





# Town of Tiburon

## STAFF REPORT

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### BACKGROUND

The applicant originally submitted a request for a new single-family home with a variance for excess building height and a floor area exception on June 2, 2005. The proposal was conditionally approved by the Design Review Board on August 4, 2005.

### ANALYSIS

#### Design Issues

The new proposed location of the garage is situated three feet closer to Paradise Drive. No other changes are associated with this proposal that is beyond the scope of the previously approved proposal. The initial proposal called for two garage doors at the front elevation located 15 feet from the front property line with a pedestrian entry on the right side. The proposed garage extension would not intrude into the views of any nearby homes.

If the garage were to be extending closer to Paradise Drive, there is adequate space for the required amount of off-street parking requirement. The distance between the roadway and the front of the garage would be thirty one feet.

#### Zoning

Besides the requested variance for excess building height and floor area exception, the project appears to be in conformance with the remaining development regulations of the R-2 zoning district.

#### Variance

In order to grant the requested variance, the Board must make all of the following findings required by Section 4.03.05 of the Tiburon Zoning Ordinance:

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.**

The variance request stems from the slope on the property and the existing excavated areas on the site, which do not exist on many other properties in the R-2 zoning district. These circumstances would deprive the applicant of privileges enjoyed by other properties in the vicinity.

- 2. The variance will not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and in the same or similar zones.**

The buildable area of this property is constrained because of the steepness of the slope, and variances for excess height for properties with similar topography in the R-2 zoning

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district have been granted on several occasions. Therefore, the granting of this variance would be consistent with the limitations upon other properties in the vicinity and in the same or similar zones.

**3. The strict application of this Ordinance would result in practical difficulty or unnecessary hardship if the garage is expanded.**

A strict application of the zoning ordinance would require the house to be moved into the view of the neighbors, there by creating a hardship to design and a hardship on the neighbors.

**4. The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.**

As proposed, the project would not result in significant view, privacy or other impacts detrimental to the public welfare or injurious to other properties in the vicinity.

### Floor Area Exception

As previously mentioned, the proposed dwelling would also not comply with the floor area regulations for a lot of this size. In order to grant the requested floor area exception, the Board must make the following findings as required by Section 4.02.08 of the Tiburon Zoning Ordinance:

**1. The applicant has demonstrated that the visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood.**

The excess floor area would not make the proposed residence out of scale with the surrounding neighborhood. Many homes in the area are large hillside residences that similarly exceed the floor area regulations. The visual size and scale of the proposed residence would therefore be compatible with the neighborhood.

**2. The applicant has demonstrated that the proposed structure is compatible with the physical characteristics of the site. The characteristics include, but are not limited to, the scale of trees, rock outcroppings, stream courses, land forms, and the dimensions of the lot.**

The applicant has stated the proposed project would be compatible with the physical characteristics of the site because the building would be stepped into the slope. The design will not inhibit the visibility up and down the street.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variances and floor area exception.

### **Public Comment**

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To date, no public comment has 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

#### 2270 PARADISE DRIVE

#### FILE #20515

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 to the application dated March 6, 2007 and plans dated March 6, 2007 by the Town of Tiburon, or as amended by these conditions of approval. Any modifications to the plans must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Department 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 Department 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 Design Review 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 Design Review approval is not valid and shall be subject to stop work orders and may require removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
6. The proposed kitchen on the lower level is not approved and must be eliminated. No more than one of the following may be installed without the area qualifying as a kitchen: sink (other than associated with a bathroom), food storage and preparation areas, refrigerator, and cooking appliances.
7. The location of the story poles must be certified by a licensed surveyor. Any changes in the story poles must be approved by the Design Review Board, prior to the issuance of a building permit.
8. Prior to under-floor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building

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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.

9. 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. A "green-belt" shall be provided by cutting and clearing all combustible vegetation within 30 feet of the structure.
  - e. The access gate shall have a minimum unobstructed width of 12'. Gates shall be operable using the Fire District's "Knox" key system.
  
10. The following requirements of the Marin Municipal Water District shall be met:
  - a. A copy of the building permit shall be submitted.
  - b. Appropriate fees shall be paid.
  - c. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
  
11. All requirements of the Town Engineer shall be met.