

Town of Tiburon

STAFF REPORT



AGENDA ITEM _____

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TO: **PLANNING COMMISSION**

FROM: **DANIEL M. WATROUS, PLANNING MANAGER**

SUBJECT: **FILE #30502: AMENDMENT TO CYPRESS HOLLOW PRECISE DEVELOPMENT PLAN (PD #45) TO ALLOW ADDITIONAL FLOOR AREA; 20 BACCHARIS PLACE; EDMOND AND KRISTINE BROWNE, OWNERS; ASSESSOR'S PARCEL NO. 034-394-15**

MEETING DATE: **JANUARY 11, 2006** REVIEWED BY: SA

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PROJECT DATA

Address:	20 Baccharis Place
Assessor's Parcel Number:	034-394-15
File Number:	30502
Lot Size:	8,250 square feet
General Plan:	Medium Density Residential
Zoning:	RPD (Cypress Hollow Precise Development Plan, PD #45)
Subdivision:	Cypress Hollow (Lot 26)
Current Use:	Single-Family Residential
Owners:	Edmond and Kristine Browne
Applicant:	Easthope Design
Date Complete:	December 6, 2005

PROJECT DESCRIPTION

The project is the proposed amendment to a precise development plan (the Cypress Hollow Precise Development Plan) for property located at 20 Baccharis Place. The applicants wish to increase the maximum floor area permitted for this lot, which is currently developed with a single-family home.

The Cypress Hollow Precise Development Plan currently limits each parcel to a maximum floor area of 30.0% of the lot size. The applicants propose to amend the text of the precise plan to allow a floor area ratio of 33.0% for this property.

The single-family residence on this property was originally constructed with a floor area of 2,452 square feet (29.7% floor area), along with a 703 square foot garage. The property owners wish to convert undeveloped space within the existing mass and bulk of the house into a library and bathroom. A connecting hallway, play room and wet bar would also be added, but would not be considered habitable space due to substandard ceiling heights. The proposed 266 square foot addition would increase the floor area of the house to 2,718 square feet, resulting on a floor area ratio of 33.0%. As the resulting floor area ratio is in excess of the 30.0% maximum floor area permitted for this property, the applicants are requesting to amend the Cypress Hollow



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Precise Development Plan to increase the maximum permitted floor area for this property to 33.0%.

HISTORY

The Cypress Hollow Precise Development Plan was originally approved in 1988 by the Marin County Board of Supervisors. County Resolution No. 88-252 (Exhibit 3), which currently governs this precise development plan, states that the floor area ratio for each parcel “shall be a maximum of 30%.” Garage space does not count toward the floor area allowed under the Cypress Hollow Precise Development Plan. This subdivision was annexed into Tiburon in 1999.

These house size limitations in the Cypress Hollow Precise Development Plan were established prior to annexation into Tiburon, and prior to the Town’s adoption of Floor Area Ratio (F.A.R.) limits in all residential zones. House size limits were placed on certain precise plans in both the County and in Tiburon in the early 1980’s, as a precursor to current floor area limitations. Current practice for the Town of Tiburon is that all precise development plan approvals specify floor area limits on all lots within a development.

For comparison purposes, under the Town’s current “default” F.A.R. standards, adopted in 1990, the subject property would be allowed a maximum floor area of 2,825 square feet for the dwelling, plus an additional 600 square feet for garage space; the 103 square feet of garage space above the 600 square foot limit would count toward the floor area of the house. The floor area ratio provided under the Cypress Hollow Precise Development Plan would allow 2,475 square feet of floor area for this property. The 2,718 square foot total floor area requested by this amendment would exceed the Cypress Hollow floor area ratio by 243 square feet; as calculated by the Tiburon F.A.R. standards, the 2,821 square foot floor area requested would be four (4) square feet less than the Tiburon default floor area ratio for a lot of this size.

Five requests have been approved since 2000 to amend the Cypress Hollow Precise Development Plan to increase the maximum allowable floor area for the properties located at 70 Monterey Drive, 170 Rancho Drive, 70 Cypress Hollow Drive, 120 Rancho Drive and 50 Monterey Drive. The review of these requests is summarized as follows:

70 Monterey Drive

This request involved the conversion of undeveloped space beneath the house into living area. A 650 square foot increase was approved, resulting in a floor area of 3,750 square feet on an 11,600 square foot lot. The resulting floor area was 32.3% of the lot size, and exceeded the Tiburon default floor area ratio by 590 square feet.

During the review of this application, the Town Council was concerned that the decision could essentially set policy for the entire subdivision. The Council approved the request, including qualifying language indicating that the request was for only 270 square feet above the maximum floor area currently permitted by the Cypress Hollow Precise Development Plan, and that the request to add a playroom and office would not increase the number of bedrooms within the residence.



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170 Rancho Drive

This request involved the conversion of undeveloped space beneath the house into living area. A 580 square foot increase was approved, resulting in a floor area of 3,420 square feet on a 10,000 square foot lot. The resulting floor area was 34.2% of the lot size, and exceeded the Tiburon default floor area ratio by 420 square feet.

The Planning Commission and Town Council noted that this application added a bedroom and bathroom to a two-bedroom house. The Town Council resolution approving this amendment stated that “the application would add a bedroom and bathroom to the existing two-bedroom house, and would therefore be less likely to encourage more residents than a normal house, or increase the intensity of use of the residence.”

70 Cypress Hollow Drive

This project requested to enclose an open deck area and convert a one-car garage space into living area. A 370 square foot increase was requested, which would have resulted in a floor area of 2,981 square feet on a 9,160 square foot lot. The resulting floor area would have been 32.5% of the lot size, and would have exceeded the Tiburon default floor area ratio by 65 square feet.

