



Town of Tiburon

STAFF REPORT

A color and materials board has not been submitted, as the proposed addition would match the colors and materials of the existing house.

BACKGROUND

Five previous applications (Files # 299006, 299034, 200030, 20115 & 20231) have previously been approved by the Design Review Board to construct several additions to the existing house on the site. As the original house was constructed to a height of more than 30 feet, each of the applications included a request for excess building height, as the proposed additions followed the alignment of the original structure. The last four applications also included floor area exceptions, which have gradually increased the floor area of the house to the presently approved total floor area of 5,461 square feet.

The first three applications involved additions to the southern (right) side of the house. In 2001, an application (File #20115) was approved to construct a family room above a portion of an existing deck at the northern end of the house, with an exercise room beneath. The application approved in 2002 (File #20231) further extended this upstairs family room to cover the remainder of the deck, but left the area beneath the deck unenclosed.

The construction project associated with these previously approved applications has been underway since 1999. In each instance since the first approved Design Review application, the applicant has requested to make changes to the originally approved plans that modified the most recently approved plans. In each instance, the Design Review Board determined the proposed change to be relatively minor in scope, and therefore approved each of the previous applications.

In early 2004, the applicant approached Planning Division Staff to ask about the feasibility of enclosing an area beneath an existing deck into additional living space. At that time, the applicant was advised that such an addition would require Design Review approval, and may have difficulty being approved, due to the need for another floor area exception, and given the history of repeated requests to modify this project.

As the construction project appeared to be nearing an end, the Building Official requested that the applicant submit a set of plans indicating the as-built conditions on the site, due to the length of time taken to complete the project and the number of changes made during construction. The as-built plans submitted indicated that the area beneath the deck had been enclosed and turned into habitable space. This is the area requested to be legalized under the Site Plan and Architectural Review current application.

ANALYSIS

Design Issues

The existing structure is situated downslope from Lyford Drive. The previously approved additions are situated generally to the south side and to the rear of the existing structure. The proposed addition would be situated to the rear of the house, adjacent to a portion of the



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recently approved addition. The location of the proposed addition would only be minimally visible to any other properties along Lyford Drive, and would only marginally add to the overall mass and scale of the house when viewed from below along Vistazo West Street.

The most recently approved lower floor plan included four bedrooms, four bathrooms, a den/office and a laundry room. The proposed enclosure resulted in one additional bathroom, additional closet space and a small storage room. One of the previously approved bathrooms has been reconfigured to lead directly into the den/office; it also appears that a closet has been added to this room, in essence allowing the creation of a fifth bedroom.

The applicant has indicated that the subject area beneath the family room must be enclosed to provide structural support for the room above. Staff believes that other structural options are available that would not require the enclosure of this space. Further, the need for increased structural support is a direct result of the 2002 request to convert the remainder of an existing deck into a larger family room. However, if this area is left open, there is a reasonable potential that this space will be enclosed at a later date.

This house is a classic example of a phenomenon often referred to by the Design Review Board as “size creep.” Three separate applications gradually increased the size of the southern end of the residence, and then the extent of the northern portion of the house gradually increased in size. The size of the house has steadily increased, from its original size of 4,840 square feet to its current condition with 5,726 square feet. Each of the last four Design Review applications, including the current one, have requested relatively minor floor area exceptions, but the currently requested total floor area would now reach 598 square feet more than the floor area ratio for a lot of this size. The Design Review Board should determine whether the requested floor area exception is justified, or simply represents one addition too many for this house.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone with the exception of the previously noted request for a floor area exception.

Section 4.02.08 of the Tiburon Zoning Code states that the Design Review Board may grant exceptions to the required floor area ratio requirements if it makes the following two findings:

1. The applicant has demonstrated that the visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood; and
2. The applicant has demonstrated that the proposed structure is compatible with the physical layout of the site. The characteristics include, but are not limited to, the scale of trees, rock outcroppings, stream courses, land forms, and the dimensions of the lot.



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As described above, the subject addition fills in an area that was once beneath a deck and is now beneath another portion of the house. As a result, this addition would not significantly alter the visual size and scale of the dwelling, particularly as viewed from other properties in the vicinity. This addition would also not change the relationship of the structure to the physical layout of the property.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested floor area exception.

Public Comment

No comments have been received regarding the subject application.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. If the Board agrees with Staff's conclusions that the requested floor area is one addition too many for this house, Staff should be directed to prepare a resolution denying the application. If the Board determines that the subject addition is appropriate, Staff recommends that the attached conditions of approval should be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

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CONDITIONS OF APPROVAL

100 LYFORD DRIVE

FILE #704087

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. The development of this project shall conform with the application dated by the Town of Tiburon on May 28, 2004, or as amended by these conditions of approval. Any modifications to the plans of May 28, 2004, must be reviewed and approved by the Design Review Board.
3. 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.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.