

Town of Tiburon STAFF REPORT

AGENDA ITEM D2



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TO: **DESIGN REVIEW BOARD**

FROM: **PLANNING MANAGER WATROUS**

SUBJECT: **735 HAWTHORNE DRIVE; FILE #20604**
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING, WITH
VARIANCES FOR REDUCED SIDE AND REAR YARD SETBACKS
(CONTINUED FROM FEBRUARY 16, 2006)

MEETING DATE: **MARCH 2, 2006** _____

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BACKGROUND

The applicant is requesting Design Review approval for the construction of a new single-family dwelling on property located at 735 Hawthorne Drive. Approvals had previously been granted for construction of additions to the single-family dwelling on the property. However, as more than 50% of the existing house has now been demolished as part of the construction of this project, an application has now been filed for construction of a new residence. Variances are requested for reduced side and rear yard setbacks.

This application was first reviewed at the February 16, 2006 Design Review Board meeting. At that time, the applicants indicated that changes to the proposed plans had been made in response to discussions with several neighboring property owners. However, the applicant had not yet prepared a complete set of plans illustrating the proposed plan modifications. The Design Review Board continued the request to the March 2 meeting to allow the applicants time to prepare the revised plans.

ANALYSIS

Design Issues

The revised plans submitted by the applicants incorporate a number of minor changes to the previously proposed plans. Several windows were eliminated and/or reduced in size on the rear of the house, and the roof facing the rear was changed from a gabled to a hipped roofline. The entry was lowered and the columns supporting the entry roof were eliminated. The bathroom windows on the south side of the house have been made smaller and raised to higher locations. At the previous meeting, the applicants indicated that the south-facing bathroom windows would be frosted and that the driveway would remain in its current configuration; the revised plans do not show these previously suggested changes.

As previously noted, the proposed additions would maintain the existing single-story character of the subject residence. This would be consistent with recent Design Review approvals in the



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vicinity, which have attempted to maintain the generally single-story character of this neighborhood.

Zoning

As noted in the previous Staff report, 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 side and rear yard setback variances. From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variances.

Public Comment

No letters have been received regarding this application since the previous Board meeting.

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 15301. 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. Design Review Board Staff report dated June 21, 2001
4. Design Review Board Staff report dated November 4, 2004
5. Design Review Board Staff report dated February 16, 2006
6. Minutes of the June 21, 2001 Design Review Board meeting
7. Minutes of the November 4, 2004 Design Review Board meeting
8. Letter from Gus and Delores Ezcurra, dated February 6, 2006
9. Submitted plans

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CONDITIONS OF APPROVAL

735 HAWTHORNE DRIVE

FILE #20604

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 1, 2006, or as amended by these conditions of approval. Any modifications to the plans of February 22, 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.



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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 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 "Jones" model 3740 fire hydrant shall be located on the street within 350 feet of the project along the fire apparatus access route. The final location of the hydrant shall be approved by the Fire District. The fire hydrant shall be capable of flowing a minimum of 1,000 gallons per minute at 20 psi residual pressure for a duration of two hours (UFC 903).
 - f. The access road shown on the improvement plans is not of adequate width to allow for any parking outside of the designated parking spaces. If this is to be a public road then appropriate signs shall be installed to indicate the parking restrictions. If this is to remain a private access then enforceable CC&R's or deed restrictions shall be placed to maintain the area free for emergency vehicle access at all times.
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.

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- 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.
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.