The proximity of this deck and its large size would likely result in substantial visual and audible privacy impacts on this neighboring residence.

The Design Review Board is encouraged to view the story poles for the proposed second story addition from the homes at 14 & 16 Acela Drive.

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 to a future meeting and direction should be given to the applicant to revise the project design to lessen its impacts on neighboring residences and better comply with the Hillside Design Guidelines. If the Board

wishes to approve the application, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

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

Prepared By: Daniel M. Watrous, Planning Manager

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
May 5, 2016
Agenda Item: 3

STAFF REPORT

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

From: **Community Development Department**

Subject: **2350 Paradise Drive; File No. DR2016030; Site Plan and Architectural Review to Legalize As-Built Construction of a Fence and Construction of a New Fence for an Existing Single-Family Dwelling**

PROJECT DATA

ADDRESS:	**2350 PARADISE DRIVE**
ASSESSOR'S PARCEL:	**059-191-03**
FILE NUMBER:	**DR2016030**
OWNER/APPLICANT:	**PETER AND TRACY DEMPSEY**
LOT SIZE:	**9,782 SQUARE FEET**
ZONING:	**R-2 (SINGLE FAMILY RESIDENTIAL)**
GENERAL PLAN:	**H (HIGH DENSITY RESIDENTIAL)**
FLOOD ZONE:	**X**
DATE COMPLETE:	**MARCH 15, 2016**

PROJECT DESCRIPTION

The applicant is requesting design review approval to legalize as-built construction of a fence and construction of a new fence for an existing single-family dwelling on property located at 2350 Paradise Drive. The property is currently developed with a single-family dwelling.

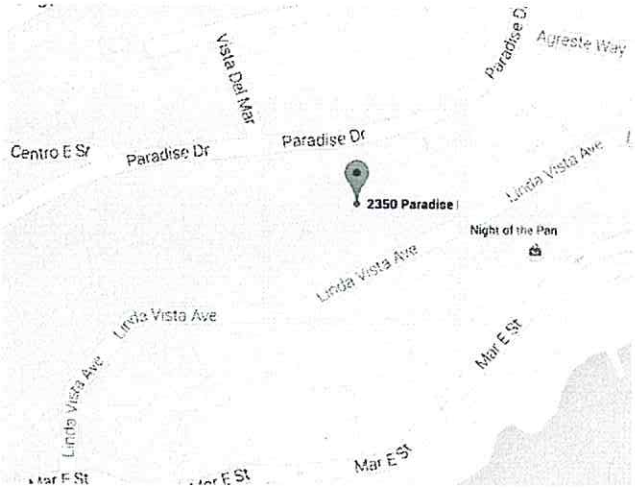
The as-built metal fence is situated on the rear south property line near an existing parking pad on Linda Vista Avenue. The proposed metal fence would be located on the west side property line in between the subject site and 2340 Paradise Drive and in the front north property towards Paradise Drive in front of the existing home. The as-built fence and proposed fence would have a maximum of six feet (6').

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

BACKGROUND

On October 10, 2013, the Planning Division staff approved a Site Plan and Architectural Review application (File# 713099) for construction of a new five (5') foot metal fence along the rear property line and existing parking pad. The fence was instead constructed at a height of six (6') feet. The applicant has requested to legalize the revised fence height as part of the subject application.

PROJECT SETTING





The subject property is located on Paradise Drive with views of the bay, Golden Gate Bridge, San Francisco, Angel Island, and Sausalito. The rear portion of the property is located on the private section of Linda Vista Avenue.

ANALYSIS

Design Issues

The existing improvements on the west property line include mature vegetation and an existing 3-4 tall foot wooden fence, which has been there for many years. The property owner at 2340 Paradise Drive has raised concerns that the proposed 6 foot tall fence would create a "caged- in feeling" on side property for the lower unit. The vegetation and wooden fence would remain. In addition, the neighbor brought up questions about the submitted survey regarding the west side property line. As of date of this report, the neighbor is currently in the process of arranging a second survey, but has not submitted the survey to staff for review.

Multiple adjacent neighbors raised concerns that the proposed 6 foot tall metal fence would be inconsistent with the appearance of other fences in this neighborhood. The fences in the vicinity appear to be a mixture of sizes and materials, including wooden, metal, and glass with heights ranging from 36 inches to 6 feet tall.

The Design Review Board is encouraged to view the existing fence from the residence at 2340 Paradise Drive to determine if the proposed fence would create any visual impacts on the adjacent

home, and view other homes in the vicinity to determine if the proposed and as-built fences would be inconsistent with the visual character of the surrounding neighborhood.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-2 zone.

PUBLIC COMMENT

As of the date of this report, there have been four (4) correspondences in opposition and (1) correspondence in support regarding this application.

PRELIMINARY ENVIRONMENTAL DETERMINATION

Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Sections 150301 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], and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Sections 15301and 15303. If the Board wishes to approve the application, it is recommended that the attached conditions of approved be applied.

EXHIBITS:

1. Conditions of Approval
2. Application and Supplemental Materials
3. Email dated March 23, 2016 from Roger Bartels
4. Email dated March 24, 2016 from Tyler Barlett
5. Email dated March 28, 2016 from Julia Shumelda
6. Email dated March 28, 2016 from Jayne and David Love
7. Email dated April 11, 2016 from Christy Newman
8. Submitted Plans

EXHIBIT 1

DRAFT CONDITIONS OF APPROVAL
2350 PARADISE DRIVE
FILE NO. DR2106030

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.

2. Construction shall conform to the application and plans dated by the Town of Tiburon on March 14, 2016, as amended by these conditions of approval. Any modifications to the plans of March 14, 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. Fencing shall not exceed six feet (6') in height at any point, measured from grade.

TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION

RECEIVED
MAR 14 2016
PLANNING DIVISION

TYPE OF APPLICATION

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

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 2350 Paradise Dr. **PROPERTY SIZE:** _____
PARCEL NUMBER: 059-191-03 **ZONING:** R-2

PROPERTY OWNER: Peter + Tracy Dempsey
MAILING ADDRESS: P.O. Box 247 Tiburon, CA 94920

PHONE/FAX NUMBER: 415-435-1909 E-MAIL: Peter.Dempsey@Comcast.net

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

PHONE/FAX NUMBER: _____ E-MAIL: _____

ARCHITECT/DESIGNER/ENGINEER Marin Fence Company/Doug Monti
MAILING ADDRESS: 63 Larkspur Street
San Rafael CA 94901
PHONE/FAX NUMBER: 4154571771 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*):
Legalize existing fence to 6' height and the addition of a length of fence on the western boundary of the property

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:* Peter Lespresy Date: 3/10/'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:* Peter Lespresy Date: 3/10/'16

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

NOTICE TO APPLICANTS

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

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

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

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

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PLANNING DIVISION

DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION

Application No.: DR2016-030 **GP Designation:** **Fee Deposit:** $510.00
Date Received: 3/14/16 **Received By:** LS **Receipt #:** R828
Date Deemed Complete: 3/15/16 **By:** LO.
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): Legalize existing 6' foot fence and approve the addition of a 6' fence on the Western side of the property

2. Lot area in square feet (Section 16-100.020(L))*: _____ Zoning: R-2

3. Square footage of Landscape Area: _____

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

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PLANNING DIVISION

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

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CAL-CULATED	PER ZONE
Yards (Setbacks from property line) (Section 16-100.020(Y))* **Front**	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)*	6 ft.	6 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))*	1875 sq.ft.	1875 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)

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MAR 14 2016
PLANNING DIVISION



Kyra O'Malley

From: Roger Bartels <roger.bartels@gmail.com>
Sent: Wednesday, March 23, 2016 11:29 AM
To: Kyra O'Malley
Cc: Julia Shumelda; Roger Bartels
Subject: 2350 Paradise Drive, Dempsey, DR2016030

Dear Ms. O'Malley,

In reference to the installation of the 6 ft. high steel picket fence along the Shumelda / Dempsey property line, as neighbor of and architect for Ms. Shumelda, I feel it is an inappropriate design in conflict with the wooden screens and fences that surround the other three sides of her property, including mine at 2334 Paradise Dr.

Respectfully, Roger Bartels

Kyra O'Malley

From: Tyler Bartlett <bartletttyler@yahoo.com>
Sent: Thursday, March 24, 2016 11:37 AM
To: Kyra O'Malley
Subject: 2350 Paradise Dr. fence

Good afternoon Kyra,

My name is Tyler Bartlett, I am the owner of 2360 Paradise dr. I have a few concerns regarding the existing fence and proposed fence at 2350 Paradise Dr. First, I am upset that this fence was built without permits, without approval from the board, and without consulting any of the neighbors. The Dempseys have shown disregard for neighbors in the past and I would like to ensure that my property's value is not diminished any more. Second, it is the only fence of its kind in the neighborhood. There are already uncharacteristic features on their property and the owners have no interest in maintaining the look and feel of the neighborhood. The fences adjacent and close in proximity are predominantly closed panel wood, not open metal rods. This fence provides no privacy in or out. Furthermore, as I recall, the fence originally extended along our shared property line and was taller than our existing fence. This portion of the fence has since been removed. I would like to ensure that the height limitations are not exceeded should a fence be approved.

Thank you, please contact me with questions or concerns.

Tyler Bartlett

Sent from my iPhone

Kyra O'Malley

From: Julia Shumelda <drjulia@att.net>
Sent: Monday, March 28, 2016 7:37 AM
To: Kyra O'Malley
Subject: 2350 Paradise Tiburon, CA

Good Morning, Kyra,

I wanted to bring to your attention that the residents of 2350 Paradise, Tiburon had a survey done along our mutual property line and there are now boundary stakes that extend 1.5 ft. onto our property. The previous owner of 2340 Paradise, Jeff Teather, confirms that the current fence was present when his family purchased this property in 1954. We are in the process of arranging our own survey.

Further, this fence which currently runs along both property lines is 4" tall, which is a much more suitable height for a fence that is approx. 6 ft. from the downstairs dining room and kitchen. Given the easterly facing windows downstairs and the close proximity, anything taller than 4' would completely visible from living room, dining room and kitchen lending an uncomfortable sense of being in a cage, given it's metal stake design. As such I would ask you not to approve a 5' or 6' tall metal fence. Kindly let me know when would be a convenient time for you to view this, Kyra.

I would also request that you not legalize the as-built fencing that was built without permits. In addition to being too tall, a metal stake fence is not in harmony with the existing screening and fencing found in our neighborhood.

Many thanks,

Julia Shumelda
2340 Paradise Drive
Tiburon, CA 94920

Kyra O'Malley

From: Jane Love <janedlove@hotmail.com>
Sent: Monday, March 28, 2016 7:43 AM
To: Kyra O'Malley
Subject: Fwd: Email to Kyra

Sent from my iPhone

Begin forwarded message:

Dear Ms. O'Malley,

Regarding the application to legalize fence at 2350 Paradise, Tiburon, CA. my husband, David, and I urge you not to legalize the as-built fence and not approve to the new 6 foot tall metal fence along the west side property line as it in keeping with the character of the neighborhood. We are further concerned that the as-built fence protrudes into the right of way on Linda Vista.

Regards,

Jayne and David Love

Kyra O'Malley

From: Christy Newman <christynewman@westoneditorial.com>
Sent: Monday, April 11, 2016 12:27 PM
To: Kyra O'Malley
Subject: fence at 2350 Paradise Drive.

Dear Ms. O'Malley,

I am a neighbor of Tracy and Peter Dempsey and would like to respond to recent comments sent to you about their fence at 2350 Paradise Drive.

Jane Love's assertion that it protrudes into the right of way of Linda Vista is absurd; there is a 2-foot strip of land in front of the fence that is level with both adjacent properties.

Although Julia Shumelda hasn't completed her own property survey, currently under renovation, she claims a boundary stake extends 1.5 feet into her property. For the basis of this claim, she apparently relies on the prodigious memory of the previous owner who can still remember where a fence was sited "when his family purchased the property in 1954."

