





# Town of Tiburon

## STAFF REPORT

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The proposed house would cover 2,955 square feet (15.0%) of the site, which is the maximum lot coverage permitted in the RO-2 zone. The proposed house would have a floor area of 3,410 square feet, which is less than the maximum floor area permitted for a lot of this size.

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The structure would be finished with beige colored stucco siding, with brown stone and window trim. A dark brown barrel tile roof would be installed.

### ANALYSIS

#### Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone.

#### Design Issues

The subject property slopes uphill from Rowley Circle, with a level pad in the area of the existing house. The proposed dwelling would be situated in the same general location as the existing house, and would utilize the existing driveway. The driveway turnaround area is proposed to be extended slightly, supported by a relatively low retaining wall near the northern side property line.

The proposed house would not appear to create substantial view impacts for neighboring homes. The home above the site at 2 Malvino Court is situated at a much higher elevation, with views across the site that should not be affected by the second story of the proposed house. The home to the south at 55 Rowley Circle has several windows that face the subject property; however, this adjacent residence is oriented away from the site, and the proposed house would only affect secondary views of the homes along the ridgeline of Stewart Drive.

The owner of the adjacent home to the north at 35 Rowley Circle has raised concerns about the possible visual impacts of the proposed retaining walls along the driveway. In response, the applicant has realigned the retaining walls to pull them away from the property line, creating additional space to plant landscaping that would screen the walls from view. This neighboring home is also oriented away from the proposed house, and would not suffer any view impacts as a result of the project.

The proposed house design appears to be somewhat vertical along the front elevation, rather than being stepped with the slope of the lot. This is partially offset by distance and elevation change from the house to the street below. The applicant has also indicated that this design is a result of a request from the owner of the adjacent home to the south at 55 Rowley Circle to move the second story element forward to preserve more sunlight for the upper windows of the neighboring dwelling.



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The application proposes to remove a total of 17 mature Pine trees on the site. Ten of these trees are situated generally parallel to the existing driveway, with the remainder above the house. The applicant has indicated that neighbors have requested the removal of these trees for view purposes. The Pine trees will be replaced at a 1:1 ratio by fruit or olive trees which should eventually provide appropriate visual screening around the house.

### **Public Comment**

As of the date of this report, no letters have been received regarding the project.

### **RECOMMENDATION**

The Board should review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles) and the Hillside Design Guidelines, 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 agrees with Staff's conclusions, Staff would recommend that the attached conditions of approval be applied.

### **ATTACHMENTS:**

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

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### CONDITIONS OF APPROVAL

#### 45 ROWLEY CIRCLE

#### FILE #706027

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 24, 2006, or as amended by these conditions of approval. Any modifications to the plans of February 24 and March 17, 2006, 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. 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.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
8. Prior to the issuance of building permits, the applicant shall submit verification from a licensed landscape architect that the proposed landscape plan conforms to M.M.W.D. landscape regulations, as required by Town Council Ordinance.
9. 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

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occupancy permits.

10. 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.
11. 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 1210).
  - c. Approved spark arresters shall be installed on chimneys (UFC 1101).
  - d. A greenbelt shall be provided by cutting and clearing all combustible vegetation within 30 feet of the structure (UFC 1103).
  - e. A fire hydrant shall be installed, at a location to be approved by the Fire District. The fire hydrant shall be capable of flowing a minimum of 2,000 gallons per minute at 20 psi residual pressure for a duration of two hours (UFC 903.1).
  - f. The required fire hydrant and water supply shall be installed and tested by the Fire District prior to the commencement of combustible construction.
12. 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.

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13. The applicants shall obtain a sewer permit from the Sanitary District No. 5 and pay all applicable fees prior to construction of a side sewer and connection to the sewer main. After connection to the sewer main but prior to commencement of discharge and prior to covering of the pipe, the District shall be contacted and allowed to inspect the connection for conformance to standards.
14. All requirements of the Town Engineer shall be met.
15. A tree replacement plan protection plan shall be filed with the Planning Division prior to issuance of a building permit for this project. The plan shall indicate any trees that are to be removed on the site, and include species and number of trees to be planted. All removed Pine trees shall be replaced at a 1:1 ratio by fruit trees or olive trees.