



## STAFF REPORT

**To:** Members of the Design Review Board  
**From:** Community Development Department  
**Subject:** 101 Howard Drive; File No. DR2016038;  
Site Plan and Architectural Review to Legalize As-Built Construction of  
a Fence for an Existing Single-Family Dwelling

### PROJECT DATA

**ADDRESS:** 101 HOWARD DRIVE  
**ASSESSOR'S PARCEL:** 039-133-09  
**FILE NUMBER:** DR2016038  
**OWNER/APPLICANT:** CHRIS AND KENNA NORRIS  
**LOT SIZE:** 11,700 SQUARE FEET  
**ZONING:** R-1 (SINGLE FAMILY RESIDENTIAL)  
**GENERAL PLAN:** MH (MEDIUM HIGH DENSITY RESIDENTIAL)  
**FLOOD ZONE:** X  
**DATE COMPLETE:** APRIL 5, 2016

### PROJECT DESCRIPTION

The applicant is requesting design review approval to legalize as-built construction of a wooden fence for an existing single-family dwelling on property located at 101 Howard Drive. The property is currently developed with a single-family dwelling.

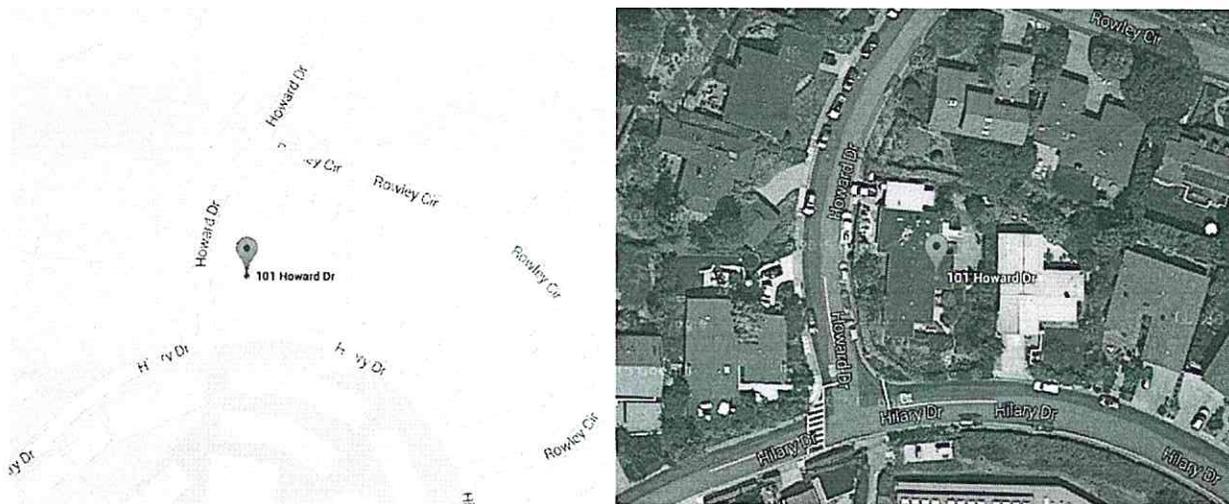
The fence is situated near the front and side property lines on the corner of Howard Drive and Hilary Drive. The as-built wooden fence replaced an existing wooden fence covered with overgrown landscaping. The as-built fence would appear to be in the same location and height as the previous existing fence. The as-built fence would have a maximum height of six feet (6'). The property owner proposes to stain the fence a slate gray color and plant 30 inch tall landscaping in front of the fence along Howard Drive and Hilary Drive.

This application was first submitted for staff-level design review. During the review of this application, an adjacent property owner raised objections to the design of the as-built fence. As a result, the Community Development Director referred this application to the Design Review Board for their action.

## BACKGROUND

On December 17, 2013, the Planning Division staff approved a Site Plan and Architectural Review application (File# 713122) for construction of a new six (6') foot open lattice wood fence along the front property line facing Howard Drive and a new six (6') foot solid wood fence along the side property line facing Hilary Drive. The application indicated that the fence would be constructed in the location of an existing and the submitted plans indicated that the fence would be located along the property line. The entire fence was instead constructed with a solid wood material and located outside the property line within the public right-of-way, where the previous fence was actually located. The applicant has requested to legalize the revised fence material on Howard Drive as part of the subject application. During the process, the owner received an approval of an encroachment permit from the Public Works Department to maintain the location of the as-built fence within the public right-of-way as the location is similar to that of the previously existing fence.

## PROJECT SETTING



The subject property is located on the corner of Howard Drive and Hilary Drive adjacent from the Del Mar Middle School. The site is reasonably level, with a slight slope upwards from Hilary Drive. The property faces south with views of the Richardson Bay and Sausalito. The streets above Del Mar Middle school change in elevation with the lots along Hilary Drive at a lower elevation than those along Rowley Circle.

