



Town of Tiburon

STAFF REPORT

The proposed parking deck would be located in the same position as the existing parking deck, but because the proposed parking deck constitutes new construction, the following variances would be required: Reduced front yard setback (0 feet in lieu of the standard 15 feet); reduced side yard setback (0 feet in lieu of the standard 8 feet); and excess lot coverage (37.3% in lieu of the standard 35%).

ANALYSIS:

Zoning

Except for the above mentioned variances, the project appears to be in conformance with the remaining development regulations of the R-2 zoning district.

Design Issues

The proposed project would not significantly affect the existing visual aspects of the property, or any properties in the vicinity. The proposed parking deck would be constructed with greater integrity than the existing deck, but the exterior finishes would be similar. Minor changes would include a different railing design to meet current building codes, a concrete slab on the surface of the deck instead of wood decking, and the existing globe style light fixture on the left side of the parking deck would be replaced with a standard down light. Staff foresees no design issues with the proposed project.

Variance

In order to grant the requested variance, the Board must make the following findings as required by Section 4.03.05 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 a steep lot developed with a two-family dwelling. Due to the steep topography of the site, the proposed location of the parking deck is the only reasonable location to provide the three required parking spaces for a two-family dwelling, which leads to the applicant's request for the setback variances.

The applicant has designed the carport to conform to current building codes. Because of the site's topography, the applicable building codes would require that the deck be over three feet from grade, which results in the parking deck contributing to the lot coverage for the property, in turn resulting in the request for a variance for excess lot coverage.



Town of Tiburon

STAFF REPORT

- 2. The variance will not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and in the same or similar zones.**

The Old Tiburon neighborhood is unique in that the roads are narrow and the properties are usually steep. There are several homes in the immediate vicinity that have parking decks and other structures located within the required front and side yard setbacks, simply for reasonable development and access to the properties. Therefore the variance would not be a special privilege inconsistent with properties in the vicinity.

- 3. The strict application of this Ordinance would result in practical difficulty or unnecessary hardship.**

The strict application of the Ordinance would result in a practical difficulty because the applicant would be forced to construct improvements in areas of the lot that are less accessible to the street, and less amenable to construction.

The applicant has stated that his preference would be to repair of the existing parking deck, which would not require design review. However, according to the Town's Building Official this is not a viable alternative because the existing parking deck is dilapidated to a point beyond repair. The applicant has suggested that it would be an unnecessary hardship for the Town to require the parking deck be replaced in a different location when only a repair of the existing structure is desired.

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

As proposed, the variances would not appear to have an adverse impact on views privacy, or otherwise on the properties in the vicinity.

Public Comment

To date, no public comment has been received regarding this application.

RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07 and 4.03.05 (Guiding Principles, and Variance Findings by Acting Body) 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 finds that the design of the project is consistent with the Guiding Principles for Site Plan and Architectural Review, and all necessary findings can be made for the variances for excess lot coverage, reduced front yard setback and reduced side yard setback, then it is recommended that the project be approved with the attached Conditions of Approval.

Town of Tiburon

STAFF REPORT



EXHIBITS:

1. Conditions of Approval.
2. Application and supplemental materials dated July 14, 2003.
3. Applicant's findings for the variance.
4. Plans for the proposed project.

Town of Tiburon

STAFF REPORT



EXHIBIT 1

CONDITIONS OF APPROVAL 1884 Centro West FILE #20323

1. This approval shall be used within 3 years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform to the application received by the Town of Tiburon on August 14, 2003, or as amended by these conditions of approval. Any modifications to the approved plans must receive further design review and approvals.
3. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light type fixtures.
4. Plans submitted to the Building Department for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Department for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Design Review Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Design Review approval is not valid and shall be subject to stop work orders and may require removal.