



Town of Tiburon

STAFF REPORT

A color and materials board has not been submitted, as the proposed additions would not generally change the exterior appearance of the existing house.

ANALYSIS

Design Issues

The subject property is toward the upper end of Paseo Mirasol, and slopes down toward a common open space lot. The subject property and common open space lot are both governed by the Ring Mountain Precise Plan.

A stand of mature oak trees sits below the subject residence which would screen the proposed addition from view from the street below or other neighboring homes. Additional vegetation helps to screen this area from the adjacent residence at 83 Paseo Mirasol; the applicant has submitted a set of plans signed by this neighbor indicating support for the proposed project.

The location of the proposed addition within the mass and bulk of the existing house precludes the potential for any view impacts on nearby homes. This design and the screening vegetation noted above also eliminate potential privacy impacts on the one neighboring home that could potentially be affected by the addition.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the Ring Mountain Precise Plan, with the exception of the previously noted request for a floor area exception.

Section 4.02.08 of the Tiburon Zoning Code states that the Design Review Board may grant exceptions to the required floor area ratio requirements if it makes the following two findings:

1. The applicant has demonstrated that the visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood; and
2. The applicant has demonstrated that the proposed structure is compatible with the physical layout of the site. The characteristics include, but are not limited to, the scale of trees, rock outcroppings, stream courses, land forms, and the dimensions of the lot.

The construction of the proposed addition within existing crawl space would not change the overall visual size and scale of the existing dwelling nor alter the relationship of the house to the physical layout of the site.

During the 2005 review of an application for a floor area exception for the nearby home at 8 Mariposa Court, a comparison was conducted of the floor areas of a number of other homes in



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the vicinity. The total floor area requested as part of this application would be 1,320 square feet less than that approved for the home at 8 Mariposa Court. The floor area would also be only 123 square feet greater than that recently approved as part of a floor area exception for the home at 334 Blackfield Drive, and would be generally consistent with the pattern of floor areas for other homes in the vicinity.

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

Public Comment

To date, no letters have been received regarding the subject 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 15301. 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

81 PASEO MIRASOL

FILE #706064

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 April 10, 2006, or as amended by these conditions of approval. Any modifications to the plans of April 10, 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. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. 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.
6. All exterior lighting fixtures must be down light type fixtures.
7. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.