



Town of Tiburon

STAFF REPORT

The new dwelling would be a two-story building, approximately 2,027 square feet in size. On the lower level of the building there would be three bedrooms, two bathrooms, and storage areas. The upper level would be comprised of a kitchen, dining area, living area, and bathroom. The project would also include the construction of a detached two-car garage in the rear yard, approximately 400 square feet in size.

The proposed dwelling exceeds the requirements for both lot coverage and floor area for the property. The building is also proposed to be located within the side yard setback. Therefore, the applicant is requesting variances for excess lot coverage, reduced side yard setback; in addition to a floor area exception.

ANALYSIS:

Design Issues

The proposed dwelling would be in roughly the same location as the existing structure. The proposed building would have a much more modern appearance, but would generally retain features of the cottage design that is prevalent in the area. The most prominent feature of the building would be the tower that would house a spiral staircase connecting the two levels. The tower would have a cylindrical shape with narrow windows running of the sides. The roof of the tower would have an octagonal shape, and a decorative spire would be placed on top.

The design of the main building would be fairly rectilinear, with hipped roofs throughout. Most of the living areas would be on the lower level, and the upper level would occupy only a portion of the building footprint. A covered porch would be constructed on the upper level, which would be accessed by the living room. Views from the porch would be in the southerly direction, across Mar West Street. Additional architectural interest would be created with various projections and bay windows on all sides of the building. A trellis would be built over the front entryway to the home.

The proposed garage would be located in the rear yard, and would be understated in size and design. The applicant would make use of the gentle slope of the property and recess the garage into the existing grade. The front and right side of the garage would be exposed, but the left side and the rear of the structure would be partially subterranean.

Other site improvements would include a new driveway along the left (west) property line. A flat lawn area in the rear yard would be created by constructing a retaining wall and leveling the existing grade. Various landscaping improvements would be introduced throughout the site.

The colors and materials of the proposed structure would be horizontal cedar siding on the main building and garage. The tower for the staircase would have stucco siding. The roof materials would be grey/green slate, and the windows would be wood clad. The colors on the windows, trim, and fascia would be sage green. The stucco color on the tower would be dark terracotta brown. A color and materials board will be available for review at the Design Review Board meeting.



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Potential View Issues

The proposed project would appear to impact the views from the properties at 1790 and 1770 Centro West Street. The most significant view blockage would occur from the main living areas of the lower dwelling unit at 1790 Centro West Street. The view of the Point Tiburon Lagoon would be partially blocked. Although there are views to the San Francisco Bay and the City of San Francisco from the lower unit of 1790 Centro West Street, the impact to the foreground view of the Point Tiburon Lagoon should be adequately considered by the Board.

Zoning

As previously mentioned, the proposed dwelling would not comply with the lot coverage, side yard setback, and floor area regulations of the R-2 zoning district. Additional information regarding this zoning criteria follows:

Excess Lot Coverage The existing lot coverage for the property is 22%. The maximum lot coverage for the property is 35%. The new dwelling and detached garage would have a combined lot coverage of 37.5%.

Reduced Side Yard Setback The existing home is approximately 3 feet from the property line on the right (east) side, which does not comply with the required 8 foot setback. There would be architectural projections further into the setback, but the non-conforming situation would be decreased by one foot.

Floor Area Exception The existing home is approximately 930 square feet in size. The proposed home is 2,027 square feet in size. Since the maximum allowable floor area for the property is 1,578, a floor area exception of 450 square feet is proposed.

Variance

In order to grant the requested variances, the Board must make the following findings as 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 requested variances stem from the same unusual site characteristics; the small lot size and narrow lot frontage as compared to other properties in the vicinity. Many of the homes along Mar West Street and Centro West Street are above the minimum lot size for the zoning district; 7,500. The subject parcel is 4,500 square feet. Most of the properties in the vicinity have a street frontage greater than 40 feet. The frontage of the subject parcel is 31 feet wide.

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- 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 Old Tiburon neighborhood is unique in that the roads are narrow and the properties are typically small. There are several homes in the immediate vicinity that have features located within the required front yard setbacks and side yard setbacks, simply for reasonable development and access to the properties. Therefore the variance would not be a special privilege inconsistent with properties in the vicinity.

- 3. The strict application of this Ordinance would result in practical difficulty or unnecessary hardship.**

The proposed main building is in generally the same location, and contributes the same amount of lot coverage, as the existing building. The detached garage adds the additional lot coverage that causes the project to exceed the lot coverage limits. Because the Board generally discourages new construction projects without covered garages it would be an unnecessary hardship to strictly apply the Ordinance in this case. In addition, if the Ordinance were strictly enforced, the building would have to be designed to be extremely narrow or unusually shaped to fit within the setbacks for the property.

- 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

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 applicant has suggested that the new dwelling would be consistent with the development of properties in the vicinity. The home would be relatively modest in size, and would retain much of the cottage characteristics exemplified by most of the buildings in the vicinity. The proposed home would also make use of the footprint of the existing structure on the site.

- 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.**

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The applicant has stated the proposed project would be compatible with the physical characteristics of the site because the building would be located close to the east property line. This configuration would provide adequate visual setback from the residence to the west. Also, the undeveloped portion of Raccoon Lane provides an adequate buffer and the appearance of a large setback on the east side of the existing and proposed residence.

Public Comment

Jerry and Irene Briske, 1790 Centro West Street, have submitted a letter which states that the proposed new dwelling would impact their view of the Point Tiburon Lagoon from one of the lower dwelling unit on their property. The Briskes request that the project not be approved as proposed.

RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07, 4.03.05, 4.02.08 (Guiding Principles, and Variance Findings, Floor Area Exception Findings) 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 that the design of the project is consistent with the Guiding Principles for Site Plan and Architectural Review, and all necessary findings can be made for the variances for reduced side yard setback and excess lot coverage, and the findings for the floor area exception can be made, then it is recommended that the project be approved with the attached Conditions of Approval.

EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials dated December 16, 2003.
3. Applicant's findings for the variance.
4. Letter from Jerry and Irene Briske dated January 27, 2004
5. Plans for the project

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EXHIBIT 1

CONDITIONS OF APPROVAL 1781 Mar West Street FILE #20336

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 and plans dated by the Town of Tiburon on January 20, 2004, 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. No lighting shall be installed in the wells of the skylight, and the skylight shall be tinted in a non-reflective manner.
7. Prior to under-floor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference points as appropriate, and elevations relative to sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.

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8. 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).
9. 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.
10. All requirements of the Town Engineer shall be met.