



Town of Tiburon

STAFF REPORT

The gross floor area of the residence was 2,883 square feet which was below the floor area limit of 3,041 square feet. The proposed garage with bedroom suite above would have encroached three feet into the side yard setback on the east side. Therefore a variance for reduced side yard setback was requested (5 feet in lieu of the minimum 8 feet).

At the June 17, 2004 Board meeting, the Board reviewed the project and considered public testimony. There were several concerns voiced by the Board regarding the potential for an unpermitted secondary dwelling unit on the site and the awkward design of the building. At least one of the Board members thought that the retaining walls should not exceed seven feet in height. The consensus of the Board was that the project should be modified with a more integrated design, where direct access to the bedroom over the garage is shown and the height of the retaining walls is reduced. The project was continued to September 2, 2004, and the applicant requested a continuance to September 16, 2004.

ANALYSIS:

Design Issues

The applicant has revised the project in an attempt to address the concerns of the Board. The proposed design illustrates an L-shaped floor plan as opposed to the rectilinear design of the previous plans, and the bedroom above the garage has been incorporated with the interior of the building. In addition, there is no longer a need for a variance for the side yard setback, and the proposed structure appears to barely extend into the front yard setback. Compliance with the front yard setback can be assured at the plan check level.

The plan has also changed to enclose the entire second story, increasing the gross floor area from 2,833 to 3,491 square feet which is greater than the floor area limit for the R-2 zoning district. This creates the need for a floor area exception of 450 square feet.

Other changes include a long wood deck with stairs running along the southwest side of the building to provide exterior access to three bedrooms on the upper level. A small craftsman style covered deck is also proposed on the northeast side of the building. 19 skylights would be located on the roof (an increase from the 11 skylights shown on the previously submitted plans), and the roof design would be more pitched, increasing the maximum ridge height to 26'3".

As the previous plans indicated, the existing nonconforming deck on the south side of the building would mostly remain, and it would be minimally repaired and updated as required.

The revised project design appears to respond to most of the Board's concerns. The potential for an unpermitted second unit has been greatly reduced, and the building design would be much more integrated. The need for a variance has been eliminated; however, a floor area exception is now required.

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Zoning

As previously mentioned, the proposed dwelling would not comply with the floor area regulations of the R-1 zoning district. In order to grant the requested floor area exception, the Board must make the following findings as required by Section 4.02.08 of the Tiburon Zoning Ordinance:

- 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.**

The new dwelling would be consistent with the development of properties in the vicinity. The lot coverage remains below the maximum allowed for the R-1 zoning district, and all other development standards would be met. The proposed home would not be incompatible with structures in the surrounding neighborhood.

- 2. The applicant has demonstrated that the proposed structure is compatible with the physical characteristics 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.**

The applicant has stated the proposed project would be compatible with the physical characteristics of the site because the building would be positioned on a relatively flat portion of the lot where the current residence is located. This configuration would provide adequate visual setback from the street. Also, the slope of the lot reduces the visual impact of a two-story building on the property.

Public Comment

To date, no additional public comment has been received.

RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07, 4.03.05, 4.02.08 (Guiding Principles and Floor Area Exception Findings) 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 floor area exception, then it is recommended that the project be approved with the attached Conditions of Approval.

EXHIBITS:

1. Conditions of Approval
2. Design Review Board staff report dated June 17, 2004
3. Minutes from the June 17, 2004 Board meeting
4. Plans for the project

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EXHIBIT 1

CONDITIONS OF APPROVAL 955 Owlswood Lane FILE #20422

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 to the application dated by the Town of Tiburon on May 20, 2004 and the plans dated September 7, 2004, or as amended by these conditions of approval. Any modifications to the plans 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 exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
6. No lighting shall be installed in the wells of the skylights, and the skylights shall be tinted in a non-reflective manner.
7. The deck at the rear of the building is not approved as shown. The deck shall be repaired and replaced with like kind. Any additional support walls shall not exceed a height of six feet in the setback area.
8. Prior to under-floor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference points as appropriate, and elevations relative to sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.

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9. The project shall comply with the following requirements of the Tiburon Fire Protection District:
 - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-D. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (UFC 1003).
 - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 310).
 - c. Approved spark arresters shall be installed on chimneys (UFC 1109).
 - d. A greenbelt shall be provided by cutting and clearing all combustible vegetation within 30 feet of the structure (UFC 1103).
10. The following requirements of the Marin Municipal Water District shall be met:
 - a. A copy of the building permit shall be submitted.
 - b. Appropriate fees shall be paid.
 - c. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
11. All requirements of the Town Engineer shall be met.