



Town of Tiburon

STAFF REPORT

deck has been reduced in size on the southern side. The upper level where the master suite was proposed has been converted to an attic level where access to the upper level deck is provided.

As designed, the attic space would not be considered floor area due to the 6'6" ceiling height, but there is sufficient space for the ceiling to be easily elevated, which would add considerable floor area to the structure. The upper level deck with outdoor fireplace and the lower attic would be accessed through the upper level attic area, and this unusually large attic level would contribute significantly to the mass of the building.

The lower level plan has been altered so that an additional bedroom is proposed to extend out towards the rear of the property on the southern end, and the previously proposed outdoor kitchen has been enclosed as a second kitchen area. The lower level would now consist of three bedrooms, two bathrooms, a kitchen area, and storage space.

This redesign does not substantially address the massing issue previously raised by the Board. The floor area has been slightly increased from 3,274 square feet to 3,278 square feet, which is exactly the allowable floor area for a property of this size. However, the attic level would contribute over 1,000 square feet of floor area if converted to livable space, putting the project well over the floor area limit. With the interior alterations, the width of the structure has not changed, and relocating the upper level master bedroom to the lower level has extended a corner of the lower level towards the rear of the property, while reducing the overall height of the structure.

As the previous plans indicated, the proposed living room would still encroach two feet into the required side yard setback. Therefore, the request for a variance for reduced side yard setback is still requested.

The revised project design appears to have addressed the height issue, but has not addressed the mass and bulk issue of the Hillside Design Guidelines. The following portions of the Tiburon Hillside Design Guidelines should be used to evaluate the potential view impacts of the house in its current design for the home at 2120 Centro East Street:

- Goal 1, Principle 1 of the Hillside Design Guidelines encourages the “cutting of buildings into the hillside to reduce effective visual bulk...wasted space in roof is not encouraged.” Although the currently proposed house steps down with the slope of the property, the attic level is unnecessary roof space that contributes avoidable mass and bulk to the front of the structure.
- Goal 1, Principle 2 of the Guidelines states that the “visual bulk should be reduced by “terracing the building using the slope, and roofs of lower levels should be used for the deck and open spaces of upper levels.” The current design does not utilize lower levels for decks. The upper level deck could be a roof deck while eliminating all or a substantial portion of the upper attic level.

Variance



Town of Tiburon

STAFF REPORT

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.

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



Town of Tiburon

STAFF REPORT

Zoning

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

Public Comment

To date, no additional public comment has been received since the previous hearing on this application.

RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07, and 4.03.05(Guiding Principles and Variance 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 agrees with the conclusions of Staff, the application should again be continued and the applicant directed to substantially reduce the mass and bulk of the proposed house. 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. Design Review Board staff report dated September 16, 2004
3. Minutes from the September 16, 2004 Board meeting
4. 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).
 - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 310).

Town of Tiburon

STAFF REPORT



- 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.