



TOWN OF TIBURON
 1505 Tiburon Boulevard
 Tiburon, CA 94920

Planning Commission Meeting
 July 27, 2016

Agenda Item: **PH-1**

STAFF REPORT

To: Members of the Planning Commission

From: Community Development Department

Subject: 72-130 Main Street; File #CUP2016003, LLA2016002, VAR2016020 & VAR2016025; Request for a Lot Line Adjustment, Amend an Existing Conditional Use Permit and Grant Variances for Minimum Lot Area and Floor Area Ratio Limit; Zelinsky Properties LLC, Owner/Applicant; Assessor’s Parcel Nos. 059-102-20 & 28

Reviewed By: _____

PROJECT DATA

Address: 72-130 Main Street
 Assessor’s Parcel Numbers: 059-102-20 & 059-102-28
 File Numbers: CUP2016003, LLA2016002, VAR2016020 & VAR2016025
 Lot Size: 2.5 acres
 Zoning: VC (Village Commercial)
 General Plan: VC (Village Commercial)
 Current Use: Mixed Use (Commercial and Office)
 Owner/Applicant: Zelinsky Properties LLC
 Flood Zone: AE-10 and X-0.2

PROPOSAL

The applicant proposes to adjust the lot lines for two lots located at 72-130 Main Street. The proposed lot line adjustment would relocate an existing lot line located between the Tiburon Vintners Building at 72 Main Street and the remainder of Ark Row (74-130 Main Street) such that the Vintners Building would be on the same parcel as the other buildings on Ark Row, while 130 Main Street would be on a separate parcel of land. The result would be that 130 Main Street would be located on its own separate parcel while the other buildings on Ark Row (72-122 Main Street) would all be located on a single separate parcel. A conditional use permit is proposed to modify existing conditions of approval for the existing office use at 130 Main Street. Variances are proposed for minimum lot area and floor area ratio for the resulting lot at 130 Main Street.

BACKGROUND

The two subject lots comprise nearly all of upper Main Street, commonly called Ark Row. The easterly lot (A.P. No. 059-102-28) contains the Tiburon Vintners Building at 72 Main Street and a small portion of the Main Street parking lot. The westerly lot (A.P. No. 059-102-20) contains

the remainder of the buildings along upper Main Street (74 through 130 Main Street) and the bulk of the Main Street parking lot.

The building at 130 Main Street was originally developed as a single-family dwelling and served as the home (an office) for Fred and Juanita Zelinsky until their deaths in the 1980s. In 1988, the Planning Commission approved a conditional use permit to convert the residential portion of 130 Main Street to office use. The building is now utilized as the offices for Zelinsky Properties, owned and operated by Laleh Zelinsky. The use permit required that three (3) on-site and three (3) off-site parking spaces be provided, the latter in what is now the pay parking lot located at 1525 Tiburon Boulevard. In 1988, both properties were owned by the Zelinsky family. Subsequent to Edward Zelinsky's passing in 2004, the family holdings were divided and a portion (including the parking lot at 1525 Tiburon Boulevard) is no longer held by the Zelinsky family.

ANALYSIS

Lot Line Adjustment

The proposed lot line adjustment would consolidate most of the buildings on Ark Row and the Main Street parking lot onto one parcel and leave only the existing office building at 130 Main Street on the other lot. This smaller parcel is directly adjacent to residential uses. The applicant has indicated that this request would enable the future possibility of converting this office building back to its original residential use and allow it to be sold separately or remain as a Zelinsky family holding. The proposal aims for a more logical arrangement of the lot boundaries without any physical changes to buildings or improvements.

As a result of the lot line adjustment, the larger lot (72-122 Main Street) would have a total area of 2.38 acres. The 130 Main Street lot would be 6,020 square feet in area and consist of the existing office building and its three on-site parking spaces. The lot line adjustment application has been reviewed by staff and found to be in compliance with the Town's regulations with the exception of the requested variances described further below.

Conditional Use Permit

The conditional use permit amendment would modify existing conditions of approval for the office use at 130 Main Street. As noted above, the existing conditional use permit for this property requires that three required off-site parking spaces be maintained for this use in the parking lot at 1525 Tiburon Boulevard. As this parking lot is no longer owned by the applicant, a request has been made to relocate these required parking spaces to the Main Street parking lot, which is owned by Zelinsky Properties and located directly adjacent to 130 Main Street.