## ANALYSIS

### Design Issues

An adjacent neighbor raised concerns that the proposed 6 foot tall solid wood fence would be inconsistent with the appearance of other fences in this neighborhood and preferred the originally approved open lattice design because the open lattice would look less bulky. Other existing fences in the vicinity appear to be a mixture of sizes, colors and materials, including open lattice, solid wood, and painted/stained fences. The as-built fence with the proposed gray color would appear to be similar to the fence across the street on Hilary Drive. As noted above, the owner

would plant 30 inch tall landscaping in front of the as-built fence, which could provide a screen of the fence from the street.

The Design Review Board is encouraged to view other homes in the vicinity to determine if the as-built fence 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-1 zone.

### **PUBLIC COMMENT**

As of the date of this report, there has been one (1) letter in opposition 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 15301 and 15303 of the CEQA Guidelines.

### **RECOMMENDATION**

Staff recommends that the Board:

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

### **EXHIBITS:**

1. Conditions of Approval
2. Application and Supplemental Materials
3. Letter dated April 14, 2016 from Douglas O'Connor
4. Submitted Plans

**EXHIBIT 1**

**DRAFT CONDITIONS OF APPROVAL  
101 HOWARD DRIVE  
FILE NO. DR2106038**

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 31, 2016, as amended by these conditions of approval. Any modifications to the plans of March 31, 2016 must receive Design Review approval.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not “deemed approved” if not highlighted and listed on construction drawings. Construction of any such un-approved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge, with defense counsel subject to the Town’s approval. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney’s fees that might result from the third party challenge.
5. A copy of the Planning Division’s “Notice of Action” including the attached “Conditions of Approval” for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
6. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
7. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
8. Fencing shall not exceed six feet (6’) in height at any point, measured from grade.
9. The portion of fence on the corner (at the intersection of Hilary Drive and Howard Drive) shall have a distance of 35 feet or more from the intersection.



TOWN OF TIBURON  
LAND DEVELOPMENT APPLICATION



TYPE OF APPLICATION

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

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 101 HOWARD DRIVE, TIBURON CA PROPERTY SIZE: 11700  
PARCEL NUMBER: 03913369 ZONING: R1

PROPERTY OWNER: CHRISTOPHER + KENNA NORRIS  
MAILING ADDRESS: 101 HOWARD DR, TIBURON, CA 94920

PHONE/FAX NUMBER: 415-699-7957 E-MAIL: KENNA.NORRIS@GMAIL.COM

APPLICANT (Other than Property Owner): same as owner  
MAILING ADDRESS: \_\_\_\_\_

PHONE/FAX NUMBER: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

ARCHITECT/DESIGNER/ENGINEER \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_

PHONE/FAX NUMBER: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

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

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

APPLICATION FOR AS BUILT SOLID WOOD FENCE RE PLACING ORIGINAL  
DETERIORATED FENCE. FENCE IS 6' IN HEIGHT FRONTING BOTH HOWARD  
AND HWLEAY DRIVES, AND CONSTRUCTED IN SOLID 2"X4 REDWOOD BEAMS  
ATTACHED HORIZONTALLY TO FRAMING. INSTALLED FENCE IS 222 FEET.  
NEW FENCE HAS BEEN SET BACK 35' AT CORNER TO COMPLY WITH ZONING ORDINANCE

REF FILE: 713122

(CONTINUED)

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:\* [Handwritten Signature]

Date: 3.30.16

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:\* [Handwritten Signature]

Date: 3.30.16

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

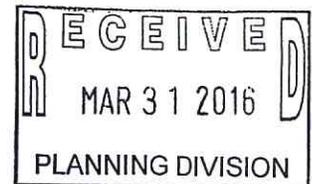
**NOTICE TO APPLICANTS**

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

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

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

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



**DO NOT WRITE BELOW THIS LINE**

DEPARTMENTAL PROCESSING INFORMATION		
Application No.: DR2016038	GP Designation:	Fee Deposit: \$510.00
Date Received: 3/31/16	Received By: KO	Receipt #: R942
Date Deemed Complete: 4/5/2016	Action:	By: KO
Acting Body:	Date:	
Conditions of Approval or Comments:	Resolution or Ordinance #	

NORRIS-101 HOWARD DR

LAND DEVELOPMENT APPLICATION - 101 HOWARD DR

PG. 2

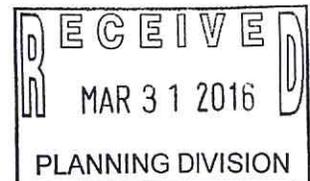
FENCE WILL BE STAINED WITH BEHR PREMIUM SEMI TRANSPARENT  
WOOD STAIN IN SLATE (ST-102)

IVEN LANDSCAPING, NOT TO EXCEED 30' WILL BE PLANTED  
ALONG THE HOWARD AND UTILITY FACINGS OF THE FENCE.

