



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
June 16, 2011  
Agenda Item: **1**

## **STAFF REPORT**

**To:** Members of the Design Review Board  
**From:** Associate Planner Tyler  
**Subject:** 2210 Mar East Street; File No. 711049; Site Plan and Architectural Review for Construction of an Addition to an Existing Single-Family Dwelling with a Floor Area Exception  
**Reviewed By:** \_\_\_\_\_

### **PROJECT DATA**

OWNER: STEPHEN BROWN  
APPLICANT/ARCHITECT: HOLSCHER ARCHITECTURE  
ADDRESS: 2210 MAR EAST STREET  
ASSESSOR'S PARCEL NUMBER: 059-181-81  
FILE NUMBER: 711049  
LOT SIZE: 44,414 SQUARE FEET  
ZONING: R-2 (TWO-FAMILY RESIDENTIAL)  
GENERAL PLAN: H (HIGH DENSITY RESIDENTIAL)  
FLOOD ZONE: VE  
DATE COMPLETE: MAY 23, 2011

### **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 15301.

### **PROJECT DESCRIPTION**

The applicant is proposing to construct additions to an existing single-family dwelling with a floor area exception on the property located at 2210 Mar East Street, by converting existing covered patio area into additional living area. Currently the property is improved with a two-story dwelling that overlooks Raccoon Strait.

The main level of the home includes the living room, sunroom, dining room, kitchen, laundry room, office, a bedroom and bathroom and storage areas. A covered patio area extends off the living room, sunroom, and dining room and storage areas. A large deck is also located at the main level, which extends over the bay. The upper level of the home includes the master bedroom suite, bedroom, bathroom, entry foyer and a two-car covered parking area.

As part of a remodel to the overall dwelling, the covered patio area at the main level of the home would be converted into floor area as extensions of the living room, sunroom, dining room and storage areas. The upper level of the home would also minimally increase in floor area through the incorporation of a bridge between the master suite and bedrooms. A new master bedroom deck would also be constructed at the rear of the dwelling.

The proposed additions would not increase the lot coverage for the property, as the area of addition is currently covered by a roof. Therefore, the lot coverage would remain the same at 33.4% which is below the maximum lot coverage in the R-2 zone (35.0%). The proposed additions would increase the floor area by 675 square feet, for a total gross floor area of 3,416 square feet, which exceeds the maximum gross floor area for the property (2,880 sq. ft.). Therefore, a floor area exception has been requested.

The proposed colors and materials would remain the same as the existing structure.

## **ANALYSIS**

### Design Issues

The existing dwelling is designed to take advantage of views of Angel Island, Raccoon Strait, San Francisco, and the Golden Gate Bridge. Currently the dwelling has a fairly large exterior patio area at the lower level of the rear of the dwelling that is fully covered by a roof, in addition to a large deck that extends out towards the bay. The proposal aims to fully enclose the covered exterior patio area in order to increase the size of the existing living areas, without resulting in any new mass and bulk projections from the dwelling.

The current dwelling would appear to have two separate living spaces that are connected through a covered breezeway area. Through the overall remodel of the home and full enclosure of the exterior patio area at the lower level, the functionality of the home would be improved through the connection of these two “wings” of the dwelling at both the upper and lower levels.

An existing fireplace at the lower level of the home would also be relocated to the newly expanded living room. This would require the chimney to shift to the west of the dwelling, from its current location. It is not clear if the relocation of the chimney would block views for the uphill neighbors, particularly the neighbor at 2205 Mar East Street. Staff was unable to gain entrance to the home to determine if this modified projection would be cause for concern.

It should be noted that although the area of addition is currently covered by a roof, and could conceivably already be considered existing floor area, when the house was originally constructed the Town did not have the same definition of floor area. Therefore, this covered area would not have been counted towards the gross floor area of the home at the time, and therefore requires approval to fully enclose the area and increase the floor area. In addition, the subject property is a tidal lot which exceeds an acre in size (44,414 sq. ft.). In calculating the gross floor area for the property, only the dry portion of the land is used (8,808 sq. ft.) resulting in a much smaller FAR for the property.

