



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

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

STAFF REPORT

To: Members of the Design Review Board
From: Community Development Department
Subject: 9 Mercury Avenue; File No. DR2016132; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling

PROJECT DATA

ADDRESS: 9 MERCURY AVENUE
OWNER: TODD AND GENA DAVIS
APPLICANT: JAMES PHILLIP WRIGHT (ARCHITECT)
ASSESSOR'S PARCEL: 034-252-10
FILE NUMBER: DR2016132
LOT SIZE: 8,278 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: MH (MEDIUM HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: NOVEMBER 9, 2016

PROJECT DESCRIPTION

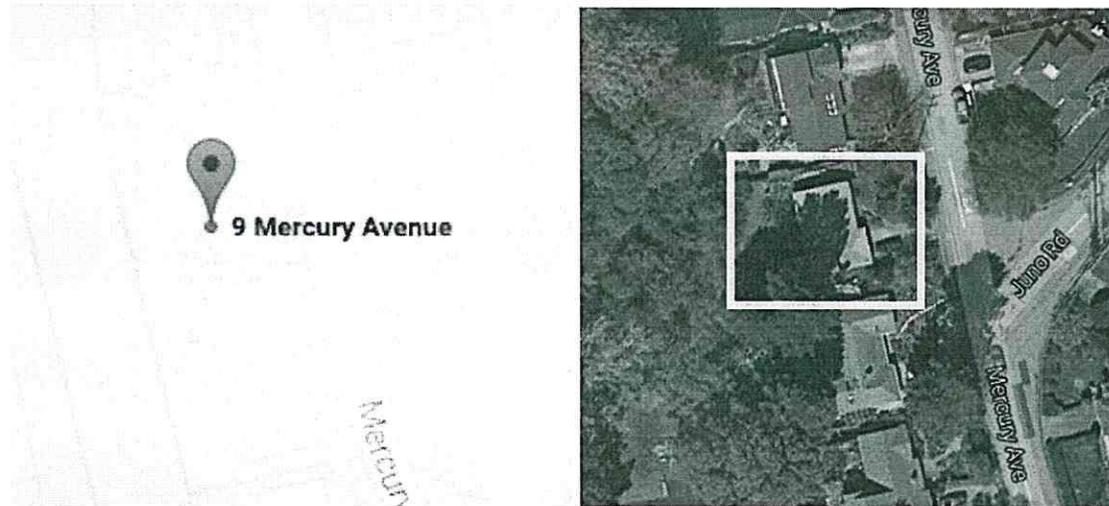
The applicant is requesting Design Review approval for the construction of additions to an existing two-story single-family dwelling on property located at 23 Mercury Avenue. The house was originally a one-story structure. A two-story addition with a small upstairs 147 square foot studio was approved in 1988.

The first floor of the house would be expanded to the front and rear. New den, kitchen and laundry room would extend to the rear of the house, while a new two-car garage would be constructed in front. A new master bedroom suite would be constructed on the second floor, centered above the first floor. Several existing skylights would be replaced and new skylights added, with a total of seven (7) skylights installed. New fireplaces and chimneys would be constructed at the front and rear of the house.

The floor area of the house would be increased by 1,043 square feet to a total of 2,804 square feet, which is 25 square feet less than the maximum floor area permitted for a lot of this size. The lot coverage would be increased by 864.5 square feet to a total of 2,479 square feet (29.9%), which is 4 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 grey wood siding with light brown stucco trim. A brown standing seam metal roof would be installed.

PROJECT SETTING



The subject property is roughly rectangular and flat. The site is on the perimeter of the Belveron East subdivision, and is one of the larger lots in this neighborhood.

Belveron East is a neighborhood of single-family dwellings originally developed in the 1950s. Most of the homes in this subdivision are single-story structures, although some two-story homes are scattered through the neighborhood, including the subject residence. The Tiburon Town Council has recently given direction to the Design Review Board to discourage two-story homes in the interior of this subdivision.

ANALYSIS

Design Issues

As noted above, the Town Council has recently given direction to the Design Review Board regarding review of two-story homes in the Belveron East neighborhood. The Council discouraged two-story buildings in the interior portion of the subdivision, but left open the possibility for two-story homes on the perimeter of the neighborhood. The location of the subject property on the uphill side of Mercury Avenue would be considered part of the perimeter of the subdivision.

Most two-story homes in Belveron East include relatively modest second story areas, often the size of a master bedroom suite, and centered over the first floor of the house. The proposed second level would be centered on the building footprint, but would be considerably larger than most other second story spaces in the vicinity. The 714 square foot floor area of the second level would be somewhat larger than other second story living spaces in the Belveron East

neighborhood. The 25 maximum height of the house would also be substantially taller than other two-story structures in the vicinity.

The proposed chimney at the rear of the house would be used for a wood-burning fireplace on the exterior of the residence, with gas-burning fireplaces facing into the living room and den. Another wood-burning fireplace and chimney for the family room would be placed at the front of the house. The rear chimney would reach a height of 28 feet, 10 inches and would exacerbate the additional building mass and volume of the proposed second story.