Staff recommends that the following condition of approval be adopted to reflect the current and future parking situation for the property at 130 Main Street:

4. Three (3) off-site parking spaces for the office use shall be secured and maintained at all times in the adjacent Main Street Parking Lot (AP#059-102-20). Said spaces shall be secured by a long-term lease agreement, the terms of which shall be reviewed and approved by the Town, prior to the recordation of the lot line

adjustment (LLA2016-002) grant deeds associated with this conditional use permit amendment. A copy of the executed lease shall be provided to the Town for its files immediately upon execution. Provisions of the lease shall require written Town approval prior to termination of the lease or modification of its terms. Loss of required parking spaces secured by the lease shall constitute valid cause for revocation of the conditional use permit. It is understood that future conversion of 130 Main Street to single family residential use would obviate the continuing need for the parking lease.

Variances

A variance is requested for minimum lot area, as the resulting lot at 130 Main Street would be 6,020 square feet, which is less than the 10,000 square foot minimum lot size specified for the Village Commercial zone. A variance is also requested for floor area ratio, as the existing building at 130 Main Street has a floor area of 2,673 square feet (0.44 FAR), which is greater than the 0.28 floor area ratio limit specified in the Village Commercial zone.

In order to grant the requested variances, the Planning Commission 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 similar zones.***

Lot Area

The subject properties form Ark Row and represent a unique physical arrangement of buildings, with the main parcel holding 13 separate buildings, many of which are former “arks” and have historical significance. The other parcel contains the Tiburon Vintners Building, also a structure of historical significance. The office building at 130 Main Street is of newer construction and is not of architectural or historic significance. It is a structure that was originally designed as a single-family dwelling that is used now for office purposes, but unlike any other building on Ark Row it has its own separate vehicular access and dedicated on-site parking. The other structures along Ark Row are restored “arks” later converted to commercial use, or are buildings designed as commercial buildings. Together these form a cohesive and unbroken span of commercial businesses with a unique ambience, before one reaches the driveway entrance to 130 Main Street. The separate and distinct physical nature of 130 Main Street is a physical characteristic that would create special circumstances that would deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones if minimum lot size requirement is strictly applied. It is not logical to require a larger lot area than proposed for this structure given the layout of the adjoining parking lot and the presence of on-site parking already on the property. The 10,000 square foot minimum lot size standard for the Village Commercial Zone was primarily intended to be applied to newly-subdivided (or re-subdivided) lands. Numerous other parcels in this zone have lot areas less than 10,000 square

feet, which is not unexpected in an older commercial area such as downtown Tiburon.

Floor Area Ratio

As noted above, the proposed lot at 130 Main Street was originally developed with a single-family dwelling, as opposed to other commercial uses in the vicinity. The floor area ratio for the NC zone was intended primarily to limit the amount of commercial space on a lot in this zone, and thereby prevent overdevelopment on any given lot. No additional development is proposed here, and the approved and possible future uses of the building do not contemplate an overburdening of the site. The intended purpose of the floor area ratio and the separate and distinct nature of the structure at 130 Main Street are special circumstances that would deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones if maximum floor area ratio is strictly applied in this instance.

- 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.***

Lot Area

As noted above, the minimum lot area standard for the Village Commercial zone was primarily to regulate creation of newly-created subdivisions or re-subdivisions of land, presumably resulting from large-scale property redevelopment. No changes to the development pattern are proposed here. Numerous existing lots with single structures in downtown Tiburon have lot areas as small as or smaller than the size of the proposed lot at 130 Main Street. Therefore, the requested variance would not be a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.

Floor Area Ratio

The 0.44 floor area ratio for the proposed lot at 130 Main Street would be consistent with, or less than, the floor area ratio of many of the other smaller lots developed with a single structure in downtown Tiburon. Therefore, the requested variance would not be a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.

- 3. The strict application of this Zoning 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.***

Lot Area

The strict application of the minimum lot area standard would result in an unnecessary hardship by preventing the property owner from creating a separate ownership for this independently-accessible and largely stand-alone building at 130 Main Street from the remainder of Ark Row. It makes far more sense to consolidate the currently separate Tiburon Vintners Building with the remainder of Ark Row buildings while separating the building at 130 Main Street from the others, for the reasons stated above. The end result will be a more logical and superior arrangement of parcel lines and interface with the Main Street parking lot than currently exists.

