





# Town of Tiburon

## STAFF REPORT

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### ANALYSIS

#### Design Issues

As noted above, revised plans for the project had not yet been submitted as of the date of this Staff report. The Design Review Board is encouraged to review the plans to determine if the modifications are consistent with the direction of the Board to discourage overbuilding of the site and avoid unwanted view or visual impacts on neighboring property owners.

#### Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 zone with the exception of the previously noted variance for excess lot coverage.

#### Variance

In order to grant the requested variance, the Board must make all of the following findings 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 part of a subdivision consisting of shallow terraces in which the lower lots are situated at elevations not dramatically below those of the properties above. This shallow terracing is different from most other subdivisions in Tiburon, in which there are either greater elevation changes between terraced areas or little elevation change at all. These physical characteristics are special circumstances that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity if the subject variance is not granted.

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.***

Numerous other properties in the vicinity and in the R-1 zone and similar zones in Tiburon have received variances for excess lot coverage, particularly for single-story projects in situations where a second story addition could result in substantial view impacts on neighboring homes.

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



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Construction of additions to the existing house on this site in compliance with the required maximum lot coverage would create practical difficulties by forcing construction of a second story to the house, which would likely result in unacceptable view impacts for neighboring homes across the street and uphill from the site.

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

As noted above, the proposed house would not result in significant view or visual impacts on other homes in the vicinity.

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

### **Public Comment**

As of the date of this report, the Town has not received any additional letters from neighboring residents since the last meeting on this 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 15303. If the Board wishes to approve the project, Staff would recommend that the attached conditions of approval be applied.

### **ATTACHMENTS**

1. Conditions of approval
2. Design Review Board Staff report dated April 21, 2005
3. Minutes of the April 21, 2005 Design Review Board meeting
4. Revised plans

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### CONDITIONS OF APPROVAL

#### 696 HAWTHORNE DRIVE

#### FILE #20504

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 February 17, 2005, or as amended by these conditions of approval. Any modifications to the plans of May 23, 2005, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division 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 Division 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 Planning Division 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 Planning Division 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 must be down light type fixtures.
7. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
8. Prior to underfloor 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-R. 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 1210).
  - c. Approved spark arresters shall be installed on chimneys (UFC 1101).
10. The following requirements of the Marin Municipal Water District shall be met:
  - a. A High Water Pressure Water Service application shall be completed.
  - b. A copy of the building permit shall be submitted.
  - c. Appropriate fees shall be paid.
  - d. The structure's foundation shall be completed within 120 days of the date of application.
  - e. 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.