



Town of Tiburon

STAFF REPORT

A 5 foot tall block wall is proposed along the front property line. A 5 to 5.5 foot tall solid wood fence and/or stucco wall would be constructed around the entire side and rear property lines. A swimming pool and spa are proposed to be constructed in the rear yard.

The lot coverage of the proposed house would be 2,899 square feet (24.9%), which is less than the 30.0% maximum lot coverage permitted in the R-1 zone. The proposed house would have a floor area of 3,599 square feet, which is 434 square feet greater than the floor area ratio for a lot of this size. Therefore a floor area exception is requested.

Two color and materials boards have been submitted, and will be available at the meeting for review by the Design Review Board. The submitted plans and the first color palette proposed to use olive green colored shingle siding with beige and dark green trim for the building exterior; the second palette would use yellow colored stucco siding. Both color palettes would use green-grey slate roofing.

ANALYSIS

Design Issues

The subject property is a relatively flat lot situated toward the end of Greenwood Beach Road. The rear of the property faces publicly owned land that is adjacent to the Blackie's pasture area. The Tiburon Boulevard right-of-way is situated across the street from the site.

The only homes that could potentially be affected by the proposed house are the existing residences on either side of the property at 444 and 458 Greenwood Beach Road. The location of the proposed dwelling would not interfere with the water views to the south currently enjoyed by each of these residences. The house to the east (left) at 458 Greenwood Beach Road is currently screened by a number of mature trees and other vegetation. The proposed house would be similar in visual size and scale to this adjacent residence, and the owners of that property have submitted a letter indicating their support for the subject application.

The adjacent home at 444 Greenwood Beach Road to the west (right) is currently screened by an existing hedge along the side property line and one tree. The owners of this neighboring property have raised concerns over the visible mass and bulk of the proposed house and potential privacy impacts, but have indicated that fencing and landscaping solutions are likely available that would mitigate these concerns. The proposed plans indicate that the existing hedge would remain, but do not include any additional tree planting to occur between the proposed house and the side property line.

This adjacent neighbor had previously raised concerns regarding the potential privacy impacts from a second level deck extending off the proposed master bedroom. Although the adjoining rear yard would become more visible from this deck, the orientation of the deck to the panoramic views to the rear, combined with the 28 foot setback between the edge of the deck and side property line, would appear to diminish these potential privacy concerns.



Town of Tiburon

STAFF REPORT

The sloping and variegated rooflines of the proposed house would effectively break up the visual mass and bulk of the proposed house. The rearward sloping roof would reduce the visual mass of the house close to the street. The changes in rooflines and building planes along the western side of the proposed house would insure that the adjacent property would not face a monolithic wall with unbroken massing. The Design Review Board should evaluate this design to determine if additional landscaping is necessary to address the concerns raised by the neighboring property owner.

A letter has been received from the owners of the property at 3 Reed Ranch Road stating that the proposed house would visually impact their view of the coastline and water. It appears that the story poles for the proposed house intrude slightly into the lower portion of the views of Richardson Bay from this nearby house uphill from the site. The Design Review Board is encouraged to visit this residence and evaluate any potential view impacts that could be caused by the proposed dwelling.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 zone with the exception of the previously noted variance for reduced front yard setback and the requested floor area exception.

Variance

In order to grant the requested variance, the Board must make all of the following findings 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.***

Most of the homes along Greenwood Beach Road have been developed close to the street, in many cases due to the sloping topography of these lots and their locations adjacent to Richardson Bay. Due to this development pattern, the strict application of the required front yard setback would deprive the applicant of privileges enjoyed by other properties in the vicinity.

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.***

As noted above, numerous other properties along Greenwood Beach Road have received variances for reduced front yard setbacks, particularly for the placement of garages closer to the street.

Town of Tiburon

STAFF REPORT



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

The existing house on this site was developed with a portion of the garage within the required front yard setback. Moving the garage further back on the site could push a new house into the side views of the neighboring residences. Further, the increased front yard setback would not serve the purpose of providing better visual separation for nearby homes, as there are no dwellings across the street from the site. Such a setback would, if anything, create an unwanted visual distinction from other homes in the vicinity that are generally situated closer to the street. Therefore, the strict application of the required front yard setback would result in an unnecessary hardship for the applicant.

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

As noted above, the design of the proposed house would not appear to result in unwanted view impacts or significant visual impacts on neighboring properties.

Floor Area Exception

Section 4.02.08 of the Tiburon Zoning Code states that the Design Review Board may grant exceptions to the required floor area ratio requirements if it makes the following two findings:

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; and
2. The applicant has demonstrated that the proposed structure is compatible with the physical layout 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.

Although the floor area of the proposed house would be greater than most other properties along Greenwood Beach Road, the visual size and scale of the structure would be similar to that of most other homes in the vicinity. Other dwellings along this street have been sited very close to the roadway, with greater visual massing noticeable from the front.

Although the topography of the subject property is relatively flat, the proposed house design would be generally compatible with the physical layout of the site. The sloping and variegated rooflines do not contrast with the level terrain in a manner that a more vertical house design would.

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



Town of Tiburon

STAFF REPORT

Public Comment

As noted above, letters have been received regarding the subject application from the property owners of 444 and 458 Greenwood Beach Road. A letter of support has also been received from the owners of the property located at 4 Greenwood Court. The applicant has indicated that meetings have been held with neighboring property owners to discuss the design of the proposed house. As noted above, a letter has been received from the owners of 3 Reed Ranch Road stating that the proposed house would impact certain water views from this nearby residence.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (Guiding Principles) 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 wishes to approve the project, Staff would recommend that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Letter from Sidsel Moller and Bruce Abbott, dated June 14, 2004
4. Letter from Robert and Wendy Walley, dated July 1, 2004
5. Letter from Greg Moore and Nancy Peterson, dated July 4, 2004
6. Letter from Donna and Andy Turnauer, dated July 19, 2004
7. Submitted plans

Town of Tiburon

STAFF REPORT



CONDITIONS OF APPROVAL

448 GREENWOOD BEACH ROAD

FILE #20423

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 May 27, 2004, or as amended by these conditions of approval. Any modifications to the plans of July 6, 2004, 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. 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 and no lights shall be placed in the wells.
6. All exterior lighting fixtures must be down light type fixtures.
7. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
8. Prior to underfloor 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.

Town of Tiburon

STAFF REPORT



9. The project shall comply with all requirements of the Southern Marin Fire Protection District.
10. The following requirements of the Marin Municipal Water District shall be met:
 - a. A High Water Pressure Water Service application shall be completed.
 - b. A copy of the building permit shall be submitted.
 - c. Appropriate fees shall be paid.
 - d. The structure's foundation shall be completed within 120 days of the date of application.
 - e. 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. An encroachment permit shall be obtained from the Public Works Department for all construction work to be conducted within the Town right-of-way.