The Town Council noted that most of the proposed floor area would be situated within the existing walls of the house; that the project would only add a home office and expand the family room of the existing house; and differentiated the house from other homes in the Cypress Hollow Subdivision by its original design that includes a separate one-car garage and two-car garage. However, the resolution approved by the Town Council also added that “the Zoning Ordinance’s floor area ratio fixes the amount of development generally considered desirable for residential properties in the Town. To allow development in excess of the floor area ratio, absent unusual circumstances, would undermine the Zoning Ordinance’s goal of limiting over-development of residential properties.” The Council conditionally approved this request, but limited the floor area permitted so that “the total floor area of the house does not exceed the Town of Tiburon default floor area ratio for this property.”

120 Rancho Drive

This request involved the after-the-fact conversion of undeveloped space beneath the house into living area. Only 40 square feet of the newly enclosed space was calculated as floor area, resulting in a floor area of 2,607 square feet on a 7,910 square foot lot. The resulting floor area was 33.0% of the lot size, which was 184 square feet less than the Tiburon default floor area ratio. The only qualifying language included in the Town Council approval for this application required that the additional floor area was to be attained “entirely within undeveloped space within the existing mass and bulk of the approved house did not include qualifying language for this approval.”



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50 Monterey Drive

This request involved the conversion of undeveloped space beneath the house into living area for a play room, closet and storage space. A 416 square foot increase was approved, resulting in a floor area of 3,531 square feet on a 10,497 square foot lot. The resulting floor area was 33.8% of the lot size, and exceeded the Tiburon default floor area ratio by 481 square feet.

The Town Council resolution approving this amendment included a requirement to record a statement against this property requiring that “no bathroom, bedroom or kitchen be constructed within the area approved under this application” to discourage future improvements that would increase the intensity of use of the residence.

ANALYSIS

All of the proposed floor area requested in this application would be situated within previously undeveloped areas beneath the originally constructed house, and would not involve any exterior expansion to the walls of the residence. Several windows proposed for the exterior of the play room would face into landscaped portions of the site, and would be minimally visible from neighboring homes on either side of the subject property. The applicants have submitted letters signed by the property owners on both sides, indicating their support for the subject application.

Concerns were raised during the review of the prior amendments to the Cypress Hollow Precise Development Plan that these requests could set a precedent for other floor area increases in the subdivision. The contentious history of the development of this subdivision was also noted, and concerns were raised that these additions would constitute a “back door” approach to achieving additional floor area beyond the limits specified within the Cypress Hollow Precise Development Plan. As noted above, previous approvals included qualifying language noting that special circumstances were considered in the approval of the requests, including findings that additions were located within the existing walls of the houses, and did not result in any increase in mass and bulk to the existing residences which could impact nearby property owners; that the additions would not increase the intensity of use of the residence; that the additional floor area requested by these applications did not significantly exceed the maximum floor area currently permitted by the Cypress Hollow Precise Development Plan; and/or that the requests had been evaluated by the potentially affected neighboring property owners, who raised no objections to these applications.

The proposed application would be consistent with the findings mentioned as part of the approvals of prior amendments to the Cypress Hollow Precise Development Plan. The proposed playroom would be contained within the existing exterior walls of the residence; would not likely increase the intensity of use of the house; would not significantly exceed the maximum floor area currently permitted by the Cypress Hollow Precise Development Plan; would not exceed the default Tiburon floor area ratio for a lot of this size; and is not opposed by nearby property owners. Although the application approved for 50 Monterey Drive did not permit a bathroom to discourage intensification of the use of the residence, requests to add a bathroom only without any additional bedrooms have traditionally been viewed as a means to increase the amenities of a dwelling without necessarily increasing the intensity of its use.



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ZONING AND GENERAL PLAN CONSISTENCY

The proposed project has been reviewed for consistency with the Tiburon General Plan and with the requirements of the Tiburon Zoning Ordinance regarding precise plan amendments. The project appears to be consistent with the overall intentions of the Cypress Hollow Precise Development Plan. The requested increase in floor area would not significantly alter the visual mass and bulk of the existing home, and would not result in a dramatic increase beyond the originally approved floor area limits for this lot.

Policy LU-15 of the Land Use Element states that “remodels, tear-down/rebuilds, and new construction shall be compatible with the design, size, and scale of existing dwellings in the surrounding neighborhood.” As noted above, the proposed project would involve construction within currently undeveloped space beneath the house in a manner similar to numerous other homes in the Cypress Hollow neighborhood. The minimal exterior changes proposed would be compatible with the design of other homes in the vicinity.

ENVIRONMENTAL REVIEW

Staff has made a preliminary determination that the subject application is categorically exempt from the requirements of CEQA per Section 15301 of the CEQA Guidelines.

FUTURE ACTIONS REQUIRED

Affirmative action by the Planning Commission on this application would be in the form of a recommendation for approval to the Town Council. Should the Commission vote to deny the project, that decision would be final, unless appealed to the Town Council. If the amendment to the precise plan is approved by the Town Council, subsequent Town permits would include Site Plan and Architectural Review and building permits for the proposed additions.

RECOMMENDATION

Staff recommends that the Planning Commission hold a public hearing on this item and determine if the proposed application is consistent with the Town’s standards for precise development plan amendments and the Town Council’s prior direction regarding similar applications to amend the Cypress Hollow Precise Development Plan. If the Commission determines that the application should be approved, it is recommended that the draft resolution recommending approval of the project to the Town Council be adopted.

EXHIBITS

1. Application form and supplemental materials
2. Draft resolution
3. Marin County Board of Supervisors Resolution No. 88-252
4. Submitted plans