Shumelda also complains that the Dempsey's fence makes her feel caged in while her 4-foot wooden fence "is a much more suitable height." Yet, unlike her wooden fence, through which *nothing* can be seen, the metal is open and airy, and, with the dense shrubbery between the properties, virtually invisible.

On the other side of the Dempsey property, Tyler Bartlett complains about the opposite problem: that the fence provides no privacy, even though his existing wooden fence already assures that no one can see into his property. By the way, the Dempsey's metal fence is the same height as Bartlett's wooden one.

As for the general assertions that a metal fence isn't "in harmony" with the neighborhood, the house that directly faces the Dempsey's at 34 Linda Vista, known as "The Castle" and purported to be one of the oldest houses in Tiburon, has a metal stake fence.

Moreover, our neighborhood is in transition. Witness the Loves' demolition of a classic Tiburon cottage which they replaced with a wood-and-glass ultra modern home, and Shumelda's current conversion of a two-family

into a single unit with an expa.. ..d deck. That the Dempseys put up a fe..e that doesn't interfere with anyone's views or intrude on their property makes these charges seem to be simply a case of harassment.

I encourage you ignore the charges by the Loves, Shumelda, and Bartlett—charges that are truly and utterly without merit.

Sincerely yours,

Christy M. Newman

24 Linda Vista Avenue

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

STAFF REPORT

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

From: **Planning Manager Watrous**

Subject: **1694-1696 Tiburon Boulevard; File Nos. DR2016011/VAR2016011; Site Plan and Architecture Review for Construction of a New Three-Story Mixed-Use Commercial and Residential Building, with a Variance for Excess Flagpole Height**

Reviewed By: _____

PROJECT DATA

ADDRESS:	**1694-1696 TIBURON BOULEVARD**
OWNER:	**ACV ARGO TIBURON LP**
APPLICANT:	**ZWICK ARCHITECTURE**
ASSESSOR'S PARCEL:	**059-101-12**
FILE NUMBERS:	**DR2016011/VAR2016011**
LOT SIZE:	**3,676 SQUARE FEET**
ZONING:	**NC (NEIGHBORHOOD COMMERCIAL)**
GENERAL PLAN:	**NC (NEIGHBORHOOD COMMERCIAL)**
FLOOD ZONE:	**AE – SPECIAL FLOOD HAZARD AREA**
DATE COMPLETE:	**APRIL 13, 2016**

PRELIMINARY ENVIRONMENTAL DETERMINATION

An Initial Study/Draft Mitigated Negative Declaration (IS/MND) was prepared for this project, released for public comment on March 3, 2015 and adopted by the Planning Commission by Resolution No. 2015-08 on August 12, 2015.

PROJECT DESCRIPTION

The applicant is requesting Design Review approval for the construction of a new three-story mixed use commercial and residential building on property located at 1694-1696 Tiburon Boulevard. The subject property is currently developed with a one-story commercial building occupied by two restaurants (New Morning Café and the Grass Shack).

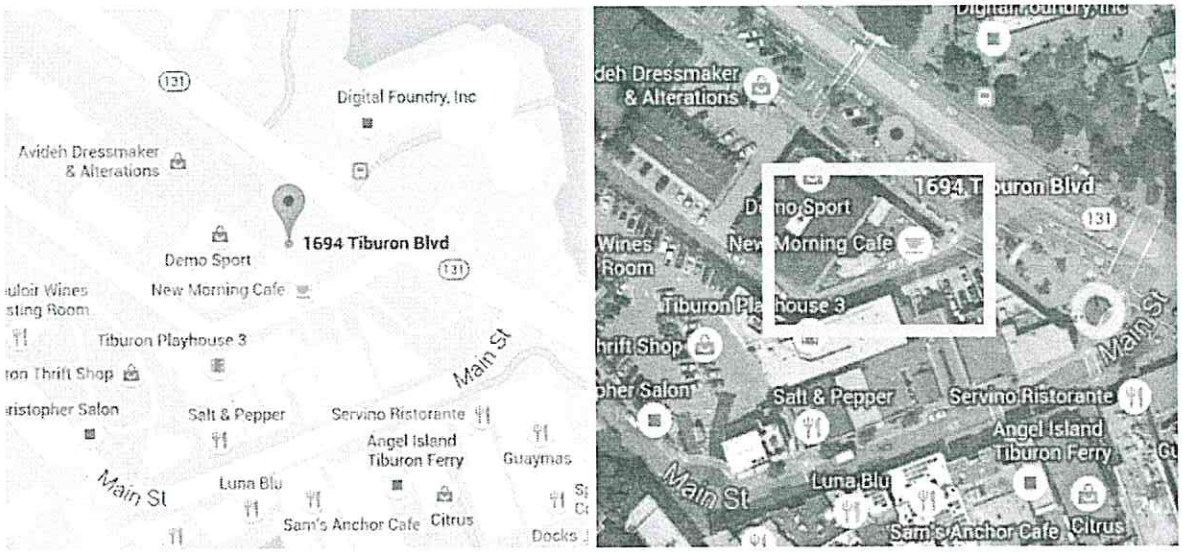
The existing building has 2,776 square feet of floor area. The first floor of the proposed building would contain 2,450 square feet of floor area. The first floor would either be an entirely new restaurant or alternately designed with 1,679 square feet of restaurant space and 771 square feet allocated for separate retail commercial space. The restaurant would have 38 to 68 interior seats (depending on the restaurant/retail mix) and seating for 30 patrons outside the building along Tiburon Boulevard and Juanita Lane.

The second floor would be divided into two condominium dwelling units. Unit 1 would contain two bedrooms and two bathrooms and 1,196 square feet of floor area and be contained entirely on the second floor. Unit 2 would contain two bedrooms and two bathrooms and 1,105 square feet of floor area on the second floor and an additional bedroom and bathroom with 504 square feet of space on a partial third floor. Both units would have small balconies on the second floor, while Unit 2 would include a larger deck on the third floor. Two (2) one-car garage spaces for the residential units would be located to the rear of the first floor. An elevator would connect all three floors of the building. The building would have a maximum height of 38 feet, which is the maximum height for buildings in the NC zone with Tiburon Boulevard frontage.

