





# Town of Tiburon

## STAFF REPORT

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square feet, which exceeds the 2,520 square foot lot coverage limit; therefore a variance for excess lot coverage (40% in lieu of the maximum 30%) is requested. The color and materials have also not been changed.

The revised project design addresses the height issue but the mass of the structure did not change. Following the October 20, 2005 Board meeting, staff visited the property at 488 Irving Court to view the story poles for the proposed project. The property owners of 488 Irving Court have expressed concern about the proximity of the structure to the rear property line and the overall size of the house. The rear yard and pool area of 488 Irving Court is slightly higher in elevation than the subject property. Due to this situation, the need for substantial privacy screening is evident. Although the story poles are clearly visible from the rear yard of 488 Irving Court and the proposed structure would be much closer than the existing structure, it does not appear that the subject project would cause adverse view impacts or be out of scale with the surrounding neighborhood. The privacy should be mitigated by the proposed plantings along the rear fence. The location of the proposed structure has not moved from the previous application, so the proposed residence would remain at 34 feet from the rear property line.

The Board should visit the property at 488 Irving Court to determine whether the impact of the proposed structure is justified. The Board should also evaluate whether the proposed floor area of the house (exactly at the floor area allowance for this lot) considered with the requested excess lot coverage may represent an overall size and scale that is not compatible with the surrounding Belveron West neighborhood.

### **Public Comment**

To date, no additional public comment has been received since the previous hearing on this application.

### **RECOMMENDATION:**

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07, and 4.03.05 (Guiding Principles for Design Review, and findings for a variance) 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 findings for variances for excess lot coverage can be made, then it is recommended that the project be continued for approval with the attached Conditions of Approval.

### **EXHIBITS:**

1. Conditions of Approval
2. Design Review Board staff report dated October 20, 2005
3. Minutes from the October 20, 2005 Board meeting
4. Plans for the project

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### EXHIBIT 1

#### CONDITIONS OF APPROVAL 493 WASHINGTON COURT FILE #20531

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 September 9, 2005 and the plans dated September 9, 2005, or as amended by these conditions of approval. Any modifications to the plans dated September 9, 2005 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 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).

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- 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).
8. 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.
9. All requirements of the Town Engineer shall be met.
10. 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.