





# Town of Tiburon

## STAFF REPORT

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The master bathroom window has been altered to a small bay window, with a short roof extending outward, which aids in breaking up the front façade. The alteration of the window has not changed the floor area of the dwelling.

Additionally, the story poles have been in place ten days prior to the hearing, allowing adequate time for neighboring property owners to view the proposal. The applicant has provided a story pole plan, per the Design Review Boards request, which indicates the location and height of each pole.

### **ANALYSIS:**

#### **Design Issues**

Staff directed the applicant not trim any of the vegetation during the review process, due to heightened concerns raised by the uphill neighbors at 945 and 951 Owlswood Lane. The applicant realizes that the existing pine trees must be trimmed in order for the home to be constructed. Both of the uphill neighbors have expressed concerns that if the pine trees are trimmed excessively or eliminated completely, there will no longer be any natural screening of the proposed home. The Tiburon Fire Protection District has included a condition of approval requiring that the vegetation be trimmed to a minimum height of 11 feet. A condition of approval has also been included further requiring the applicant to trim the existing pine trees and vegetation to aid in maintaining natural screening of the home, and to not remove the trees.

The two fireplaces are now both proposed as gas fireplaces. The applicant intends to maintain a false chimney for one of the fireplaces, which has been switched from the rear fireplace to the front fireplace. The Board should consider whether or not the false chimney is necessary for the home. From the surrounding properties, the chimney would not appear to block any major views because it would be screened from the existing trees and vegetation.

Since the proposal has not changed extensively from the previous hearing, it is recommended that the Board re-visit the site and surrounding properties to determine if the modifications requested are adequate for the site and home. The Board should take into consideration that a previous approval has been granted for a new home on this site with the same footprint and floor area of the currently proposed house. The modifications under review for this proposal are only the changes to the facade, the interior changes for a more functional living environment, the inclusion of a chimney, and the 5' 7" increase in the roof height.

#### **Zoning**

Besides the previously approved Floor Area Exception, the project appears to be in conformance with the remaining development regulations of the R-1 zoning district.

#### **Public Comment**

To date, two letters have been received from the owners of 945 and 951 Owlswood Lane, regarding the subject application.

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### RECOMMENDATION:

It is recommended that the Board 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 agrees with Staff's conclusions, Staff would recommend that the attached conditions of approval be applied.

### EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials dated August 7, 2006
3. Staff Report and Minutes of the October 19, 2006 Design Review Board Meeting
4. Letter from Ann Marie Meagher dated November 7, 2006
5. Email from Martin Perlmutter dated November 7, 2006
6. Plans for the project

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### EXHIBIT 1

#### CONDITIONS OF APPROVAL

#### 955 OWLSWOOD LANE

#### FILE #706131

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 August 7, 2006, or as amended by these conditions of approval. Any modifications to the plans of November 16, 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 skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
8. Prior to the issuance of building permits, the applicant shall submit verification from a licensed landscape architect that the proposed landscape plan conforms to M.M.W.D. landscape regulations, as required by Town Council Ordinance.



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9. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
10. Prior to underfloor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference points as appropriate, and elevations relative to sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.
11. The project shall comply with the following requirements of the Tiburon Fire Protection District:
  - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-D. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (UFC 1003).
  - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 310).
  - c. Approved spark arresters shall be installed on chimneys. UFC 1109
  - d. All vegetation, existing and new, shall comply with the recommendations of Fire Safe Marin, and the requirements of UFC 1103.
  - e. The access road/driveway shall have a **minimum** unobstructed width of 12'. The trees and vegetation shall be cleared vertically to a **minimum** height of 11'. UFC 902
12. The following requirements of the Marin Municipal Water District shall be met:
  - a. A High Water Pressure Water Service application shall be completed.
  - b. A copy of the building permit shall be submitted.
  - c. Appropriate fees shall be paid.
  - d. The structure's foundation shall be completed within 120 days of the sate of application.
  - e. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.

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- 13. All requirements of the Town Engineer shall be met.
- 14. The existing pine trees shall be trimmed only to provide the minimum clearance acceptable by the Tiburon Fire Protection District. The pine trees shall not be removed.