A 40 foot tall flagpole is proposed to be installed in front of the building. As the maximum height for a flagpole in Tiburon is 24 feet, a variance is requested for excess flagpole height.

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 off-white wood siding with grey trim. The color and materials of the flat roof have not been specified.

PROJECT SETTING



The subject property is situated at the corner of Tiburon Boulevard and Juanita Lane. The level site is almost completely covered by the existing building. Angled parking between the building and the roadway of Tiburon Boulevard is located within the right-of-way controlled by Caltrans.

BACKGROUND

The proposed mixed-use building was reviewed in 2015 by the Planning Commission under a conditional use permit application (File #11402). The original project design included three full stories of building area and three dwelling unit on the upper two floors. At the March 25, 2015 Commission meeting, several residents and the tenants and attorney for the adjacent commercial building at 1690 Tiburon Boulevard raised objections to the project design, including concerns about the proposed building height, impacts on sunlight for the neighboring building and parking. The Commission shared some of these concerns, and continued the application and directed the applicant to return with a redesigned project that lowered the height of the building and allowed more light into the east-facing windows of the building at 1690 Tiburon Boulevard.

At the May 13, 2015 meeting, the applicant presented revised plans for the project that eliminated a third residential unit and reconfigured the second dwelling unit on the second floor to include a master bedroom suite on a partial third floor. The third story area was centered on the building and pulled 9 to 10.5 feet from the side property line, and a roughly 26½ foot wide portion of the second story was pulled back to create a "light well" for the adjacent east-facing second story portion of the building at 1690 Tiburon Boulevard. Several residents, the tenants and the attorney for the building at 1690 Tiburon Boulevard objected to the revised project design, stating that the revisions did not sufficiently address their previous concerns about sunlight impacts and parking. The Commissioners voiced differing opinions about the partial third story, but the consensus was that a two-story building was more appropriate at this location and that the parking issues were resolved. The Commission continued the item and directed the applicant to return with a two-story building design that adequately addressed the provision of light to the east-facing windows of 1690 Tiburon Boulevard.

At the August 12, 2015 meeting, the applicant presented revised plans for the project. The design still included a third story element, which was moved to the rear (southern) corner of the building. The first floor of the proposed building was redesigned to include two one-car garages sited toward the rear of the building with access from Juanita Lane, with one garage space to be assigned to each of the two residential units. At the meeting, the attorney for the building at 1690 Tiburon Boulevard again objected to the revised project design, challenging the efficacy of the light well and stating that the Planning Commission could not make the required findings to approve the conditional use permit. The Commission determined that the revised project design substantially addressed the concerns raised at the previous meeting, but felt that portions of the design, including the mass of the third story elevator, mechanical space and stairways, the size of the third story deck and the design of the deck railings required additional attention through the Site Plan and Architectural Review process. A condition of approval was added to the draft resolution directing the Design Review Board to address those design features in its future review of the building design.

The Commission voted unanimously to adopt Resolution No. 2015-08 (**Exhibit 3**) conditionally approving the project. On August 24, 2015, the owners of the building at 1690 Tiburon Boulevard filed a timely appeal of this decision to the Town Council. The Town Council considered the appeal on September 16, 2015 and unanimously voted (4-0) to deny the appeal.

ANALYSIS

Design Issues

The design of the proposed building is fundamentally the same as the plans reviewed by the Planning Commission and Town Council. The elevator and mechanical room on the third story has been shortened by 5 inches, but the other exterior dimensions of the building are identical to those shown on the previous plans.

Condition of Approval No. 8 of Planning Commission Resolution No. 2015-08 reads as follows:

> "As part of the review of the Site Plan and Architectural Review application for this project, the Design Review Board is directed to minimize the mass of the third story building elements, including the elevator, mechanical space and stairways, to increase light to the light well of the building. The Design Review Board is further directed to address the size of the third story deck to ensure that it is appropriate to the scale of the residential unit it serves and does not unnecessarily add to the visual mass of the building when viewed from Tiburon Boulevard. The Design Review Board shall also review the openness of the third story deck railings so that the railings do not unnecessarily add to the visual mass of the building or affect light to the building at 1690 Tiburon Boulevard."

As noted above, the size of the elevator and mechanical room has been slightly reduced. The third story deck area is limited to the rear half of the building and does not extend all the way to the front of the structure. With the exception of a small triangular balcony on the second floor, the third level deck represents the only outdoor living area for the second dwelling unit. The deck railings would utilize stainless steel horizontal cables, which should not "unnecessarily add to the visual mass of the building or affect light to the building at 1690 Tiburon Boulevard."

The project proposes to include outdoor seating along both sides of the building, similar to the seating that currently exists for New Morning Café. The Public Works Department has indicated that the proposed seating on the Juanita Lane side of the building may create accessibility issues for the sidewalk in the public right-of-way. The outdoor seating along the front of the building would be situated on private property and would not create similar access issues. The improvements and uses in the Town right-of-way would be reviewed and regulated by the Public Works Department through the encroachment permit process.

The proposed flagpole at the front of the building is intended to support two 3 foot by 5 foot flags. Staff believes that the flagpole does little to enhance the architecture of the building and could prove to be a visual distraction from the appearance of the building.

Downtown Tiburon Design Handbook

The Downtown Tiburon Design Handbook contains guidelines for building designs in the Downtown area. The Handbook includes the following guidelines for new buildings along Tiburon Boulevard:

Front facades should be kept close to the sidewalk in order to encourage and support pedestrian activity. Retail storefronts and active outdoor spaces and uses, such as sidewalk cafés, are strongly encouraged, in order to make strolling along Tiburon Boulevard a stimulating and enjoyable activity.

The building façade would be close to the sidewalk on both the Tiburon Boulevard and Juanita Lanes sides of the building. Sidewalk café seating is also proposed on both sides.