According to recent flood hazard maps, this property is a tidal lot and is therefore located within a flood hazard zone. Staff reviewed the proposed project in relation to the Town's Flood Damage Prevention ordinance (Tiburon Municipal Code Chapter 13D), and has found that the project would not require any additional elevation above the base flood elevations, nor require special construction materials or methods.

### Zoning

Staff has reviewed the proposal and finds that it is in conformance with the remaining development standards for the R-2 zone.

In order to grant the requested floor area exception, the Design Review Board must make the following findings as required by Section 16-52.020(I[4]) 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 proposed additions would not substantially alter the visual size and scale of the dwelling, as the proposed additions are expansions to existing living areas, currently located at the rear of the dwelling and covered by the existing roof of the structure. Therefore, the visual size and scale of the dwelling with the additions as proposed would remain compatible with the existing structures in the surrounding 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, shape and steepness of the lot, ease of access, and the presence of natural features worthy of retention, such as trees, rock outcroppings, stream courses and landforms.**

The proposed additions would be infill, and would not substantially alter the appearance of the dwelling, nor alter the functionality of the yard areas, or encroach on the adjacent bay. The additions would therefore continue to be compatible with the physical characteristics of the site.

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

### Public Comment

As of the date of this report one letter has been received regarding the subject application.

## RECOMMENDATION

Staff recommends that the Board:

1. Review the project with respect to Zoning Ordinance Section 16-52.020(H) (Guiding Principles) and Section 16-52.020(I[4]) (Floor Area Ratio Guidelines); and
2. Determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301; and
3. Approve the project, subject to the attached conditions of approval.

Exhibits:

1. Conditions of Approval
2. Application and Supplemental Materials
3. Email from Mr. Tom O'Neill dated June 7, 2011
4. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner

**Exhibit 1**

CONDITIONS OF APPROVAL  
2210 MAR EAST STREET  
FILE NO. 711049

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. Construction shall conform with the application and plans dated by the Town of Tiburon on April 11, 2011, or as amended by these conditions of approval and plans of May 12, 2011. Any modifications to the plans must receive Design Review approval.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not “deemed approved” if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. This application must be reviewed and approved by the Bay Conservation and Development Commission (BCDC), prior to issuance of building permits. An approval letter from BCDC must be submitted to both the Planning and Building Divisions at the time of Building Permit submittal.
6. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) 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. 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.

9. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site.
10. All requirements of the Director of Public Works/Town Engineer shall be met. An encroachment permit shall be filed and issued with the Town of Tiburon Public Works Department, for all work to be conducted within Town right-of-way, or Town-owned land, as defined in Chapter 19 of the Tiburon Municipal Code.
11. The project shall comply with the following requirements of the California Fire Code and the Tiburon Fire Protection District:
  - a) The structure shall have the existing automatic fire sprinkler system extended to properly cover the new area and existing wall changes. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2
  - b) Approved smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
  - c) The vegetation on this parcel shall comply with the requirements of the Tiburon Fire District and the recommendations of Fire Safe Marin. CFC 304.1.2
12. The proposed chimney for the new fireplace shall not be higher than the minimum permitted height required by the fire code.



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
June 16, 2011  
Agenda Item: **3**

## **STAFF REPORT**

**To:** Members of the Design Review Board  
**From:** Associate Planner Tyler  
**Subject:** 151 Leland Way; File No. 21109; Site Plan and Architectural Review for Construction of Additions to an Existing Single-Family Dwelling with a Variance for Excess Lot Coverage  
**Reviewed By:** \_\_\_\_\_

### **PROJECT DATA**

**OWNER:** STEVEN & NICOLE KLOPUKH  
**APPLICANT/ARCHITECT:** JOSEPH M. CHIESA, ARCHITECT  
**ADDRESS:** 151 LELAND WAY  
**ASSESSOR'S PARCEL NUMBER:** 034-121-10  
**FILE NUMBER:** 21109  
**LOT SIZE:** 7,502 SQUARE FEET  
**ZONING:** R-1-B-A (BEL AIRE SINGLE-FAMILY RESIDENTIAL)  
**GENERAL PLAN:** MH (MEDIUM-HIGH DENSITY RESIDENTIAL)  
**FLOOD ZONE:** X  
**DATE COMPLETE:** MAY 24, 2011

### **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 15301.

### **PROJECT DESCRIPTION**

The applicant is proposing to construct an addition to the existing single-family dwelling located at 151 Leland Way, with a variance for excess lot coverage. Currently the property is improved with a single-story dwelling.

