

# Town of Tiburon

## STAFF REPORT



AGENDA ITEM \_\_\_\_\_

TO: **PLANNING COMMISSION**

FROM: **DANIEL M. WATROUS, PLANNING MANAGER**

SUBJECT: **FILE #30401: AMENDMENT TO POINT TIBURON PRECISE PLAN (PD #42) TO ALLOW ADDITIONAL FLOOR AREA; 207 PARADISE DRIVE; SUSAN OLSON AND PAUL ORTNER, OWNERS; ASSESSOR'S PARCEL NO. 59-380-35**

MEETING DATE: **MARCH 10, 2004** REVIEWED BY: SA

### PROJECT DATA

Address:	207 Paradise Drive
Assessor's Parcel Number:	59-380-35
File Number:	30401
General Plan:	Very High Density Residential
Zoning:	RPD (Point Tiburon Precise Plan, PD #42)
Subdivision:	Point Tiburon
Current Use:	Multiple-Family Residential (Condominium)
Owners:	Susan Olson and Paul Ortner
Applicant:	Malo Winkel Design
Date Complete:	February 19, 2004

### PROJECT DESCRIPTION

The project is the proposed amendment to a precise plan (the Point Tiburon Precise Plan) for property located at 207 Paradise Drive, within the Point Tiburon Bayside condominium complex. The applicants wish to increase the maximum floor area permitted under this precise plan in order to allow the construction of a 36 square foot addition to their residence.

The Point Tiburon Precise Plan currently limits the total residential floor area for the complex to 251,601 square feet, which is the actual cumulative floor area of the Point Tiburon dwelling units at this time. The applicants propose to amend the precise plan to increase the total floor area for this complex to 251,637 square feet.

### HISTORY

The Town of Tiburon approved the Northwestern Pacific Master Plan in 1979, establishing a maximum of 273,600 square feet of development on approximately 38 acres of land owned by the Northwestern Pacific Railroad Company. The Town adopted a Precise Plan for this property in 1980, which was amended in 1983 to also specify a maximum of 273,600 square feet of development for the total project, now commonly referred to as "Point Tiburon."



# Town of Tiburon

## STAFF REPORT

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In March 1991, an application was filed to amend the Point Tiburon Precise Plan to allow a 36 square foot addition to the subject residence at 207 Paradise Drive. The application was subsequently withdrawn by the applicant before a hearing could be held by the Planning Commission. However, the application made the Commission aware that several small additions had been approved by the Board of Adjustments and Review without first amending the Precise Plan to increase the total allowable floor area. The Commission initiated a review of the Precise Plan's floor area limitations in order to address this ongoing problem.

In October 1991, as recommended by the Planning Commission, the Town Council adopted Resolution No. 2818 (Exhibit 2) amending the Point Tiburon Precise Plan to reconcile the previous approvals for Point Tiburon with these subsequent small additions. That resolution set a maximum residential floor area of 251,601 square feet for the 155 Point Tiburon dwelling units, and a maximum of 22,647 square feet for the Point Tiburon commercial buildings, for a total of 274,248 square feet.

Resolution No. 2818 also included language that "it is the policy of the Town to strongly discourage square footage additions in the Point Tiburon project, especially in the residential portions." The resolution also notes that the Planning Commission had found "that haphazard additions and enclosures could damage the integrity and harmony of the project, detract from the appearance of the project as a whole, and result in other negative impacts."

### ANALYSIS

The proposed addition would be located in an area adjacent to the existing dining room and living room of the subject dwelling. This corner space is currently bordered by a wall of the living room and a dining room window, and is open to the outside, with the exception of a corner structural support. There do not appear to be views through this open area from other residences in this complex. The applicants proposed to enclose this area as part of a dining room extension. A solid wall would be installed on one side of the addition, with windows installed on the other side facing the bay.