The second story master bedroom suite would include several new windows facing the homes to either side at 7 & 11 Mercury Avenue. The windows would be relatively small and do not appear to create the potential for substantial privacy impacts for these neighboring dwellings. The Design Review Board is encouraged to view the story poles from the homes at 7 & 11 Mercury Avenue.

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, no letters have been received regarding the subject application.

PRELIMINARY ENVIRONMENTAL DETERMINATION

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

RECOMMENDATION

The 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 Sections 15301 and 15303. If the Board agrees with staff's conclusions, the application should be continued and direction given to the applicant to redesign the house to lessen its visual impact and make the size and scale of the home more consistent with the surrounding Belveron East neighborhood. 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

CONDITIONS OF APPROVAL

9 MERCURY AVENUE

FILE # DR2016132

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 October 5, 2016, or as amended by these conditions of approval. Any modifications to the plans of November 1, 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. 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.
11. All requirements of the Town Engineer and the Tiburon Public Works Department shall be met. An Encroachment Permit from the Department of Public Works is required for any work within the Town's road right-of-way, including, but not limited to, utility trenching, installation of new utility connections, and modifications to the driveway apron. The plans shall clearly identify all proposed work in the right of way and an Encroachment Permit shall be obtained prior to conducting such work. If no work is proposed within the public right-of-way this comment may be disregarded.
12. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
13. 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. 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. A means of egress/access shall be provided from each level of the home to exterior stairs. CFC 503.1.1
 - c. Approved smoke and carbon monoxide 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. CFC 304.1.2
14. The project shall comply with all requirements of the Richardson Bay Sanitary District.



TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

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

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 9 MERCURY AVE PROPERTY SIZE: _____
PARCEL NUMBER: 34-252-10 ZONING: R-1

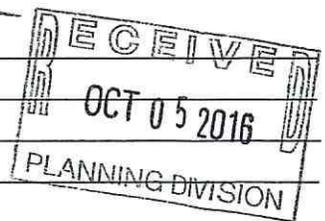
PROPERTY OWNER: TODD & GENA DAVIS
MAILING ADDRESS: 838 A NORTH POINT ST SF. CA 94109

PHONE/FAX NUMBER: 415-350-8993 E-MAIL: GURUDAVIS@GMAIL

APPLICANT (Other than Property Owner): JAMES PHILLIP WRIGHT AIA
MAILING ADDRESS: 209 MORAGA WAY
ORINDA CA 94563

PHONE/FAX NUMBER: 925-788-5520 E-MAIL: JPWRIGHT@GMAIL

ARCHITECT/DESIGNER/ENGINEER: APPLICANT
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):

MAINTAIN EXISTING STRUCTURE w/ NEW TWO STORY
ADDITION @ REAR, AND NEW TWO CAR GARAGE
@ FRONT, NEW LANDSCAPE ALL AROUND.
PROJECT DESIGNED AS LOW ENERGY / PASSIVE HOUSE
STANDARDS

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: 10-4-2016

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

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

Signature:* [Handwritten Signature]

Date: 10-4-2016

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

NOTICE TO APPLICANTS

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

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

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

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

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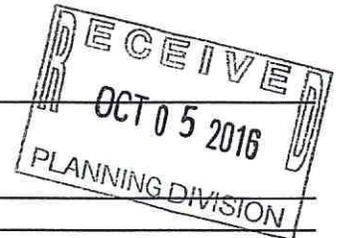
DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION		
Application No.: DR2016-132	GP Designation:	Fee Deposit: 1325 ⁰⁰
Date Received: 10/5/2016	Received By: [Signature]	Receipt #: R1974
Date Deemed Complete: 11/8/16	Action:	By: [Signature]
Acting Body:	Resolution or Ordinance #	Date:
Conditions of Approval or Comments:		

DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

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

- Briefly describe the proposed project: MAINTAIN EXISTING STRUCTURE w/ NEW ADDITION @ REAR AND NEW TWO CAR GARAGE + DRIVE @ FRONT. NEW LANDSCAPE ALL AROUND.
BUILDING DESIGN CONCEPT: HIGH PERFORMANCE / LOW ENERGY RENOVATION + NEW DETAILS, NEARING PASSIVE HOUSE STANDARDS.
- Lot area in square feet (Section 16-100.020(L)):
- Square footage of Landscape Area: 8278
- Proposed use of site (example: single family residential, commercial, etc.):
Existing SINGLE FAMILY RESIDENCE
Proposed _____
- Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.
RELOCATION OF EXISTING ON SITE



TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
Setbacks from property line (Section 16-100.020(Y))* Front	26 ft.	15 ft.	15 ft.	ft.	15 ft.
	Rear	40 ft.	40 ft.	ft.	20'-25 ft.
	Right Side	11 ft.	11 ft.	ft.	8 ft.
	Left Side	9 ft.	9 ft.	ft.	8 ft.
Maximum Height (Section 16-30.050)*	18'-6 ft.	25-4 ft.	25-4 ft.	ft.	30 ft.
Lot Coverage (Section 16-30.120(B))*	1645 sq.ft.	864.5 sq.ft.	2479 sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	19.5 %	10.4 %	29.9 %	29.9 %	30 %
Gross Floor Area (Section 16-100.020(F))*	1761 sq.ft.	1043 sq.ft.	2804 sq.ft.	sq.ft.	2829 (00) sq.ft.

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