The existing dwelling includes an entry parlor, great room, dining room, kitchen, study, play room, three bedrooms, one bathroom, and the master bedroom suite. A small garage/storage area is located at the front of the dwelling.

The proposed addition would convert the existing study and small garage/storage space into a one-car garage, and construct a new study/bedroom behind the new garage. The great room would also be expanded at the rear of the dwelling.

The proposed additions would result in a gross floor area of 2,298 square feet, which is below the maximum permitted gross floor area for the property (2,750 sq. ft.). The proposed addition would increase the lot coverage by 371 square feet, for total lot coverage of 2,556 square feet (34.1%). As the maximum permitted lot coverage in the R-1-B-A zone is 30%, a variance for excess lot coverage has been requested.

The proposed colors and materials for the addition would remain the same as the existing structure.

## **ANALYSIS**

### Design Issues

The Bel Aire neighborhood consists of predominantly single-story homes originally built in the 1950s. Although many of the homes in this subdivision have been updated, no full second story additions have been approved in many years. In the past ten years, several requests to construct two-story additions have been met with considerable resistance from residents who valued the single-story character of the neighborhood. As a result, most applications to expand homes in this neighborhood have either been strictly one-story designs or have included only small, attic-type upper level improvements. Many of the approved additions have received variances for excess lot coverage and/or reduced setbacks in order to accommodate a one-story house design that approaches the floor area ratio for the lot.

The proposed addition would be located at the same level as the existing structure, and would project into the rear yard. The addition would therefore not be readily visible from Leland Way, nor would it result in excessive mass or bulk to the structure; however, the roof ridge of the addition would project higher than the existing roof ridge.

An overall interior remodel of the home along with the proposed addition would help improve the functionality of the dwelling. Part of the interior remodel would result in an extra bathroom for the existing bedrooms at the front of the home, in addition to the existing playroom being converted to an extra bedroom. The existing fireplace in the great room would also be relocated to the proposed expanded portion of the great room, and would be a dual indoor/outdoor fireplace for the great room and outdoor patio. Also proposed are several new skylights and a new trellis at the front of the garage.

### Zoning

Staff has reviewed the proposal and finds that it is in conformance with the remaining development standards for the R-1-B-A zone with the exception of the previously noted variance for excess lot coverage.

In order to grant the requested variance for excess lot coverage, the Board must make all of the following findings required by Section 16-52.030(E) 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 substantially the same zone.**

The 7,502 square foot size of the subject property is considerably smaller than the 10,000 square foot minimum lot size in the R-1-B-A zone. The historical reluctance to approve second story additions in the Bel Aire neighborhood limits the development of two-story construction projects. These situations create special circumstances that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity.

- 2. The variance will not constitute a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.**

Numerous other properties in the R-1-B-A or similar zones have received variances for excess lot coverage when second story additions are inappropriate. 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 physical hardship. Self-created hardships may not be considered among the factors that might constitute special circumstances. A self-created hardship results from actions taken by present or prior owners of the property that consciously create the very difficulties or hardships claimed as the basis for an application for a variance.**

The strict application of the maximum lot coverage requirement for this property would either require the construction of a second story addition that would be inconsistent with the character of the surrounding Bel Aire neighborhood, or would limit the floor area for a house on this lot to a level substantially below the allowable floor area ratio for a lot of this size. These building limitations would result in a practical difficulty on the applicant.

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

The proposed additions would not project into the views of or create privacy impacts for any neighboring residences. Therefore the granting of this variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.

There would appear to be sufficient evidence to support the findings for the variances requested.

#### Public Comment

As of the date of this report no letters have been received regarding the subject application.