New buildings should be of a scale that is larger than that of Main Street, and more appropriate to a civic boulevard streetscape. The design of buildings with a simple, spacious "warehouse-loft" character, consisting of two- and three-story façades with generous openings, is particularly suited for Tiburon Boulevard.

The proposed building would have a predominantly two-story building character, with a partial third story set back from the front façade.

Façades should be planar, flat assemblies, with articulation of this approach in door and window details that show little or no recess at the wall plane. Use of terracing or vertical stepping is to be avoided. Projecting bay windows also are discouraged as a repeated design element, but could be used as individual elements in limited locations.

The proposed windows and doors would not be recessed at the wall plane and not projecting bay windows are proposed.

The main roof should be flat or include a ridge element that is parallel to the street.

The building would have a flat roof.

Use of large windows is encouraged; they should feature regular spacing and vertical alignment between stories, and use a limited number of shapes and sizes. The intent is a façade that possesses vertical articulation, wherein windows and other elements are used to create a series of vertical elements in a pleasant rhythm.

The windows would be large, regularly spaced, vertically aligned between stories and use a limited number of shapes and sizes.

Use of street-level overhangs, such as arcades, awnings and canopies is encouraged, when used to add comfort and interest and lend dimension and vitality to the façade.

Street-level awnings are proposed along the Tiburon Boulevard and Juanita Lane sides of the building.

Avoid artificial treatments that are not related to Tiburon's heritage, such as divided light windows with small panes, and architectural details that are reminiscent of, or try to emulate, periods and styles from other times and places, e.g., the Arts and Crafts Movement.

The proposed windows do utilize numerous panes.

Avoid excessive or massive roof overhangs. Shading of windows may be achieved by using separate architectural elements, such as horizontal screens or awnings.

No roof overhangs are proposed.

Place windows and doors at the exterior face of wall assembly. Recessed openings for doors and windows are not encouraged.

The windows and doors would be places at the exterior faces of the building walls.

Maintain a consistent use of exterior cladding material around an entire building. Minimize the mixing of materials and colors in façades.

Wood siding is proposed around the entire building exterior.

Use siding or cladding materials that have visible horizontal joints, such as wood boards or metal panels. Conversely, avoid treatments that require extra effort to create horizontal joints, such as metal reveal bands in stucco walls.

The proposed wood siding would utilize horizontal boards.

Limit the palette of materials as much as possible in order to achieve a character that reads as "direct, elegant, and functional." Avoid mixing too many different materials with incompatible colors or finishes.

Only one color and trim are proposed for the majority of the building.

Use materials that are traditionally associated with waterfronts for their attractive weathering properties and their resistance to corrosion. While painted wood siding requires regular maintenance, no material has stronger associations with waterfronts.

The building would utilize painted wood siding.

In the San Francisco Bay region, a traditional [color] palette is present in buildings across many waterfront environments (e.g., Fort Mason and the Presidio, San Francisco's Richmond District). Typically, this palette consists of a white or light body color, with one accent color for trim.

The building would utilize off-white wood siding with grey trim.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the NC zone, with the exception of the requested variance for flagpole height.

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 very small and triangular in shape, but also level, with no topographic constraints. There do not appear to be any special circumstances applicable to the property that would cause the strict application of the maximum flagpole height requirement to 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.***

Very few properties in the NC or similar zones have flagpoles, and none have received variances for excess flagpole height. Therefore the requested variance would 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.

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 proposed flagpole could be reduced in height or eliminated from the project without substantially affecting the design of the proposed mixed use building. The height of the flagpole would therefore be a self-created hardship that consciously creates the very difficulties or hardships claimed as the basis for an application for a variance.

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 flagpole would not create substantial view or privacy impacts for other homes in the vicinity.

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). If the Board agrees with staff's conclusions, it is recommended that the project be approved without the requested flagpole and variance, and that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Planning Commission Resolution No. 2015-08
4. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

1694-1696 TIBURON BOULEVARD

FILE #DR2016011/VAR2016011

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 February 4, 2016, or as amended by these conditions of approval. Any modifications to the plans of March 28, 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. 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.

10. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:

    a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.

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

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

    d. No lot-to-lot drainage is allowed except where easements for drainage are provided. No drainage shall discharge across sidewalks.

    e. Post-development stormwater flows shall be limited to pre-development levels at the 2, 25 and 100 year storm. Storm water improvements shall be designed in accordance with Marin County criteria. Hydrology calculations, pipe sizing and storm drain plans shall be submitted for review and approval of the Town Engineer.

    f. All site drains and ditches shall be privately maintained and shall be contained within private storm drain easements. A 10 foot easement width is required for any pipes outside the right-of-way. The improvement plans shall show that all concentrated site drainage shall be directed to an under-sidewalk drain or an approved onsite storm drainage system.

    g. The site must provide Pose Construction mitigation in accordance with Section E.12 of the Town's Municipal Stormwater Permit and the

BASMAA Post-Construction Manual Design Guidance for Stormwater Treatment and Control for Projects in Marin, Sonoma, Napa and Solano Counties. The area used for this treatment shall be shown in the plans submitted for building permits.

h. A civil engineer shall prepare a detailed site drainage plan and incorporate the erosion control notes and an erosion sediment control plan for review and approval by the Building Division and Engineering Division.

i. Outside seating areas shall be clearly shown on all plans and dimensions provided for sidewalks. All existing street furniture, plantings, and lights shall be shown.

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

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

a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2

b. Fire rated occupancy separations and some fire rated exterior walls shall comply with the CBC.

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

d. The means of egress system shall comply with Chapter 10 of the CFC and CBC.

e. A Type I hood shall be installed at or above all commercial cooking appliances used for commercial purposes that produce grease vapors. CFC 609.2

11. The project shall comply with all requirements of Sanitary District No. 5.

12. A construction staging plan shall be approved by the Building Official prior to issuance of a building permit for this project.

