

Town of Tiburon STAFF REPORT

AGENDA ITEM E3



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TO: **DESIGN REVIEW BOARD**

FROM: **PLANNING MANAGER WATROUS**

SUBJECT: **71 EAST VIEW AVENUE; FILE #20621
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
CONSTRUCTION OF ADDITIONS TO AN EXISTING SINGLE-FAMILY
DWELLING, WITH VARIANCES FOR REDUCED FRONT AND REAR
YARD SETBACKS, EXCESS LOT COVERAGE AND EXCESS BUILDING
HEIGHT, WITH A FLOOR AREA EXCEPTION (CONTINUED FROM
SEPTEMBER 21, 2006)**

MEETING DATE: **OCTOBER 5, 2006** _____

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PROJECT DATA:

ADDRESS:	71 EAST VIEW AVENUE
ASSESSOR'S PARCEL:	060-105-61
FILE NUMBER:	20621
PROPERTY OWNER:	CHARLES JAMES
APPLICANT:	MOHAMAD SADRIEH (ARCHITECT)
LOT SIZE:	4,060 SQUARE FEET
ZONING:	R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN:	MEDIUM HIGH DENSITY RESIDENTIAL
FLOOD ZONE:	C
DATE COMPLETE:	AUGUST 11, 2006

PRELIMINARY ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303.

BACKGROUND

The applicant is requesting Design Review approval for the construction of additions to an existing single-family dwelling, with variances for reduced front and rear yard setbacks, excess lot coverage and excess building height, and a floor area exception, on property located at 71 East View Avenue. The application was originally scheduled for the September 7, 2006 Design Review Board meeting. Prior to the meeting, the applicant requested a continuance to address concerns raised by a nearby property owner. The application was continued without discussion to the September 21 Board meeting.



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At the September 21 meeting, the applicant presented modifications to the rear-facing decks and support columns shown on the original project plans that were intended to address the concerns of the owner of the adjacent home at 59 East View Avenue. The neighboring property owner indicated to the Board that the remaining decks and additions would loom over her property and would still result in unwanted noise and privacy impacts due to the close proximity of the two homes.

In reviewing the revised plans, Staff determined that a portion of the requested room additions and decks would extend into the required rear yard setback for this lot, yet the applicant did not request a variance for reduced rear yard setback.

As previously noted, no legal notice had been published for the variance request for reduced rear yard setback, and the Design Review Board therefore could not make a decision on this application until the October 5, 2006 meeting. The Board then continued the application to the October 5 meeting. As of the date of this report, no additional changes have been made to the plans presented at the September 21 meeting.

ANALYSIS

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 zone with the exception of the previously noted variances for reduced front and rear yard setbacks, excess lot coverage and excess building height and floor area exception. As noted in the previous report, Staff believes that there is sufficient evidence to support the findings for the requested variances and floor area exception.

Public Comment

As of the date of this report, no letters have been received regarding the subject application since the September 21 Board meeting.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (Guiding Principles) and continue the application to the October 5, 2006 Design Review Board meeting.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Design Review Board Staff Report dated September 21, 2006
4. Submitted plans

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CONDITIONS OF APPROVAL

71 EAST VIEW AVENUE

FILE #20621

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 July 20, 2006, or as amended by these conditions of approval. Any modifications to the plans of September 12, 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 must be down light type fixtures.
7. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
8. All requirements of the Town Engineer shall be met.