



Town of Tiburon

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ANALYSIS:

Design Issues

The applicant has revised the project in an attempt to address the concerns of the Board. The location of the proposed stairwell has been modified; the roof of the stairwell has been lowered, and the stairwell has been shifted to be more incorporated with the main building. In addition, the slope of the roof on the main building changed from 6:12 to 5:12, and the plate height of the upper story was reduced from 10' to 9'6". This effectively lowers the height of the main building by approximately 1'6".

The plan has also changed to incorporate a new exterior stairwell off the rear of the building. Underneath the stairwell would be a mechanical closet. The applicant has stated that the mechanical closet is needed to accommodate the loss of space due to the redesign of the tower.

Other site changes include pulling the driveway away from the property at 1771 Mar West Street by approximately one foot. This would provide room for six foot high redwood fence to be located along the property line along with screening vegetation. The same fence design and landscaping would be utilized along the east property line, adjacent to the unimproved portion of Raccoon Lane. Although the detail drawing on the fence shows that the combined height of the retaining wall and fence would be taller than six (6) feet high, staff has conditioned the project to ensure that the fence and wall heights will not exceed six (6) feet in height.

The revised project design appears to respond to most of the Boards concerns. Views across the site would be less impacted, the stairwell tower would be more subtle and more consistent with existing structures in the vicinity, and the design shows more consideration for the neighboring property at 1771 Mar west Street. However, the project would still require variances for excess lot coverage, reduced side yard setback, and a floor area exception.

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 maximum lot coverage for the property is 35%. The previous application had a lot coverage of 36.8%. The lot coverage of the revised project would increase slightly to 37.9%.

Reduced Side Yard Setback The required side yard setback is eight (8) feet for the property. The proposed right side yard setback for the previous project and the revised project is four (4) feet.

Floor Area Exception The maximum allowable floor area for the property is 1,578 square feet. The original application called for a floor area exception of 450 square feet, which has been reduced slightly with the revised design to 445 square feet.



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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.

- 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:

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- 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.**

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

To date, no additional public comment has been received.

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. Design Review Board staff report dated February 5, 2004
3. Minutes from the February 5, 2004 Board meeting
4. 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 height of the proposed fence combined with the heights of the retaining wall along the driveway and the retaining wall adjacent to the unimproved section of Raccoon Lane, shall not exceed six (6) feet.
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. No lighting shall be installed in the wells of the skylight, and the skylight shall be tinted in a non-reflective manner.
8. Prior to under-floor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building 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

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slabs. No inspections will be provided until the survey results have been verified.

9. The project shall comply with the following requirements of the Tiburon Fire Protection District:
 - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-D. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (UFC 1003).
 - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 310).
10. The following requirements of the Marin Municipal Water District shall be met:
 - a. A copy of the building permit shall be submitted.
 - b. Appropriate fees shall be paid.
 - c. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
11. All requirements of the Town Engineer shall be met.