2/3/16

RECEIVED
Feb 04 2016
PLANNING DIVISION

TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

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

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 1694-1696 Tiburon Blvd./3 Juanita Ln. **PROPERTY SIZE:** ±3,676 gsf
PARCEL NUMBER: 059-101-12 **ZONING:** NCD

PROPERTY OWNER: ACV Argo Tiburon LP
MAILING ADDRESS: 770 Tamalpais Dr. Suite 401B, Corte Madera, CA 94925
PHONE/FAX NUMBER: _____ E-MAIL: _____

APPLICANT (Other than Property Owner): Marty Zwick*
MAILING ADDRESS: 326 Pine St. Sausalito, CA 94965
PHONE/FAX NUMBER: 415-289-0303/415-289-0404 E-MAIL: zwick@zarch.com

ARCHITECT/DESIGNER/ENGINEER Marty Zwick*
MAILING ADDRESS: 326 Pine St. Sausalito, CA 94965
PHONE/FAX NUMBER: 415-289-0303/415-289-0404 E-MAIL: zwick@zarch.com

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

BRIEF DESCRIPTION OF PROPOSED PROJECT (*attach separate sheet if needed):*
The proposed project consists of a mixed-use building that includes a ground floor restaurant with an optional retail space and on the second and third floor two residential condominiums.

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: 2/3/16

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

DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION

Application No.: DR 20160611 **GP Designation:** **Fee Deposit:** $2825
Date Received: 2/4/2016 **Received By:** LS **Receipt #:** R1652
Date Deemed Complete: 4/13/16 **By:** DJ
Acting Body: **Action:** **Date:**
Conditions of Approval or Comments: _____ **Resolution or Ordinance #** _____

DESIGN REVIEW SUPPLIMENT

RECEIVED Feb 04 2016 PLANNING DIVISION

2/2/16

Please fill in the information requested below:

1. Briefly describe the proposed project (attach separate sheet as needed): The proposed project at 1694-1696 Tiburon Blvd/3 Juanita Ln. consists of a mixed-use building that will contain a ground floor restaurant with optional retail space and on the second and third floor two residential condominiums.

2. Lot area in square feet (Section 16-100.020(L))*: 3,676 gsf per Meridian Zoning: Neighborhood Commercial

3. Square footage of Landscape Area: Almost all hardscape.

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

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

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CAL-CULATED	PER ZONE
Yards (Setbacks from property line) (Section 16-100.020(Y))* **Front** (Tiburon Blvd.)	±7.5 ft.	None ft.	±7.5 ft.	ft.	ft.
Rear (Juanita Ln Corner)	±14.25 ft.	Reduced 2' ft.	±16.25 ft.	ft.	ft.
Right Side (Juanita Ln)	Over ±1.1ft.	Reduced 1.1' ft.	±0 ft.	ft.	ft.
Left Side (Interior)	±0 ft.	None ft.	±0 ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	±15.09 ft.	±22.91 ft.	±38 ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B))*	±2,776 sq.ft.	±116 sq.ft	±2,892 sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	±75.5 %	±3.2 %	±78.7 %	%	%
Gross Floor Area (Section 16-100.020(F))*	±2,776 sq.ft.	±3,228 sq.ft.	±6,004 sq.ft.	sq.ft.	sq.ft.

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

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

RECEIVED
MAR 30 2016
PLANNING DIVISION

APPLICATION FOR VARIANCE

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

WHAT VARIANCE(S) ARE YOU REQUESTING?

Condition	Zoning Requirement	Existing Condition	This Application Proposes	Magnitude Of Variance Requested
Front Setback				
Rear Setback				
Left Side Setback				
Right Side Setback				
Lot Coverage				
Height	24'	NA	40'	16'
Parcel Area Per Dwelling Unit				
Usable Open Space				
Parking				
Expansion of Nonconformity				

Other (Please describe): _____

RECEIVED
MAR 28 2016
PLANNING DIVISION

TRANSMITTAL
ZWICK ARCHITECTS

DATE:	3/23/16	FROM:	Marty Zwick
TO:	Dan Watrous Tiburon Planning Department	PROJECT:	1694-1696 Tiburon Blvd.
VIA:	Hand-Delivery	CC:	File

Dan,

Below please find our responses to the required Variance findings for the flagpole for the project #DR2016011; 1694-1696 Tiburon Blvd/3 Juanita Lane. Tiburon Planning Department Municipal Code is written below in **Times New Roman**. Our responses are written in *Futura Standard Light italic*

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 inclusion of the flagpole on the triangular lot at 1694-1696 Tiburon Blvd./3 Juanita Lane contributes to the pedestrian scale and activity of this vibrant downtown location.

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.

This flagpole does not grant the project a special privilege. It helps establish a sense of place and animation in the downtown district.

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 actual flagpole starts on a portion of the podium (column) that is 16'-0" tall. The total flagpole height can be measured as 24'-0" and the pole has a maximum diameter of 8".

4. Explain how granting of the variance would not be detrimental to the public welfare or injurious to other property in the vicinity.

Granting a variance for a static design feature attached to the front of the building at 1694-1696 Tiburon Blvd./3 Juanita Lane would not be detrimental to the public welfare or injurious to other property in the vicinity.

Please call me with questions (415) 289-0303.

Sincerely,

Marty Zwick
Zwick Architects

RESOLUTION NO. 2015-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A MIXED-USE COMMERCIAL/RESIDENTIAL BUILDING INTENDED FOR EVENTUAL CONDOMINIUM-TYPE OWNERSHIP LOCATED AT 1694-1696 TIBURON BOULEVARD AND TAKING RELATED ACTIONS

ASSESSOR PARCEL NO. 059-101-12

WHEREAS, the Planning Commission of the Town of Tiburon does resolve as follows:

Section 1. Findings.

A. The Planning Commission has received and considered an application from ACV Argo Tiburon LP to demolish an existing building and reconstruct a new building located at 1694-1696 Tiburon Boulevard in downtown Tiburon (File No. 11402). The application consists of the following:

1. Application form and supplemental materials received April 30, 2014
2. Revised project description received August 3, 2015
3. Revised architectural drawings received August 3, 2015
4. Color/materials board received September 10, 2014

The official record for this project is hereby incorporated and made part of this resolution. The record includes, without limitation, the initial study/mitigated negative declaration, staff reports, minutes, application materials, correspondence, and all comments and materials received at any public hearings.