2 SUNSET LIGHTING FIXTURES 8" X 3 3/4" SQUARE ALUMINUM

WALL SCONES IN BLACK TO BE INSTALLED ON EITHER

SIDE OF MAIN ENTRY GATE. FIXTURES ARE DARK SKY COMPLIANT

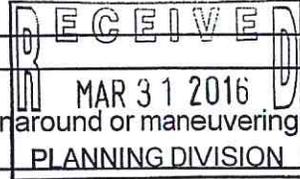


# M OR ALTERATION SUPPLEMENT IT

X

Please fill in the information requested below:

1. Briefly describe the proposed project (attach separate sheet as needed): APPLICATION FOR AS BUILT  
SOLID REDWOOD FENCE FRONTING HILARY + HOWARD DRIVES. THE FENCE IS 6' IN HEIGHT  
CONSTRUCTED OF 1x4 REDWOOD BOARDS ATTACHED HORIZONTALLY TO FRAMING. THE INSTANT  
FENCE IS 222' AND HAS BEEN SET BACK 35' AT THE CORNER IN COMPLIANCE WITH ZONING  
ORDINANCE 16-30.050. THE FINISHED FENCE WILL BE STAMPED IN BEHR PREMIUM SEMI  
(CONTINUED)
2. Lot area in square feet (Section 16-100.020(L))\*: \_\_\_\_\_ Zoning: \_\_\_\_\_
3. Square footage of Landscape Area: \_\_\_\_\_
4. Proposed use of site (example: single family residential, commercial, etc.):  
 Existing \_\_\_\_\_  
 Proposed \_\_\_\_\_
5. Describe any changes to parking areas including number of parking spaces, turn around or maneuvering areas.  
 \_\_\_\_\_



TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
<b>Yards</b> (Setbacks from property line) (Section 16-100.020(Y))* <b>Front</b>	ft.	ft.	ft.	ft.	ft.
<b>Rear</b>	ft.	ft.	ft.	ft.	ft.
<b>Right Side</b>	ft.	ft.	ft.	ft.	ft.
<b>Left Side</b>	ft.	ft.	ft.	ft.	ft.
<b>Maximum Height</b> (Section 16-30.050)*	6 ft.	ft.	ft.	ft.	6 ft.
<b>Lot Coverage</b> (Section 16-30.120(B))*	sq.ft.	sq.ft.	sq.ft.	sq.ft.	sq.ft.
<b>Lot Coverage as Percent of Lot Area</b>	%	%	%	%	%
<b>Gross Floor Area</b> (Section 16-100.020(F))*	sq.ft.	sq.ft.	sq.ft.	sq.ft.	sq.ft.

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

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

JORRIS - 101 HOWARD T.

MINOR ALTERATION SUPPLEMENT APPLICATION - 101 HOWARD DR.

PG. 2

BEHR PREMIUM SEMI TRANSPARENT WOOD STAIN - SLATE (ST-10

NEW LANDSCAPING NOT TO EXCEED 30" WILL BE

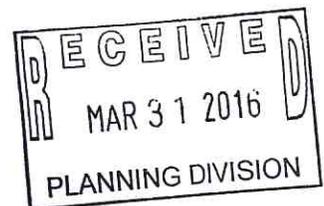
PLANTED ALONG THE ENTIRE PERIMETER OF THE

FENCE FRONTING BOTH HOWARD AND HILARY SIDE.

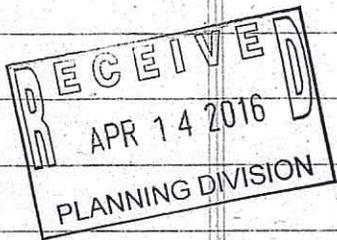
2 SUNSET LIGHTING (F6891-31) DARK SKY COMPLIANT 8" X

4' <sup>31"</sup> SQUARE ALUMINUM SCENES WILL BE INSTALLED ON

EITHER SIDE OF MAIN HOWARD DR. GATE.



Re 101 Howard Dr.  
To Kyle O'Malley, Associate Planner,



In accordance with your 4/5/16 notice re the proposed fence by Harris at 101 Howard Dr., the following objections are made:

1) The 12/17/13 approval by the planning division called for an open lattice custom fence at 122' along Howard Dr. The fence as built is a solid wood fence at 4' sections instead of 8' sections as called for. At 122' in length and 6' in height is too bulky, as solid, and if painted dark slate grey as proposed, it will be extremely unattractive to all who travel Howard Dr. The open lattice fence, at 8' sections, painted white as shown and approved should be required.

2) The 4' x 1' boards on Hobbes Dr. are horizontal - The approval was of 6' boards vertical and at 8' sections and should be complied with.

3) The 30" covering vegetation proposed cannot be accomplished at the driveway unless the concrete at the fence is removed.

Respectfully submitted,  
Douglas R. O'Connell  
177 N. Camb. Park Dr.