

Town of Tiburon STAFF REPORT

AGENDA ITEM _____



TO: **PLANNING COMMISSION**

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

SUBJECT: **FILE #30402: AMENDMENT TO CYPRESS HOLLOW PRECISE DEVELOPMENT PLAN (PD #45) TO ALLOW ADDITIONAL FLOOR AREA; 50 MONTEREY DRIVE; DAVID AND DANA WILLIAMS, OWNERS; ASSESSOR'S PARCEL NO. 34-395-05**

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

PROJECT DATA

Address:	50 Monterey Drive
Assessor's Parcel Number:	34-395-05
File Number:	30402
Lot Size:	10,497 square feet
General Plan:	Medium Density Residential
Zoning:	RPD (Cypress Hollow Precise Development Plan, PD #45)
Subdivision:	Cypress Hollow
Current Use:	Single-Family Residential
Owners:	David and Dana Williams
Applicant:	Colleen Mahoney
Date Complete:	February 19, 2004

PROJECT DESCRIPTION

The project is the proposed amendment to a precise development plan (the Cypress Hollow Precise Development Plan) for property located at 50 Monterey Drive. The applicants wish to increase the maximum floor area permitted for this lot, which is currently developed with a single-family home.

The Cypress Hollow Precise Development Plan currently limits each parcel to a maximum floor area of 30.0% of the lot size. The applicants propose to amend the text of the precise plan to allow a floor area ratio of 33.8% for this property.

The single-family residence on this property was originally constructed with a floor area of 3,115 square feet (29.7% floor area), along with a 600 square foot garage. The property owners wish to convert undeveloped space within the existing mass and bulk of the house into a play room and closet and storage space. The proposed 416 square foot addition would increase the floor area of the house to 3,531 square feet, resulting on a floor area ratio of 33.8%. As the resulting floor area ratio is in excess of the 30.0% maximum floor area permitted for this property, the applicants are requesting to amend the Cypress Hollow Precise Development Plan to increase the maximum permitted floor area for this property to 33.8%.

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HISTORY

The Cypress Hollow Precise Development Plan was originally approved in 1988 by the Marin County Board of Supervisors. County Resolution No. 88-252 (Exhibit 3), which currently governs this precise development plan, states that the floor area ratio for each parcel "shall be a maximum of 30%." This subdivision was annexed into Tiburon in 1999.

These house size limitations in the Cypress Hollow Precise Development Plan were established prior to annexation into Tiburon, and prior to the Town's adoption of Floor Area Ratio (F.A.R.) limits in all residential zones. House size limits were placed on certain precise plans in both the County and in Tiburon in the early 1980's, as a precursor to current floor area limitations. Current practice for the Town of Tiburon is that all precise development plan approvals specify floor area limits on all lots within a development.

For comparison purposes, under the Town's current "default" F.A.R. standards, adopted in 1990, the subject property would be allowed a maximum floor area of 3,050 square feet, plus an additional 600 square feet for garage space. The floor area ratio provided under the Cypress Hollow Precise Development Plan would allow 3,149 square feet of floor area for this property. The 3,531 square foot total floor area requested by this amendment would exceed the Cypress Hollow floor area ratio by 382 square feet, and would exceed the Tiburon default floor area ratio by 481 square feet.

Four requests have been approved since 2000 to amend the Cypress Hollow Precise Development Plan to increase the maximum allowable floor area for the properties located at 70 Monterey Drive, 170 Rancho Drive, 70 Cypress Hollow Drive and 120 Rancho Drive. The review of these requests is summarized as follows:

70 Monterey Drive

This request involved the conversion of undeveloped space beneath the house into living area. A 650 square foot increase was approved, resulting in a floor area of 3,750 square feet on an 11,600 square foot lot. The resulting floor area was 32.3% of the lot size, and exceeded the Tiburon default floor area ratio by 590 square feet.

During the review of this application, the Town Council was concerned that the decision could essentially set policy for the entire subdivision. The Council approved the request, including qualifying language indicating that the request was for only 270 square feet above the maximum floor area currently permitted by the Cypress Hollow Precise Development Plan, and that the request to add a playroom and office would not increase the number of bedrooms within the residence.

170 Rancho Drive

This request involved the conversion of undeveloped space beneath the house into living area. A 580 square foot increase was approved, resulting in a floor area of 3,420 square feet on a

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10,000 square foot lot. The resulting floor area was 34.2% of the lot size, and exceeded the Tiburon default floor area ratio by 420 square feet.

The Planning Commission and Town Council noted that this application added a bedroom and bathroom to a two-bedroom house. The town Council resolution approving this amendment stated that “the application would add a bedroom and bathroom to the existing two-bedroom house, and would therefore be less likely to encourage more residents than a normal house, or increase the intensity of use of the residence.”

70 Cypress Hollow Drive

This project requested to enclose an open deck area and convert a one-car garage space into living area. A 370 square foot increase was requested, which would have resulted in a floor area of 2,981 square feet on a 9,160 square foot lot. The resulting floor area would have been 32.5% of the lot size, and would have exceeded the Tiburon default floor area ratio by 65 square feet.