The project proposes the demolition of a one-story 2,776 square foot commercial building containing a restaurant and an ice cream shop with a 3-story mixed use commercial/residential building. The ground floor is proposed to contain a restaurant (and possibly a small retail space); while the second floor would have two residential units, with one of these units extending to a partial third floor. The building is proposed to be held in condominium-style ownership, subject to separate future approvals.

B. The project was determined to be subject to environmental review and an initial study and draft mitigated negative declaration were prepared in accordance with state and local guidelines and released for public and agency review and comment on March 3, 2015. The Planning Commission has considered all comments received on the initial study/draft mitigated negative declaration. The Planning Commission finds that there has been no substantial evidence presented to support a fair argument that a significant impact under CEQA would result from the project.

C. On March 25, 2015, May 13, 2015 and August 12, 2015, the Planning Commission held public hearings on the project. At the public hearings, the Planning Commission

heard and considered all public testimony and the written report of the Community Development Department staff. The Planning Commission finds, based upon the application materials and analysis provided in the March 25, 2015, May 13, 2015 and August 12, 2015 staff reports and in the entire record, that the project, as conditioned, is consistent with the Tiburon General Plan and is in compliance with applicable sections of the Tiburon Zoning Ordinance, including but not limited to Sections 16-52.040 and 16-52.050, and other applicable zoning and municipal regulations.

D. The Planning Commission finds that a transfer of intensity is required for project approval and hereby finds that the project qualifies for the transfer of intensity pursuant to General Plan Policy DT-9.

Section 2. Adoption of Mitigated Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby adopts the Mitigated Negative Declaration for the project.

Section 3. Adoption of Mitigation Monitoring Program.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby adopts the Mitigation Monitoring Program (MMP) for the project, attached hereto as **Exhibit A**, and incorporates the mitigation measures as conditions of project approval. The permit holder shall bear all costs for implementation and monitoring of said Mitigation Monitoring Program.

Section 4. Approval of Transfer of Intensity.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission hereby approves a Transfer of Intensity of up to approximately 3,220 square feet from the property identified as Assessor Parcel No. 058-171-86, commonly known as the Beach Road Parking Lot, which is held by the same owner (ACV Argo Tiburon LP) as the subject property. The Planning Commission finds that Assessor Parcel No. 058-171-86 holds development potential of approximately 7,700 square feet under current general plan and zoning designations, and that there is adequate development potential on that site to approve the transfer.

Section 5. Approval of Conditional Use Permit.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission hereby approves the conditional use permit application (File #11402), to demolish the existing commercial building and construct a new commercial/residential building located at 1694-1696 Tiburon Boulevard, subject to the following conditions of approval:

1. This use permit approves construction of an up to approximately 6,004 square foot, three-story commercial/residential building, as generally shown on the

project application drawings (13 sheets) prepared by Zwick Architects and received by the Town of Tiburon on August 3, 2015.

2. Any initial commercial use proposed for the building shall require a separate use permit for that specific use prior to commencement of said use.

3. Condominiumization of the building shall require a separate condominium use permit from the Town.

4. Building height is approved at up to approximately 38 feet, with exceedances allowed as set forth in Municipal Code section 16-30.050(D) for certain elements, subject to site plan and architectural review approval by the Design Review Board.

5. All mitigation measures set forth in attached **Exhibit A** (Mitigation Monitoring Program) are incorporated as conditions of approval on the project.

6. Two (2) on-site parking spaces are provided for the two residential units. Pursuant to provisions of Tiburon Municipal Code Section 16-32.030, or successor sections thereto, all other required parking for all the uses in the building may be provided off-site by recorded covenant or long-term lease. Required parking for the uses in the building shall be maintained at all times in the Beach Road Parking Lot (APN 058-171-86), which is under the same ownership as the project site. A minimum of one (1) parking space shall be permanently identified and marked in this off-site lot for the exclusive use of two residential units in the building, increasing to two (2) spaces if the units are held in condominium ownership. The project as proposed would currently require twenty-three (23) parking spaces for the non-residential component of the building (based on up to 62 indoor seats and up to 30 outdoor seats), but the precise required number of parking spaces for commercial use of the building and their method of identification (if any) shall be determined at the time of separate use permits issued for such non-residential use. Occupancy of the building shall not be permitted until such time as the provisions of Municipal Code Section 16-32.030 shall have been fulfilled. Loss of the availability of the required parking spaces at any time for purposes of the building approved herein shall be grounds for amendment or revocation of this conditional use permit. Bicycle and motorcycle parking shall be provided as set forth in Municipal Code Sections 16-32.060 and 16-32.070, and shall be finalized as part of the Site Plan & Architectural Review approval. A separate loading berth shall not be required in association with this project.

7. Site Plan & Architectural Review approval for demolition of the existing building and construction of a new building shall be secured prior to issuance of a building permit for the new building. At that time, the project shall comply with requirements of Tiburon Municipal Code Chapter 16C (Recyclable Collection Area).

8. As part of the review of the Site Plan and Architectural Review application for this project, the Design Review Board is directed to minimize the mass of the third story building elements, including the elevator, mechanical space and stairways, to increase light to the light well of the building. The Design Review Board is further directed to address the size of the third story deck to ensure that it is appropriate to the scale of the residential unit it serves and does not unnecessarily add to the visual mass of the building when viewed from Tiburon Boulevard. The Design Review Board shall also review the openness of the third story deck railings so that the railings do not unnecessarily add to the visual mass of the building or affect light to the building at 1690 Tiburon Boulevard.

9. Construction of the building shall comply with the flood regulations set forth in Tiburon Municipal Code Chapter 13D that are in effect at the time the building permit is issued.