Floor Area Ratio

The strict application of the maximum floor area standard would result in an unnecessary hardship by either requiring the size of the existing structure to be reduced in order to approve its separate lot ownership or requiring this distinctive use to be permanently attached to dissimilar uses as part of a larger mixed-use lot and perpetuating an inferior existing physical relationship between the building at 130 Main Street and the larger Main Street parking lot.

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

Lot Area

The proposed lot configuration would not change the existing use or area of the building at 130 Main Street or the remainder of Ark Row and therefore would not be injurious to other properties in the vicinity. Parking for any continuation of the office use would be through a long-term lease with an adjoining lot and would replace a current situation where off-site parking is allocated several hundred feet away from the building on a property now under separate ownership.

Floor Area Ratio

The proposed lot would not change the size or use of the existing building at 130 Main Street or the remainder of Ark Row and therefore would not be injurious to other properties in the vicinity.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variances. Staff is of the opinion that these applications would result in a more sensible and superior physical lot arrangement than currently exists, notwithstanding the technical non-conformities of lot area and floor area ratio involved in making the approval.

ENVIRONMENTAL REVIEW

Staff has preliminarily determined that the subject applications are exempt from the requirements of the California Environmental Quality Act (CEQA) under various categories, including Section 15301(k) of the CEQA Guidelines, Section 15305(a) of the CEQA Guidelines, Section 15061(b)(3) of the State CEQA Guidelines, and the ministerial exemption found in the Town of Tiburon's Environmental Guidelines for minor lot line adjustments involving four or fewer adjoining parcels and where no increased number of lots is created.

PUBLIC COMMENT

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

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Hold a public hearing on this item and hear and consider all testimony, and
2. In a single motion, move to adopt the resolutions approving the lot line adjustment (**Exhibit 1**), conditional use permit (**Exhibit 2**) and variances (**Exhibit 3**).

EXHIBITS

1. Draft Resolution approving the lot line adjustment
2. Draft resolution approving the conditional use permit
3. Draft resolution approving the variances
4. Application form and supplemental materials
5. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager
Scott Anderson, Director of Community Development

RESOLUTION NO. 2016-DRAFT

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON
APPROVING A LOT LINE ADJUSTMENT FOR PROPERTIES LOCATED AT
72-130 MAIN STREET**

ASSESSOR PARCEL NOS. 059-102-20 & 059-102-28

WHEREAS, the Planning Commission of the Town of Tiburon does resolve as follows:

Section 1. Findings.

- A. The Planning Commission has received an application (LLA2016002) to adjust the lot lines between two lots under the same ownership. Said application consists of the application form and supplemental materials received on June 15, 2016. The official record for this project is hereby incorporated and made part of this resolution. The record includes the staff reports, minutes, application materials, and all comments and materials received at the public hearing.
- B. The Planning Commission held a duly-noticed public hearing on July 27, 2016, and heard and considered testimony from interested persons.
- C. The Planning Commission has found that the lot line adjustment is exempt from CEQA under Section 15305(a) of the CEQA Guidelines and under the "general rule", pursuant to Section 15061(b)(3) of the State CEQA Guidelines. The project is also ministerially exempt under the Town of Tiburon's Environmental Guidelines as it is a minor lot line adjustment involving four or fewer adjoining parcels and no new lots are created.
- D. The Planning Commission has found, based upon the application materials and analysis provided in the July 27, 2016 Staff Report, that the lot line adjustment, as conditioned, is consistent with the Tiburon General Plan and is in compliance with applicable sections of the Tiburon Municipal Code, specifically Section 14-11.2, and other applicable regulations, as follows:
 1. The project constitutes a minor lot line adjustment, pursuant to Government Code Section 66412(d), in that it involves four or fewer adjoining parcels, where the land is taken from one parcel and is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created. The Town's discretion is therefore limited by State law to a determination of whether the lot line adjustment will conform to the Tiburon General Plan, the Tiburon Zoning Ordinance, and the Building Regulations of the Town.

