



STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 23 Juno Road; File No. DR2016026; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling (Continued from June 2, 2016)

Reviewed By: _____

BACKGROUND

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

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

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

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

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

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

ANALYSIS

Zoning

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

Design Issues

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

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

Public Comment

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

RECOMMENDATION

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

ATTACHMENTS

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

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

23 JUNO ROAD

FILE #DR2016026

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform with the application dated by the Town of Tiburon on March 3, 2016, or as amended by these conditions of approval. Any modifications to the plans of June 27, 2016 must be reviewed and approved by the Design Review Board.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
6. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
7. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
8. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city,

state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site

9. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
10. A photovoltaic energy system shall be installed in compliance with the requirements of Section 16-40.080 of the Tiburon Zoning Ordinance.
11. Prior to issuing a grading or building permit the applicant shall implement measures for site design, source control, run-off reduction and stormwater treatment as found in the Bay Area Stormwater Management Agency Association (BASMAA) Post-Construction Manual available at the Planning Division or online at the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) website at www.mestoppp.org.
12. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
 - a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
 - b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.
 - c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.
 - d. No lot-to-lot drainage is allowed except where easements for drainage are provided.
 - e. All site drainage shall be privately maintained and shall be contained within private storm drain easements. A 10 foot easement width is required for any pipes outside the right-of-way.
10. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
11. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:
 - a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2

- b. Approved carbon monoxide and smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
 - c. The vegetation on this parcel shall comply with the requirements of TFPD. CFC 304.1.2
13. The project shall comply with all requirements of the Richardson Bay Sanitary District.

Dan Watrous

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

Hi Dan,

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

Here is a list of the changes we made:

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

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

We feel requiring that the garage be moved further back represents application of an unfair standard upon our project. Our proposal now locates the garage front 3'-4" behind the 15'-0" required setback.

If the zoning setback does not apply, it should be changed such that all neighbors would be required to comply equally. Multiple homes on the street have built close to the front setback, including the home directly across the street. We redesigned our initial proposal so as not to include a second story in order to harmonize with the neighbors, already resulting in a loss of rear yard to our client. We met with 7 neighbors* immediately surrounding our parcel and all but one had favorable responses. We feel it's unprecedented to argue that a neighbor's diagonal view across our parcel should be preserved (not a view of the bay, or hilltops, but of our clients' front yard and of parked cars on the street).

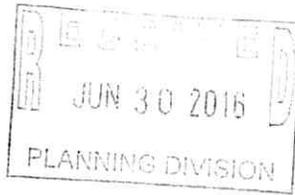
*neighbors we met with:

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

Thank you,
_Steven

Steven Moseley

LATE MAIL # 3



June 30, 2016

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

RECEIVED

JUN 30 2016

TOWN MANAGERS OFFICE
TOWN OF TIBURON

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

RCVD PP

To the Design Review Board Members:

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

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

PROPERTY LINE SURVEY

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

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

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

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

- The adjusted setback measured from the property line to the proposed wall opposite the SW corner of the existing garage has been inaccurately placed at six feet, seven inches (6'7").
- The adjusted story pole #1 at the SW corner of the proposed garage projection toward the street is inaccurately placed on or about six feet, four to six inches (6'6") from the property line. It should be moved eastward by 2 feet (2') to accurately reflect applicant's eight-foot, six inch (8'6") side yard setback at that point.

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

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

BLOCKED VIEWS

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

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

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

NEIGHBORHOOD VALUES

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

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

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

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

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

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

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

Thank you for your consideration.

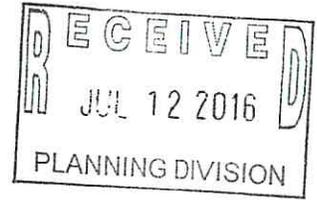
Regards,

Ellen Rony

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

July 12, 2016

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



Re: 23 Juno Road, Tiburon

Dear Dan,

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

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

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

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

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

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

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

Best wishes,

Bronia and Chase Hill