## **RECOMMENDATION**

Staff recommends that the Board:

1. Review the project with respect to Zoning Ordinance Section 16-52.020(H) (Guiding Principles) and Section 16-52.030(E) (Variances); and
2. Determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301; and
3. Approve the project, subject to the attached conditions of approval.

Exhibits:

1. Conditions of Approval
2. Application and Supplemental Materials
3. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner

Exhibit 1

CONDITIONS OF APPROVAL  
151 LELAND WAY  
FILE NO. 21109

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. Construction shall conform with the application and plans dated by the Town of Tiburon on May 12, 2011, or as amended by these conditions of approval and plans of May 24, 2011. Any modifications to the plans must receive Design Review approval.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not “deemed approved” if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
7. 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.
8. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24” x 24” in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency

contact (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site.

9. All requirements of the Director of Public Works/Town Engineer shall be met. An encroachment permit shall be filed and issued with the Town of Tiburon Public Works Department, for all work to be conducted within Town right-of-way, or Town-owned land, as defined in Chapter 19 of the Tiburon Municipal Code.
10. All requirements of Southern Marin Fire Protection District, as outlined in the letter dated May 20, 2011, shall be met, prior to issuance of building permits.



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
June 16, 2011  
Agenda Item: **2**

## **STAFF REPORT**

**To:** Members of the Design Review Board  
**From:** Planning Manager Watrous  
**Subject:** 160 Solano Street; File #711054  
Site Plan and Architectural Review for the Construction of Additions to an Existing Single-Family Dwelling, with a Floor Area Exception  
**Reviewed By:** \_\_\_\_\_

### **PROJECT DATA**

**ADDRESS:** 160 SOLANO STREET  
**ASSESSOR'S PARCEL:** 059-142-18  
**FILE NUMBER:** 711054  
**PROPERTY OWNERS:** STEPHEN STROUB  
**APPLICANT:** DAN PHIPPS (ARCHITECT)  
**LOT SIZE:** 11,420 SQUARE FEET  
**ZONING:** R-2 (TWO-FAMILY RESIDENTIAL)  
**GENERAL PLAN:** HIGH DENSITY RESIDENTIAL  
**FLOOD ZONE:** X  
**DATE COMPLETE:** MAY 23, 2011

### **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 15301.

### **PROPOSAL**

The applicant is requesting Design Review approval for the construction of additions to an existing single-family dwelling on property located at 160 Solano Street. The dwelling is part of a two unit condominium project, with the second unit on separate lot at 160 Solano Street.

An existing storage area within the basement level of the house would be converted into a one-car garage and a laundry and storage room. Existing space on the second level of the house would be expanded and reconfigured, with a bedroom and bathroom on this level. A new, flat-roof dormer window would be added to the second level. New exterior stairs would be added to the front and rear of the house. A new driveway would lead to the proposed garage. A 6 foot tall lattice screen

would be installed at the rear of the existing deck behind the house. New landscaping is proposed around the perimeter of the site.

The proposed additions would not increase the calculated lot coverage on the site, as the additions would be situated within the existing footprint of the house. The proposed project would add 504 square feet of floor area to the house, bringing the combined floor area for the two dwelling units to 3,314 square feet of living space and 926 square feet of garage space, which would be greater than the 3,142 square feet of living space and 600 square feet of garage space allowed for the combined area of the two condominium lots. A floor area exception is therefore requested.

A color and materials board has not been submitted, as the exterior colors and materials would match those of the existing house.

## **BACKGROUND**

The subject property was originally part of a larger parcel that extended to the rear. In 1999, the owner of the property at that time applied for Site Plan and Architectural Review approval (File #799098) to construct a second, detached dwelling unit on the site at the rear of the property. The Design Review Board approved this application on September 16, 1999. The owners of the adjacent home at 172 Solano Street appealed that decision to the Town Council, citing concerns with potential view blockage and inaccurate story poles. On November 16, 1999, the Town Council denied the appeal and on December 1, 1999, the Council adopted Resolution No. 3381 memorializing the decision.

By that time, the property owner had filed an application for a conditional use permit (File #19904) to condominiumize the property, creating separate lots for the existing house at 160 Solano Street and the proposed second dwelling unit at 162 Solano Street. On December 9, 1999, the Planning Commission adopted Resolution No. 99-23 approving the conditional use permit. The lot split for detached condominiums was subsequently recorded and the second dwelling unit at 162 Solano Street was constructed and purchased by a separate property owner.