2. The project is consistent with the General Plan land use designations for the properties.
3. The project is consistent with provisions of the Tiburon Zoning Ordinance relative to minimum required yards, minimum required lot width and all other standards and regulations, with the exception of variances requested for minimum lot area and floor area ratio limit.
4. The proposed lot line adjustment will not result in any new building code violations or other non-conformities with the building regulations of the Town.
5. The proposed lot line adjustment is consistent with the Tiburon Subdivision Ordinance sections regulating lot line adjustments in that no additional lots or parcels would be created; no new encroachments into public right-of-way will result; and no violation of the building regulations will result.

Section 2. Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby approved the lot line adjustment application (File #LLA2016001). This approval shall be valid for one year from the date of this letter and shall expire unless the lot line adjustment deed or map is recorded by appropriate means, pursuant to state law, with the office of the Marin County Recorder.

PASSED AND ADOPTED at a regular meeting of the Planning Commission on July 27, 2016, by the following vote:

AYES: COMMISSIONERS:

NAYS: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ERICA WILLIAMS, CHAIR
TIBURON PLANNING COMMISSION

ATTEST:

SCOTT ANDERSON, SECRETARY

RECORDING REQUESTED
WHEN RECORDED, RETURN TO:
Tiburon Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
Record without fee per GC 27383

RESOLUTION NO. 2016-DRAFT

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON
AMENDING A CONDITIONAL USE PERMIT TO REVISE THE LOCATION AND
PROVISIONS REGARDING OFF-SITE PARKING ASSOCIATED WITH AN OFFICE USE
LOCATED AT 130 MAIN STREET
ASSESSOR PARCEL NO. 059-102-20

WHEREAS, the Planning Commission of the Town of Tiburon does resolve as follows:

Section 1. Findings.

- A. On September 14, 1988, the Planning Commission adopted Resolution No. 448-88 approving a change of use for the building located at 130 Main Street from residential/office to office. That permitted required that in addition to three on-site parking spaces, three off-site parking spaces be provided for the expanded office use. Specifically, Condition No. 4 of Resolution No. 448-88 read as follows:
4. Three (3) off-site parking spaces shall be provided and maintained at all times in the Mar West Parking lot (AP#58-171-78) in a manner that conforms with the Town's laws and statutes and in a manner that shall be revocable by the Town should the use of the Mar West lot be changed.
- B. The Planning Commission finds that over the intervening 28 years, circumstances have changed such that Condition No. 4 should be modified to reflect current ownership patterns in Downtown Tiburon, to relocate the required off-site parking to a property adjacent to and under the same ownership as 130 Main Street, and to set forth provisions in the event that ownership changes in the future such that the off-site parking is no longer under the direct control of the owner of 130 Main Street.
- C. The Planning Commission has received an application (CUP2016003) to amend the conditional use permit. Said application consists of the application form and supplemental materials received on June 15, 2016. The official record for this project is hereby incorporated and made part of this resolution. The record includes the staff reports, minutes, application materials, and all comments and materials received at the public hearing.

- D. The Planning Commission held a duly-noticed public hearing on July 27, 2016, and heard and considered testimony from interested persons.
- E. The Planning Commission has found that the amendment is exempt from the requirements of the California Environmental Quality Act per Section 15301 (Existing Facilities) of the CEQA Guidelines.
- F. The Planning Commission has found, based upon the application materials and analysis provided in the July 27, 2016 Staff Report, that the conditional use permit amendment, as conditioned, is consistent with the Tiburon General Plan and is in compliance with applicable sections of the Tiburon Zoning Ordinance, specifically Section 16-32.030, and other applicable regulations.

Section 2. Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby modify Condition No. 4 of Resolution No. 448-88, adopted September 14, 1988, to read as follows:

4. Three (3) off-site parking spaces for the office use shall be secured and maintained at all times in the adjacent Main Street Parking Lot (AP#059-102-20). Said spaces shall be secured by a long-term lease agreement, the terms of which shall be reviewed and approved by the Town, prior to the recordation of the lot line adjustment (LLA2016-002) grant deeds associated with this conditional use permit amendment. A copy of the executed lease shall be provided to the Town for its files immediately upon execution. Provisions of the lease shall require written Town approval prior to termination of the lease or modification of its terms. Loss of required parking spaces secured by the lease shall constitute valid cause for revocation of the conditional use permit. It is understood that future conversion of 130 Main Street to single family residential use would obviate the continuing need for the parking lease.