The Town Council noted that most of the proposed floor area would be situated within the existing walls of the house; that the project would only add a home office and expand the family room of the existing house; and differentiated the house from other homes in the Cypress Hollow Subdivision by its original design that includes a separate one-car garage and two-car garage. However, the resolution approved by the Town Council also added that “the Zoning Ordinance’s floor area ratio fixes the amount of development generally considered desirable for residential properties in the Town. To allow development in excess of the floor area ratio, absent unusual circumstances, would undermine the Zoning Ordinance’s goal of limiting over-development of residential properties.” The Council conditionally approved this request, but limited the floor area permitted so that “the total floor area of the house does not exceed the Town of Tiburon default floor area ratio for this property.”

Deleted:

120 Rancho Drive

This request involved the after-the-fact conversion of undeveloped space beneath the house into living area. Only 40 square feet of the newly enclosed space was calculated as floor area, resulting in a floor area of 2,607 square feet on a 7,910 square foot lot. The resulting floor area was 33.0% of the lot size, which was 184 square feet less than the Tiburon default floor area ratio. The only qualifying language included in the Town Council approval for this application required that the additional floor area was to be attained “entirely within undeveloped space within the existing mass and bulk of the approved house did not include qualifying language for this approval.”

ANALYSIS

All of the proposed floor area requested in this application would be situated within previously undeveloped areas beneath the originally constructed house, and would not involve any exterior expansion to the walls of the residence. Several windows proposed for the exterior of the play room would face into landscaped portions of the site, and would be minimally visible from

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neighboring homes on either side of the subject property. The applicants have submitted a petition signed by several nearby property owners, including the owners of both adjacent properties, indicating their support for the subject application.

Concerns were raised during the review of the recent amendments to the Cypress Hollow Precise Development Plan that these requests could set a precedent for other floor area increases in the subdivision. The contentious history of the development of this subdivision was also noted, and concerns were raised that these additions would constitute a “back door” approach to achieving additional floor area beyond the limits specified within the Cypress Hollow Precise Development Plan. As noted above, previous approvals included qualifying language noting that special circumstances were considered in the approval of the requests, including findings that additions were located within the existing walls of the houses, and did not result in any increase in mass and bulk to the existing residences which could impact nearby property owners; that the additions would not increase the intensity of use of the residence; that the additional floor area requested by these applications did not significantly exceed the maximum floor area currently permitted by the Cypress Hollow Precise Development Plan; and/or that the requests had been evaluated by the potentially affected neighboring property owners, who raised no objections to these applications.

The proposed application would be consistent with most of the findings mentioned as part of the approvals of prior amendments to the Cypress Hollow Precise Development Plan. The proposed playroom would be contained within the existing exterior walls of the residence; would not likely increase the intensity of use of the house; would not significantly exceed the maximum floor area currently permitted by the Cypress Hollow Precise Development Plan; and is not opposed by nearby property owners.

The primary remaining concern for the proposed amendment would be its inconsistency with the default Tiburon floor area ratio for a lot of this size. The previously approved amendments for 70 Monterey Drive and 170 Rancho Drive permitted floor areas 580 and 420 square feet, respectively, above the floor area ratios for those lots; the subject application requests a floor area 481 square feet above the floor area ratio for this site.

This application would be consistent with the parameters set by these two previous amendments, which also allowed conversion of undeveloped space beneath the house into living area and somewhat exceeded their floor area ratios. The addition of a playroom would not significantly increase the intensity of use of the residence, also similar to the additions permitted for the previous two applications.

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 appears to be consistent with the overall intentions of the Cypress Hollow Precise Development Plan. The requested increase in floor area would not significantly alter the visual mass and bulk of the existing home, and would not result in a dramatic increase beyond the originally approved floor area limits for this lot.

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Policy LU-22 of the Land Use Element states that “the Town shall adopt housing size limitations for residential development as part of the Zoning Ordinance for reasons detailed in Open Space and Conservation Policy OSC-6 [which states that “the Town should encourage well-designed projects that enhance its image through the development and design review processes. Monotony in design, and massive structures and site coverage that overwhelm the surrounding area, shall be avoided.”] Possible methods include, but are not limited to, floor area ratios, coverage, height, bulk, and square footage limits.” The proposal to allow additional floor area wholly within undeveloped space within the existing mass and bulk of the approved house would be generally consistent with this requirement, as the additional floor area requested would not dramatically affect the originally designed mass and bulk of this residence.

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.

FUTURE ACTIONS REQUIRED

The Planning Commission's approval of this project action would be 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 development plan amendments and the Town Council's recent direction regarding similar applications to amend the Cypress Hollow Precise Development Plan. 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.

EXHIBITS

1. Application form and supplemental materials
2. Draft resolution
3. Marin County Board of Supervisors Resolution No. 88-252
4. Submitted plans