





# Town of Tiburon

## STAFF REPORT

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than the establishment of building envelopes, the proposed lot coverage would not be out of scale with other properties in the vicinity. The proposed addition would also increase the floor area of the residence by 418 square feet, and would result in a total floor area of 4,459 square feet, which is less than the maximum floor area permitted for a lot of this size.

The exterior façade of the existing residence would not be altered. All of the additions would be located on the flat portion of the rear yard, and the materials would match the existing stained cedar shingles of the existing residence.

### ANALYSIS

#### Design Issues

The subject house is situated on the corner of Cibrian Drive and Taylor Road. The homes uphill from the site along Cibrian Drive contain views over the property towards San Francisco Bay. The neighbors to the east on Paradise Drive are downhill from the property with adjacent rear yards. The downhill neighbors at 4995 and 4985 Paradise Drive have raised concerns over the potential noise and privacy impacts from the proposed project. There has also been concern raised about the potential landslide issue due to the placement of dirt fill on the subject property 15 years ago.

In 1991 The Town Council approved a Precise Plan Amendment creating a secondary building envelope for accessory structures and a pool on this property. At that time similar concerns were raised by neighbors. In response to these concerns, a letter was submitted from the licensed geotechnical engineer who observed the filling of the rear yard, stating that a swimming pool could be constructed as originally proposed. The Town Engineer at the time also submitted his requirements for consideration of the swimming pool construction. At that time Planning Staff concluded that given the 12 foot height limit on the secondary building envelope, the lay of the land, and the existence of mature trees below the proposed envelope that there was little potential for view blockage and the secondary envelope would be appropriate. It was also concluded that the secondary envelope was well screened from the residences below, and is a considerable distance from these houses. Staff also recommended in 1991 that the secondary envelope be reduced in size from the proposed 11,000 square feet to the approved 6,000 square feet. It should be noted that the proposed cabana currently has a maximum height of 14 feet. A condition of approval requiring that the height of the cabana be reduced to 12 feet has been added.

The proposed cabana would contain an entertainment room, bathroom, and sauna, and it would be located across from the existing garage. Stairs from the upper level deck of the existing residence would extend over the 8 foot sewer easement to the 104 square foot roof deck of the pool house. Small lower level wood decks would be installed on the east and west sides of the proposed cabana. There would be windows on all four sides of the structure and doors would be located on the east and west elevations. A redwood trellis would extend out towards the pool, and the pool equipment would be located under the stairs outside the existing residence.



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The proposed shade arbor on the north side of the yard would provide a sheltered seating area with a flagstone fireplace ten feet in height. In an attempt to address neighbors' privacy and noise concerns, the applicant submitted a revised landscape plan showing additional landscape screening of various 5 gallon plantings on the downhill slope. The existing mature pine trees would also remain. The property owner at 4985 Paradise Drive has indicated that as long as the mature pine trees on the south side of the property remain, her privacy will be sufficient.

The proposed additions would increase the amount of outdoor living space on the property substantially. The Design Review Board should evaluate whether the benefits of the proposed rear yard improvements would outweigh the potential noise and privacy impacts on the neighboring residences at 4975, 4980, 4985, and 4995 and Paradise.

### **Zoning**

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RPD zone.

### **Public Comment**

Initially submitted as a Staff Level Site Plan and Architectural Review, courtesy notices were sent to property owners within 100' of the subject property on July 20, 2005. As noted previously, due to the number of written concerns regarding the application, Planning Division staff elected to forward the application to the Design Review Board for review.

Four letters from downhill neighbors were received concerning potential privacy and geotechnical impacts from the rear yard improvements. These issues have been previously discussed. One letter from the property owner at 5005 Paradise Drive was submitted in support of the project.

### **RECOMMENDATION**

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles for Design Review) 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. Application and supplemental materials
3. Submitted plans
4. Courtesy Notice dated July 20, 2005
5. Resolution No. 91-6 approving the Precise Plan Amendment for the property



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6. Staff Report dated November 14, 1990
7. Letter from John C Hom and Associates, received September 4, 1990
8. Letter from Daniel and Alice Cook, received July 26, 2005
9. Letter from Christine Wood, received July 26, 2005
10. Letter to the applicants from Christine Wood, received July 26, 2005
11. Letter from Patti Anastasi, received July 26, 2005
12. Letter from Mr. and Mr. Robert Alfred, received July 26, 2005
13. Letter from Larry and Susan Chroman, received August 16, 2005

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### CONDITIONS OF APPROVAL

#### 2 CIBRIAN DRIVE

#### FILE #705094

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 June 16, 2005 or as amended by these conditions of approval. Any modifications to the plans of August 1, 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 exterior lighting fixtures must be down light type fixtures.
6. **The maximum height of the pool cabana must be lowered so as not to exceed twelve (12) feet at any point.**
7. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.