PASSED AND ADOPTED at a regular meeting of the Planning Commission on July 27, 2016, by the following vote:

AYES: COMMISSIONERS:

NAYS: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ERICA WILLIAMS, CHAIR
TIBURON PLANNING COMMISSION

ATTEST:

SCOTT ANDERSON, SECRETARY

RESOLUTION NO. 2016-DRAFT

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON
APPROVING VARIANCES FOR MINIMUM LOT AREA AND FLOOR AREA RATIO
LIMIT FOR PROPERTY LOCATED AT 130 MAIN STREET**

ASSESSOR PARCEL NO. 059-102-20

WHEREAS, the Planning Commission of the Town of Tiburon does resolve as follows:

Section 1. Findings.

- A. The Planning Commission has received applications (VAR2016020 & VAR2016025) for variances for minimum lot area and floor area ratio limit accompanying a request to adjust the lot lines between two lots under the same ownership. Said application consists of the application form and supplemental materials received on June 15, 2016. The official record for this project is hereby incorporated and made part of this resolution. The record includes the staff reports, minutes, application materials, and all comments and materials received at the public hearing.
- B. The Planning Commission held a duly-noticed public hearing on July 27, 2016, and heard and considered testimony from interested persons.
- C. The Planning Commission has found that the variances are exempt from CEQA under Section 15305(a) of the CEQA Guidelines.
- D. The Planning Commission has found, based upon the application materials and analysis provided in the July 27, 2016 Staff Report, that the lot line adjustment, as conditioned, is consistent with the Tiburon General Plan and that findings can be made in conformance with the requirements of Section 16-52.030 (E) of the Tiburon Zoning Ordinance.

Section 2. Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby approve the variance applications (File #VAR2016020 & VAR2016025). This approval shall be valid for one year from the date of this letter and shall expire unless the lot line adjustment deed or map is recorded by appropriate means, pursuant to state law, with the office of the Marin County Recorder.

PASSED AND ADOPTED at a regular meeting of the Planning Commission on July 27, 2016, by the following vote:

AYES: COMMISSIONERS:

NAYS: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ERICA WILLIAMS, CHAIR
TIBURON PLANNING COMMISSION

ATTEST:

SCOTT ANDERSON, SECRETARY



JUN 15 2015
PLAN ROOM 151011

TOWN OF TIBURON LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

- Conditional Use Permit
- Precise Development Plan
- Secondary Dwelling Unit
- Zoning Text Amendment
- Rezoning or Prezoning
- General Plan Amendment
- Temporary Use Permit
- Design Review (DRB)
- Design Review (Staff Level)
- Variance(s) _____ #
- Floor Area Exception
- Tidelands Permit
- Sign Permit
- Tree Permit
- Tentative Subdivision Map
- Final Subdivision Map
- Parcel Map
- Lot Line Adjustment
- Condominium Use Permit
- Seasonal Rental Unit Permit
- Other _____

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 130 MAIN ST. PROPERTY SIZE: 2.5 ACRES
 PARCEL NUMBER: 059-102-20 f 28 ZONING: VC

PROPERTY OWNER: ZELINSKY PROPERTIES LLC, LALEH ZELINSKY
 MAILING ADDRESS: 130 MAIN ST. TIBURON 94920

PHONE/FAX NUMBER: 415-435-1053 E-MAIL: LALEH_ZELINSKY@SBKGLOBAL.N

APPLICANT (Other than Property Owner): CLAUDE PERASSO
 MAILING ADDRESS: 41 PENINSULA RD, BELVEDERE 94920

PHONE/FAX NUMBER: 415-609-7135 E-MAIL: CLAUDEPERASSO@YAHOO.COM

ARCHITECT/DESIGNER/ENGINEER JAY HALLBERG JL ENGINEERING
 MAILING ADDRESS: 1539 FOURTH ST. SAN RAFAEL CA, 94901

PHONE/FAX NUMBER: 415-457-6647 E-MAIL: ADMIN@JLENGERS.COM

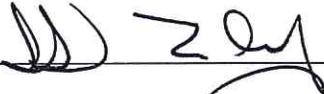
Please indicate with an asterisk () persons to whom Town correspondence should be sent.*

