



Town of Tiburon

STAFF REPORT

conditions of approval for the project. Staff once again attempted to gain entrance to the neighboring home but was unsuccessful.

ANALYSIS:

Design Issues

As noted above, the discussion at the previous hearing revolved around the potential view obstruction for the neighbor at 2151 Vistazo East. Since the proposal has not changed from the previous hearing, it is recommended that the Board re-visit the subject property at 2151 Vistazo East and determine if the proposed dwelling would substantially impact views.

Zoning

With the exception of the requested variances for reduced front and side yard setbacks and excess lot coverage, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district. As indicated in the attached staff report prepared for the previous meeting, staff has determined that there is sufficient evidence to support the findings for the requested variance.

Public Comment

As of the date of this report, no letters have been received regarding the project since the last meeting.

RECOMMENDATION:

It is recommended that the Board review the proposed project with respect to Zoning Ordinance Sections 16-4.2.7(Guiding Principles), 16-4.3 (Variances) and the Design Guidelines for Hillside Dwellings, 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
3. Staff report from the February 15, 2007 Design Review Board meeting

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EXHIBIT 1

CONDITIONS OF APPROVAL

2135 VISTAZO EAST

FILE #20701

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 January 2, 2007, or as amended by these conditions of approval. Any modifications to the plans of January 25, 2007 and February 6, 2007, 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.
12. The guest house shall comply with the fire safe construction features listed on sheet A1.0 and all requirements of the Tiburon Fire Protection District.
13. 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 date of application.
 - e. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
14. All requirements of the Town Engineer shall be met.

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15. The master bathroom tub area shall be extended out to the east, approximately two feet, so that the height measurement is taken from grade to the ridge at this location, and not all the way down to the lower level (elevator shaft). Conformance shall be indicated on all plans submitted for building permits.
16. The guest house shall comply with the fire safe construction features listed on sheet A1.0 and all requirements of the Tiburon Fire Protection District. Conformance shall be indicated on all plans submitted for building permits.
17. The master bathroom windows facing east, towards 2151 Vistazo East shall be frosted glass instead of clear glass.
18. The large master bathroom skylight shall be eliminated from the proposal.
19. The proposed olive and fruit trees at the rear of the property shall be moved further downhill towards the dwelling or removed from the proposal to maintain an "open space" appearance. Staff shall review and approve the landscape plan prior to issuance of building permits.