10. Applicable traffic mitigation fees shall be paid at the time of building permit issuance.

11. Housing in-lieu fees shall be paid at the time of building permit issuance for the residential units in accordance with Chapter 16, Article VII of the Tiburon Municipal Code.

12. Applicants agree to financially contribute to a future Town project to improve the Tiburon Boulevard frontage and reduce pedestrian congestion as identified in General Plan Policy DT-30 and Program DT-r. Said contribution amount shall be finalized prior to issuance of a building permit for this project.

13. The Town reserves the right to amend or revoke this Conditional Use Permit for cause, in accordance with adopted regulations of the Town.

14. This Conditional Use Permit approval shall become null and void if not vested within two (2) years of final approval of this conditional use permit, unless a time extension is granted.

15. If this permit 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.

PASSED AND ADOPTED at a regular meeting of the Planning Commission on August 12, 2015, by the following vote:

AYES:	COMMISSIONERS:	KULIK, WILLIAMS, CORCORAN, WELLER AND WELNER
NAYS:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

_____

DAVID KULIK, CHAIRMAN
TIBURON PLANNING COMMISSION

ATTEST:

_____

DAN WATROUS, SECRETARY

Attachments: Exhibit A: Mitigation Monitoring Program

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

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

STAFF REPORT

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

From: **Community Development Department**

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

PROJECT DATA

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

PROJECT DESCRIPTION

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

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

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

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

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

Parking Lot:

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

Courtyard:

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

Individual Tenants:

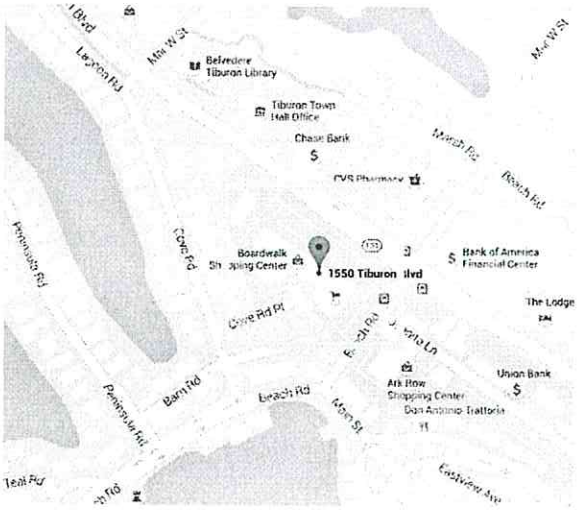
- One (1) double-faced overhead mounted hanging sign for each of 7 tenants located in the shopping center. Each sign would be 2 feet wide and 1 foot, 6 inches tall, with two faces, for a total area of 3 square feet per sign. No lighting is proposed for these signs.
- One (1) or two (2) wall signs above the windows for each tenant. The area of the existing signs for each tenant would be grandfathered into the sign program as follows:
    - Tiburon Spa: 20 square feet
    - The Ark: 36 square feet
    - Diana's of Tiburon (2 signs): 72 square feet

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

R & S Auto Repair:

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

PROJECT SETTING





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

ANALYSIS

Downtown Tiburon Design Handbook

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

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

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

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

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

Sign Ordinance

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

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

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

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

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

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

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

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

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

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

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

PUBLIC COMMENT

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

PRELIMINARY ENVIRONMENTAL DETERMINATION

Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15311 (a) of the CEQA Guidelines.

RECOMMENDATION

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

ATTACHMENTS

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

ATTACHMENT 1

DRAFT CONDITIONS OF APPROVAL
FILE NO. SIGN2016002
1550 TIBURON BOULEVARD

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

Parking Lot:

- Two (2) four-sided wooden monument signs identifying the center and listing the individual tenants. The main sign faces would be 16 feet tall and 8 feet, 8 inches wide, for a total area of 138.7 square feet. The sides of the signs would identify the center and be 2 feet 8 inches wide for an additional 42.7 square feet of sign area. The monument signs would be 23 feet tall and would have a 28 inch tall copper weathervane on top. The signs would be illuminated by 3 lights at the top of each main sign face, a single light at the top of the side faces and in-ground spotlights shining upwards.
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Courtyard:

- One (1) three-sided wooden under marquee sign identifying the central courtyard area of the center. The sign would be 2 feet, 3 inches tall, 12 feet, 8 inches wide in the front and have 8 foot wide sides, for a total of area of 64.5 square feet. Four lights would be mounted above the front face, with three lights above the side faces.
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Individual Tenants:

- One (1) double-faced overhead mounted hanging sign for each of 7 tenants located in the shopping center. Each sign would be 2 feet wide and 1 foot, 6 inches tall, with two faces, for a total area of 3 square feet per sign. No lighting is proposed for these signs.
- One (1) or two (2) wall signs above the windows for each tenant. The area of the existing signs for each tenant would be grandfathered into the sign program as follows:
    - Tiburon Spa: 20 square feet

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

R & S Auto Repair:

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

2. The construction shall conform with the application dated by the Town of Tiburon on March 30, 2016, or as amended by these conditions of approval. Any modifications to the plans of April 27, 2016, must be reviewed and receive Planning Division approval.

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

4. The issuance of this sign permit shall not be valid if the approval constitutes a violation of the Tiburon Sign Ordinance (Chapter 16A of the Tiburon Municipal Code) and the Downtown Design Handbook. No permit presuming to give authority to violate or cancel the provisions of said chapter shall be valid.

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

6. Permittee shall maintain the sign and all supporting components in good repair and finish. Substantially deteriorated, badly weathered, rusty, or otherwise poorly maintained signs shall be subject to public nuisance abatement or other available remedies.

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

8. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge, with defense counsel subject to the Town's approval. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.

RECEIVED
MAR 30 2016
PLANNING DIVISION

TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

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

APPLICANT REQUIRED INFORMATION

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

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

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

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

PHONE/FAX NUMBER: _____ E-MAIL: _____

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

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

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

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

The Boardwalk Shopping Center Sign Program

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

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

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

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

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

Signature:* _____ Date: _____

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

NOTICE TO APPLICANTS

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

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

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

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

DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION

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