

Town of Tiburon STAFF REPORT

AGENDA ITEM **F-2**



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TO: **DESIGN REVIEW BOARD**

FROM: **BRIAN LYNCH, ASSOCIATE PLANNER**

SUBJECT: **91 VIA LOS ALTOS; FILE #703187
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE INSTALLATION
OF A SWIMMING POOL, PATIO AREA, AND FENCING ON THE
SUBJECT PROPERTY.**

MEETING DATE: **MARCH 4, 2004** REVIEWED BY: _____

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PROJECT DATA:

OWNER:	JIM AND MELISSA WEISS
LANDSCAPE ARCHITECT:	ROB BROCKMAN, ALFRESCO DESIGNS
ADDRESS:	91 VIA LOS ALTOS
ASSESSOR PARCEL NUMBER:	034-330-20
FILE NUMBER:	703187
LOT SIZE:	16,570 SQUARE FEET
ZONING:	RPD (SINGLE-FAMILY RESIDENTIAL PLANNED)
GENERAL PLAN:	ML (MEDIUM-LOW DENSITY RESIDENTIAL)
FLOOD ZONE:	C
DATE COMPLETE:	FEBRUARY 13, 2004
CEQA EXEMPTION:	MARCH 4, 2004
PERMIT STREAMLINING ACT DEADLINE:	MAY 3, 2004

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.

PROPOSAL:

The applicant has submitted a request to install a swimming pool, patio area, and fencing on the property at 91 Via Los Altos. The property is located at the end of a branch of Via Los Altos, at the edge of the Town of Tiburon Limits. Previous design review applications have been approved for the subject property, and there is currently work being done under the auspices of a separate building permit.



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The primary aspect of the proposed project would be the installation of a swimming pool in the front yard of the subject property. Other aspects of the project would be a new patio area adjacent to the swimming pool, fencing around the swimming pool, and a safety railing on top of an existing retaining wall at the rear of the property.

ANALYSIS:

Zoning

The project site is in the RPD zoning district, and is located within the La Cresta Precise Plan Area. In this development area, there are specific building envelopes defined for each lot. Generally, all buildings must be located within the defined building envelopes. According to the submitted plan, the proposed swimming pool and associated fencing would be located outside the building envelope for the property. In 1989, the La Cresta Precise Plan was amended to allow certain improvements outside the building envelope, if approved by the Board. The 1989 amendment includes the following statement:

"Unless otherwise approved by the Town of Tiburon, no improvements of any type, including fences, temporary or otherwise, shall be permitted outside of the building envelopes, except driveways, retaining walls, and other improvements associated with support driveways and decks. In addition, no planting of trees or shrubbery shall be allowed along the property boundaries which would have the effect of fencing the property."

As with any Design Review application, the Board has full discretionary authority over the project. If the Board finds that the improvements are appropriate for the site, then the project can be considered consistent with the La Cresta Precise Plan.

Design Issues

The swimming pool would be located in the front yard of the property. The applicant has stated that the intent of the design of the project is be consistent with the swimming pool design on the neighboring property at 87 Via Los Altos. The adjacent patio area would consist of a pool terrace and built-in BBQ area and counter.

Although the pool would not have a significant visual impact, the fence enclosure would be seen from neighboring properties. The proposed fencing would have two different styles; along the driveway the fence would be 5'6" tall and comprised of stucco, and the remainder of the fence would be 5'6" and comprised of wrought iron. The entire length of the fencing would have 6' stucco columns as fence posts.

The guardrail proposed to be located above the retaining wall at the rear of the property would also be located outside the building envelope for the property, and therefore would require the Boards consideration. The railing would be 36" tall and comprised of wrought iron. The maximum combined height of the railing and the wall would not exceed six (6) feet.

The location of the above mentioned improvements would not appear to have a significant impact on the properties in the vicinity. However, the Board has voiced their concern during the



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review of recent applications that the neighborhood appears to be “overbuilt”. The Board should consider whether this project would significantly contribute to the built out appearance of the neighborhood.

Public Comment

To this 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 (Guiding Principles) and the provisions of the La Cresta Precise Plan, 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 the provisions of the La Cresta Precise Plan, then it is recommended that the project be approved with the attached Conditions of Approval.

EXHIBITS:

1. Conditions of Approval.
2. Application and supplemental materials dated February 16, 2004.
3. Plans for the proposed project.

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EXHIBIT 1

CONDITIONS OF APPROVAL 91 Via Los Altos FILE #703187

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 plans received by the Town of Tiburon on February 16, 2004, or as amended by these conditions of approval. Any modifications to the approved plans must receive further design review and approvals.
3. The pool equipment for the proposed pool and spa shall be enclosed in a sound attenuation enclosure.
4. The height of the proposed guardrail and retaining wall shall not exceed a height of six (6) feet.
5. An encroachment permit issued by the Tiburon Department of Public Works shall be obtained for the installation of the pool fencing, prior to the issuance of a building permit.
6. 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.