The area above the proposed addition is part of the master bathroom of this residence. The area below is part of the master bedroom of a separate dwelling unit at 208 Paradise Drive. This portion of the adjoining unit's bedroom was an addition that was approved by the Board of Adjustments and Review in 1990, and was one of the additions recognized as part of Town Council Resolution No. 2818 in 1991. Prior to this addition, this building was similar to other three-story structures in this complex, with an open corner space extending outside of the first and second story portions of the building.

The design of the upstairs bathroom of the subject home and the subsequent approval of the bedroom addition of the adjoining residence have left a single open "notch" between these enclosed spaces. The applicant contends that this design has resulted in ongoing water leakage problems for the home below at 208 Paradise Drive.

The physical situation of the proposed residence appears to be unique within the Point Tiburon Bayside complex. No other ground level units of the three-story buildings within this complex



# Town of Tiburon

## STAFF REPORT

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have been allowed to construct additions into the similar space that has been enclosed for the dwelling unit at 208 Paradise Drive; other buildings in the complex still have open corner areas extending outside of the first and second story portions of the building. The subject home is the only residence with this single level “notch” of unenclosed space.

Town Staff has received objections to the proposed request from the Point Tiburon Bayside Homeowners Association. These concerns center on the potential for numerous other requests to add floor area to these condominiums anticipated if the subject application is approved. The policy established by Town Council Resolution No. 2818 clearly discourages the approval of a large number of building additions to the Point Tiburon project, which could be construed as another series of “haphazard additions and enclosures” to the complex.

A possible mitigating factor for this application is that the lower dwelling unit in this building (208 Paradise Drive) has already received approval for an addition in the same portion of this building, creating an unusual “notch” and possible weatherproofing problems. In effect, the Planning Commission should consider whether “the genie has already been let out of the bottle” for this the units at 207 & 208 Paradise Drive, and whether filling the “notch” is the lesser of two evils.

The proposed project would create a more consistent exterior design for the three floors of this building by allowing all three areas at this corner of the building to be enclosed. The Planning Commission should determine whether the proposed addition would “damage the integrity and harmony of the project,” and “detract from the appearance of the project as a whole.” The Commission should also consider whether the project as proposed would result in a more “haphazard” appearance than the current design of the building, or if the addition would remedy an existing “haphazard”-appearing building condition.

### **ZONING AND GENERAL PLAN CONSISTENCY**

The proposed project has been reviewed for consistency with the Tiburon General Plan and with the requirements of the Tiburon Zoning Ordinance regarding precise plan amendments. The project would be consistent with the 0.17 floor area ratio established by the Land Use Element for the downtown area, which would allow up to 281,398 square feet of floor area for the entire Point Tiburon property. The project appears to be inconsistent with the intentions of Town Council Resolution No. 2818, which “strongly discourage[s] square footage additions in the Point Tiburon project, especially in the residential portions,” unless the Commission determines that the small increase in floor area proposed by this amendment and the

### **ENVIRONMENTAL REVIEW**

Staff has made a preliminary determination that the subject application is categorically exempt from the requirements of CEQA per Section 15301 of the CEQA Guidelines.



# Town of Tiburon

## STAFF REPORT

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### **FUTURE ACTIONS REQUIRED**

Any Planning Commission action for approval of this project action would constitute a recommendation to the Town Council. Should the Commission vote to deny the project, that decision would be final, unless appealed to the Town Council. If the amendment to the precise plan is approved by the Town Council, subsequent Town permits would include Site Plan and Architectural Review and building permits for the proposed family room addition.

### **RECOMMENDATION**

Staff recommends that the Planning Commission hold a public hearing on this item and determine if the proposed application is consistent with the Town's standards for precise plan amendments and the Town Council's previous direction regarding additions to the Point Tiburon complex set forth in Resolution No. 2818. If the Commission determines that the application should be approved, it is recommended that the draft resolution recommending approval of the project to the Town Council be adopted. If the Commission chooses to deny the application, Staff should be directed to return with a resolution to that effect at the next meeting.

### **EXHIBITS**

1. Application form and supplemental materials
2. Town Council Resolution No. 2818
3. Draft resolution
4. Submitted plans