



Town of Tiburon

STAFF REPORT

increase the floor area of the house by 612 square feet, and would result in a total floor area of 3,312 square feet; therefore a floor area exception of 332 square feet is requested (3,312 square feet in lieu of the maximum 2,980 square feet)

ANALYSIS

Zoning

Besides the requested floor area exception, the project appears to be in conformance with the remaining development regulations of the R-2 zoning district.

Design Issues

The proposed additions would contribute dormers with clad windows and wood facia to the front and rear of the upper level elevations. The existing roof line would also be extended to the north to allow for the new master suite. No changes are proposed to the existing detached garage.

The proposed elevated rear deck would extend out 8 feet to the rear. The proposed rear deck would not comply with the rear yard setback requirement. The existing residence is located almost at the required setback line, so a deck would only be allowed to extend three feet beyond that. The proposed deck cannot be approved without a Variance for reduced rear yard setback. It should also be noted that the proposed location of the deck could cause adverse privacy impacts on the neighboring properties at 2140 Centro East Street and 2155 Paradise Drive, so a Variance request for the deck could be difficult to justify.

The proposed pool would be 10 feet by 14 feet, and new stone pavers would surround the pool. A 5 foot iron ornamental fence would surround the pool and connect with a new six foot wood fence running along the rear property line.

The location of the pool could also contribute to a privacy impact for the neighbors at 2155 Paradise Drive. The pool would only be located four feet from the rear property line, and there is no additional landscaping proposed. Staff would recommend that the pool either be shifted further away from the property line, additional landscaping be planted, or the pool be eliminated. The existing retaining wall located in the front and side yard would be refinished with painted stucco Staff does not foresee any other design issues with this project.

Floor Area Exception

As previously mentioned, the proposed dwelling would also not comply with the floor area regulations for a lot of this size. In order to grant the requested floor area exception, the Board must make the following findings as required by Section 4.02.08 of the Tiburon Zoning Ordinance:

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- 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.**

The excess floor area would not make the proposed addition out of scale with the surrounding neighborhood. The proposed additional floor area would be located within the existing building envelope, so the proposed addition would not contribute additional visual size and scale to the structure.

- 2. The applicant has demonstrated that the proposed structure is compatible with the physical characteristics 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 applicant has stated the proposed project would be compatible with the physical characteristics of the site because the addition would be located beneath the existing roofline, which would reduce the visual impact of the addition on the property.

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 public comment has been received regarding the subject application.

RECOMMENDATION

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07, 4.02.08, and 4.03.05 (Guiding Principles, Floor Area Ratio Guidelines, and Variance Findings) 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

2122 CENTRO EAST STREET

FILE #705196

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 November 28, 2005, or as amended by these conditions of approval. Any modifications to the plans of March 6, 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. All exterior lighting fixtures must be down light type fixtures.
6. 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.