



Town of Tiburon

STAFF REPORT

The façade of the home would contain smooth finish stucco with a slate tile roof and wrought iron decorative railings. The stucco would be painted cream/tan, and the trim would be painted eggshell white. A color and material palette will be available for review at the Board meeting.

The gross floor area of the residence would be 3,274 square feet which complies with the floor area limit of 3,278 square feet. The lot coverage on the property would increase by 1,418 square feet to a total of 3,550 square feet, which is less than the 35.0% maximum lot coverage permitted in the R-2 zoning district.

The proposed living room would encroach two feet into the side yard setback on the east side. Therefore a variance for reduced side yard setback is requested (6 feet in lieu of the minimum 8 feet).

ANALYSIS:

Zoning

Besides the above mentioned variance for reduced side yard setback, the project appears to be in conformance with the remaining development regulations of the R-2 zoning district.

Design issues

In response to neighbor requests, the applicant has proposed modifications to the proposed project. The applicant would remove the trees behind the proposed garage at the East property line. The applicant would also remove the small trees at the South property line to reduce the shadows cast on 2145 Paradise Drive. The trash area would be relocated to minimize noise impact for residents at 2122 Centro East Street. The applicant had initially submitted a request for a variance for excess height of five feet but withdrew this request in response to the concerns of the residents at 2111 Centro East Street. The applicant also reduced the mass of the upper level and the maximum building height to less than 30 feet per staff recommendation.

Large windows and doors would be located on all three levels of the south side of the structure to capture views of Raccoon Straits and Angel Island. The decks would all be oriented southward with most rooms in the residence having access to the various decks. The west elevation where the reduced setback is requested would not have windows in order to maximize privacy for the adjacent property owner on that side.

The homes above the subject property along Centro East Street have views above the existing house toward Raccoon Straits and Angel Island. Although the property is located on the downhill side of Centro East Street and the structure would be stepped into the slope, the proposed height could cause adverse view impacts for uphill properties. The mass of the proposed structure would be pulled toward Centro East Street, reducing the view impacts of the adjacent neighbors on either side, but increasing the impact to uphill neighbors, partially blocking primary water views. The ridge of the proposed structure would be higher than most nearby residences, and reducing the ridge height several feet may help alleviate some view impact concerns.



Town of Tiburon

STAFF REPORT

Despite the elevated ridgeline, the design of the proposed structure contains significant detail that would reduce the visual mass of the building. The shutters, window trim, and railings would contribute to reducing the aesthetic impact of the structure to surrounding neighbors.

The Design Review Board is encouraged to visit the houses across Centro East Street from the site to more thoroughly evaluate the potential view or visual impacts of the proposed house.

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 existing foundation and walls currently extend into the required side yard, and legally non-conforming side yard setbacks are not uncharacteristic of the area. These physical conditions create special circumstances that would deprive the owners of the property of development 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.**

Numerous other properties in the vicinity have received variances for reduced front and/or side yard setbacks, including the homes at 2090, 2195, and 2201 (File #297024, 200013 & 20320) and the adjacent residence to the west at 2100 Centro East Street (File #297025). Therefore, the granting of this variance would be consistent with the limitations upon other properties in the vicinity and in the same or similar zones.

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

The strict interpretation of the side yard setback would force the demolition of an existing rock faced retaining wall, existing drainage course, and concrete steps, placing an unnecessary hardship on the property owners.

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

The proposed new single-family home would not extend further into the side yard setback than the existing two-family residence. The upper level setback encroachment would only consist of an outdoor deck and would not appear to create any significant view impacts on neighboring homes.

Town of Tiburon

STAFF REPORT



From the information provided, Staff believes that there is sufficient evidence to support the findings for the requested variance.

Public Comment

To this date, one letter has been received from the residents at 2111 Centro East concerning the height and mass of the subject project.

RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07, and 4.03.05 (Guiding Principles for Design Review, and findings for a variance) 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 the findings for variance for reduced side yard setback 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 August 3, 2004
3. Letter from Tom Moody and Lucy Carrico, received September 9, 2004
4. Applicant's findings for the variance
5. Plans for the project

Town of Tiburon

STAFF REPORT



EXHIBIT 1

CONDITIONS OF APPROVAL 2120 Centro East Street FILE #20427

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 dated by the Town of Tiburon on June 25, 2004 and the plans dated September 8, 2004, or as amended by these conditions of approval. Any modifications to the plans dated September 8, 2004 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 skylights, and the skylights shall be tinted in a non-reflective manner.
7. 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).

Town of Tiburon

STAFF REPORT



- b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 310).
 - c. Approved spark arresters shall be installed on chimneys (UFC 1109).
 - d. A greenbelt shall be provided by cutting and clearing all combustible vegetation within 30 feet of the structure (UFC 1103).
8. 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.
9. All requirements of the Town Engineer shall be met.