



Town of Tiburon

STAFF REPORT

gross floor area contained within the Tiburon Zoning Ordinance does not include basement areas.

A color and materials board has not been submitted, as the proposed basement would not include any visible exterior surfaces.

ANALYSIS

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone.

Design Issues

The previous Site Plan and Architectural Review application for construction of a new single-family dwelling was approved by the Design Review Board on June 15, 2006. The subject application to add a basement to the approved house design was submitted the day the appeal period ended for the previous application.

The size of the approved house was 4,925 square feet, only 2 square feet under the floor area ratio for a lot of this size. The large size of the proposed basement, combined with the timing of the subject application, has led Staff to speculate that the applicant only submitted the basement request after the original house design was approved to avoid possible concerns about the overall size of the house that may have arisen if the original house design also included the basement space. The applicant has denied this assertion, and stated that the idea for a basement only occurred after the original house design was approved.

As noted during the review of the previous application, the original house design did not result in any view or privacy impacts on neighboring homes or unacceptable visual mass and bulk. The proposed basement would not alter the visible exterior design of the approved house and would therefore not create any unwanted impacts on homes in the vicinity.

As members of the Design Review Board have noted in the past, the floor area ratio is intended to address the visible mass and bulk of structures on a site; consistent with this, basement space has been specifically excluded from the floor area calculations for residential properties. Although the timing of the subject application may appear suspicious, the resulting house design should not result in adverse impacts on neighboring homes.

Concerns are often raised about increased intensity of use of a house from the addition of substantial floor area. The proposed basement space does not include any bedrooms or space that would necessarily encourage occupancy of the house by a larger family. The previously approved house design includes a three-car garage and a generous on-site parking turnaround area which would be able to handle additional vehicle parking demand that might result from any increased intensity of use of the house.

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Public Comment

As of the date of this report, no letters have been received regarding the subject application.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Section 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 15303. If the Board finds the design to be acceptable and in conformance with the Town's Design Guidelines, Staff recommends 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

3 ROLLING HILLS ROAD

FILE #706101

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 June 26, 2006, or as amended by these conditions of approval. Any modifications to the plans of May 1 & 11, 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 exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
7. All requirements of the Town Engineer shall be met.
8. All other conditions of approval of Site Plan and Architectural Review File # 706071 shall remain in effect.