In 2010, the owner of the property at 160 Solano Street passed away. The applicant for the subject application subsequently purchased the property.

## **ANALYSIS**

### **Design Issues**

The subject house is situated in front of the home at 162 Solano Street. These two homes are part of the same condominium subdivision, sharing only a boundary fence as common area. The property at 162 Solano Street also includes a detached two-car garage situated on the uphill side of the subject site. This neighboring residence does not have any substantial views across the subject home and the proposed dormer addition to the front of the house would not be visible from this adjacent dwelling.

The uphill neighboring home at 172 Solano Street has panoramic views of San Francisco, Angel Island and Raccoon Strait from the upper level living room and dining room. The existing house at 160 Solano Street intrudes into the middle of the views of Raccoon Strait and Angel Island.

The proposed dormer window would be in the same location and general size as the existing dormer, but would replace the pitched roof with a flat roof for the dormer. The 2 foot long dormer eave would be 6 inches longer than the roofline of the existing dormer. A new window would be installed on the downhill side of the dormer. The minor change to the roofline would not substantially change the existing views from the uphill neighboring home at 172 Solano Street.

The proposed one-car garage would provide additional off-street parking for the existing house. On-street parking is limited on Solano Street and the amount of traffic using this street for access into Old Tiburon creates potential hazards for vehicles parking on the street.

### **Zoning**

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-2 zone, with the exception of the requested floor area exception.

As part of a two-unit condominium project, the floor area ratio for the property as a whole is shared by the homes at 160 & 162 Solano Street, and is 3,142 square feet of living space and 600 square feet of garage space. The conditional use permit and the condominium parcel map for these two properties did not specify how much floor area would be allotted to either of the two lots.

The house at 160 Solano Street currently contains 1,409 square feet of floor area, while the house at 162 Solano Street contains 1,660 square feet of floor area, along with 576 square feet of garage space. The subject application proposes to add 245 square feet of floor area and 350 square feet of garage space to the existing house. As a result, the total floor area for the two lots would increase to 3,314 square feet of living space and 926 square feet of garage space.

In order to grant the requested floor area exception, the Board must make all of the following findings required by Section 16-52.020(I[4]) 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 surrounding Old Tiburon neighborhood contains dwellings from many different time periods, including smaller cottage-like structures and larger, multiple story buildings. The project would involve only minor exterior changes to the relatively small existing house on the site and would therefore be compatible with the predominant pattern established by existing structures in the surrounding 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,***

*shape and steepness of the lot, ease of access, and the presence of natural features worthy of retention, such as trees, rock outcroppings, stream courses and landforms.*

The proposed additions would result in slight excavation beneath the existing structure or a minor modification to the roofline of the house. Therefore, the project would not substantially change the relationship of the building to the physical characteristics of the site.

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

## **PUBLIC COMMENT**

As of the date of this report, no letters have been received regarding this application.

## **RECOMMENDATION**

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. If the Design Review Board agrees with Staff's conclusions, it is recommended that the attached conditions of approval be applied.

## **ATTACHMENTS**

1. Conditions of approval
2. Application and supplemental materials
3. Planning Commission Resolution No. 99-23
4. Submitted plans

## **CONDITIONS OF APPROVAL**

### **160 SOLANO STREET**

#### **FILE #711054**

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 April 26, 2011, or as amended by these conditions of approval. Any modifications to the plans of May 19, 2011 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 other than those approved by the Design Review Board must be down light type fixtures.
7. The project shall comply with the following requirements of the California Fire Code and the Tiburon Fire Protection District:
  - a) The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2

- b) Approved smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
  - c) The vegetation on this parcel shall comply with the requirements of the Tiburon Fire District and the recommendations of Fire Safe Marin. CFC 304.1.2
8. The project shall comply with all requirements of the Tiburon Fire Protection District:
  9. All requirements of the Marin Municipal Water District shall be met.
  10. All requirements of the Town Engineer shall be met