

# Town of Tiburon STAFF REPORT

AGENDA ITEM   E4  



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TO:                   **DESIGN REVIEW BOARD**

FROM:               **ASSOCIATE PLANNER TYLER**

SUBJECT:           **955 OWLSWOOD LANE; FILE #706131**  
**MODIFICATIONS TO THE APPROVED DESIGN FOR CONSTRUCTION**  
**OF A NEW SINGLE-FAMILY DWELLING WITH A FLOOR AREA**  
**EXCEPTION**

MEETING DATE:   **OCTOBER 19, 2006** \_\_\_\_\_

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## PROJECT DATA:

<b>OWNER:</b>	<b>JEREMY CRUZ</b>
<b>ARCHITECT:</b>	<b>SEAL OF EXCELLENCE – LUIS RABUT JR.</b>
<b>ADDRESS:</b>	<b>955 OWLSWOOD LANE</b>
<b>ASSESSOR PARCEL NUMBER:</b>	<b>058-121-07</b>
<b>FILE NUMBER:</b>	<b>706131</b>
<b>LOT SIZE:</b>	<b>10,405 SQUARE FEET</b>
<b>ZONING:</b>	<b>R-1 (SINGLE FAMILY RESIDENTIAL)</b>
<b>GENERAL PLAN:</b>	<b>MH (MEDIUM HIGH DENSITY RESIDENTIAL)</b>
<b>FLOOD ZONE:</b>	<b>C</b>
<b>DATE COMPLETE:</b>	<b>SEPTEMBER 29, 2006</b>

## 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.

## PROPOSAL:

The applicant has submitted modified drawings for the approved construction of a new two-story single family dwelling on the property located at 955 Owlswood Lane. Currently, the property is improved with a single-family dwelling which is proposed to be demolished. The applicant is not proposing to change the general layout of the structure or the size of the home. The modifications proposed would enhance the design by creating a more aesthetically pleasing home, both interior and exterior.

The structure proposed would maintain a lot coverage of 2,194 square feet (21%) which is below the maximum permitted lot coverage in the R-1 zoning district (30%). The proposed structure would create a gross floor area of 3,462 square feet, which is over the maximum floor area permitted for a lot of this size. It should be noted that a previously approved house design



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for this property included a floor area exception for 3,491 square feet. Due to the slight reduction in floor area (29 sq. ft.), an additional floor area exception is not required.

The façade of the home would change considerably from the previously approved project to create an enhanced detailed appearance. A color/materials palette will be available for review at the Board meeting.

### **BACKGROUND:**

On June 17, 2004 the Design Review Board reviewed an application for construction of a new two-story single-family dwelling with a variance for a reduced side yard setback, on the property located at 955 Owlswood Lane. At the time the proposal showed a wet bar within one of the bedrooms, with an exterior entrance which the Board and adjacent neighbors viewed as a possible secondary dwelling unit. Overall, the Board felt that the design of the home was massive, especially with the addition of a fifteen foot retaining wall which would be visible from Tiburon Boulevard. The Board directed the applicant to address the concerns raised by the Board and adjacent neighbors and continued the item to the September 16, 2004 Design Review Board meeting.

At the September 16, 2004 meeting, the applicant presented revised plans. The plans were modified so that a variance was no longer needed for a reduced side yard setback, but instead requested a floor area exception. The Board felt overall that the revised proposal addressed the concerns raised at the June 17, 2004 meeting and therefore approved the project.

Due to a mistake in public noticing, the Board adopted a resolution at the October 7, 2004 Design Review Board meeting, rescinding the approval. At the same meeting, the Board again reviewed the plans for the project, took public testimony and approved the project.

### **ANALYSIS:**

#### **Design Issues**

The property is steeply sloped from east to west and is currently improved with a small one-story single-family dwelling. A long paved driveway slopes north to south towards the home, while dense trees and shrubs conceal most of the property from the surrounding neighbors. The homes surrounding are generally designed to take advantage of views of Richardson Bay.

The original approved façade of the home would have included brown composition shingles, natural redwood siding on the upper story, and tan stucco on the lower story with copper downspouts and accent features. The modified façade would include Monier roof tiles in a shade of brown, stucco finish in a medium tone of beige, exposed fascia, corbels and gutters in a shade of brown, and rock façade in natural tones. The architect has also incorporated a bay window for the kitchen at the lower level to aid in breaking up the façade. The previous design was mostly flat at each elevation; however, the design of the home would have a “stepped” appearance across the front elevation, which the applicant would maintain with the modified design.



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The interior of the home would be modified; however, the footprint of the home would be identical to the previous approval. The architect has submitted a table which describes the interior changes by each room and level of the home. A copy is attached for reference.

The approved design of the home would have resulted in a structure height of 22' 8". According to the plans submitted for modifications, the height of the home would increase 5' 7", for a total height of 28' 3". The approved design also indicated one gas fireplace, which would not result in an exposed chimney above the roof line. The modified design indicates two chimneys, one of which would be exposed as a wood-burning fireplace. In addition, the previously approved plans indicated nineteen (19) skylights throughout the home. The modified design would eliminate all of the skylights and rely on the windows for natural lighting.

As of the date of this report, story poles have not been erected on the site to indicate the proposed height of the structure. During the meeting for the previous approval, there did not appear to be any concern regarding possible view obstructions for the uphill neighbors. It is unclear whether or not the current proposal would block any views from the surrounding neighbors with the increase in structure height and addition of wood burning fireplace chimney. Staff encourages the Board to consider continuing the item until story poles have been erected to determine if view obstructions would be present.

### **Zoning**

Besides the previously approved requested 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, no letters have been received regarding the subject application.

### **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, the application should be continued with the applicant encouraged to erect story poles on the site to allow the adjacent neighbors and the Board time to review the proposed impact, if any. If the Board wishes to approve the project, findings should be articulated for the requested approval, and Staff would recommend that the attached conditions of approval be applied.

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### EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials dated August 7, 2006
3. Minutes of the June 17, 2004, September 16, 2004 and October 7, 2004 Design Review Board meetings
4. 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 October 19, 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.