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):

LOT LINE ADJUSTMENT TO SEPARATE 130 MAIN ST. TO
BE ON ITS OWN SEPARATE PARCEL.
MINOR LOT LINE ADJUSTMENT

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge, with the defense counsel subject to the Town's approval. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature: *  Date: 6.15.16

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature: * _____ Date: _____

**If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application*

NOTICE TO APPLICANTS

Pursuant to California Government Code Section 65945, applicants may request to receive notice from the Town of Tiburon of any general (non-parcel-specific), proposals to adopt or amend the General Plan, Zoning Ordinance, Specific Plans, or an ordinance affecting building or grading permits.

If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

**Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438(Fax)
www.townoftiburon.org**

DO NOT WRITE BELOW THIS LINE

VAR 2016020			DEPARTMENTAL PROCESSING INFORMATION		
Application No.:	CU P 2016003 & LA 2016002	GP Designation:		Fee Deposit:	\$2950 ⁰⁰
Date Received:	6/15/16	Received By:	DCW	Receipt #:	R1386
Date Deemed Complete:		Action:		By:	
Acting Body:		Resolution or Ordinance #	_____		
Conditions of Approval or Comments:	_____				



APPLICATION FOR VARIANCE

A Variance is a form of regulatory relief available when a strict or literal application of zoning development standards would result in practical difficulties or unnecessary physical hardships for an applicant. These difficulties and/or hardships must be caused by physical conditions on, or in the immediate vicinity of, a site. Please refer to Section 16.52.030 of Chapter 16 (Zoning) of the Tiburon Municipal Code for additional information regarding Variances.

WHAT VARIANCE(S) ARE YOU REQUESTING?

<u>Condition</u>	<u>Zoning VC Requirement</u>	<u>Existing Condition</u>	<u>This Application Proposes</u>	<u>Magnitude Of Variance Requested</u>
Front Yard Setback	CUP ¹² 15'	28.2 FT.	28.2 FT.	0
Rear Yard Setback	CUP 18-25' max.	16.5 FT.	16.5 FT.	2'
Left Side Yard Setback	CUP 8'	5.9 FT.	5.96 FT.	2.2'
Right Side Yard Setback	CUP 8'	10.6 FT.	10.6 FT.	0
Lot Coverage	CUP		40.5%	
Height	30	28.3 FT.	28.3 FT.	0
Parcel Area Per Dwelling Unit	10,000	87,212	6,020	- 40%
Usable Open Space				
Parking	3-6	3-6	3-6	0
Expansion of Nonconformity				
Other (Please describe):	_____			

EXHIBIT NO. 4 P. 4 OF 5

(C) Use and management information:

(1) Written statement(s) describing the characteristics of the use proposed, including, but not limited to, the following:

- a. Number of people involved either as employees, clients, students, customers, etc.

With respect to office use, there are typically 5 or more people in the building, comprised of employees, tenants and other guests.

- b. Type of vehicular traffic involved--auto only, truck deliveries, parent drop off/pick up, etc.

The building use does not create vehicular traffic other than the use of one parking space.

- c. Hours of operation.

Office hours are Monday-Friday 8:30 to 5pm. Occasional use on the weekends.

- d. Product produced.

No product is produced.

- e. Outdoor activities (storage, work, auto-stacking for drive-up windows).

No outdoor activities.

- f. Odors, noise, dust, or glare involved.

None

- g. Hazardous or volatile materials or chemicals involved.

None

- h. In multi-tenant buildings, a list of all other tenants, their square footage occupied, number of employees at maximum shift, and parking spaces available may be required.

N/A. Single user building.

- (2) Written statement setting forth any lease controls or management programs that will ensure that the use will not be detrimental to surrounding uses in the area or to the Town in general.

With respect to residential use, the building would function as a single-family dwelling. This use is in keeping with the neighborhood. With respect to office use, it would function as a traditional office, with extraordinary noise or parking.

- (3) If the use is to be established in a location previously occupied by a different use, briefly describe the last use which existed there.

The present use is office. Previous use was residential.

EXHIBIT NO. 4 P. 5045