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dining room, kitchen (indoor and outdoor), library, master suite, and a wood deck off the rear side of the residence. The upper level would include the garage and one bedroom and bathroom with a large wood deck off of the bedroom. The landscaping plan for the project includes provisions for maintaining the trees on the property while increasing the usable lawn and garden space. In order to mitigate the privacy impacts of the proposed residence on the property located at 35 Spring Lane, the shrubs and trees on the left side of the residence would be maintained to provide screening.

The gross floor area of the proposed home is 4,896 square feet, which exceeds the floor area limit for the property by 205 square feet (4.4%), so a Floor Area Exception is required. The proposed lot coverage of the project is 12.4%, which is below the 15% maximum for the R0-2 zoning district.

The proposed garage would encroach 23'7" into the required front yard and 3'6" into the required side yard. The proposed northeast corner of the residence would encroach 2'3" into the left side yard. Therefore Variances for reduced front and side yard setbacks are requested (6'11" in lieu of the front yard minimum of 30' and 11'4" in lieu of the side yard minimum of 15').

The proposed residence would feature a standing seam deep red metal roof and would use vertical cedar planks painted gray for siding. A color and materials board will be available for review at the Board meeting.

ANALYSIS:

Zoning

Besides the requested variance for reduced rear yard setback, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district

Design issues

The subject property is surrounded by single-family homes which are generally designed to take advantage of the views to the south and east. The proposed home would be stepped into the hillside with the garage and entry on the upper level and the majority of living space below on the two lower levels. The front elevation would have painted wood garage doors, numerous windows and glass doors, and varying roof lines. The side elevations would be articulated with various architectural details to add visual interest to the large structure. A new stone patio would be installed in the front and rear yards, and a new lawn area and planting beds would be installed in the rear yard beyond the proposed patio.

The mass and bulk of the building appears to be appropriate for the neighborhood since the majority of the homes in the neighborhood are two and three-story buildings. There is a variety in home designs for residences in the neighborhood, and this project does not appear to be out of conformance with the neighborhood character; however the proposed red color of the roof does not seem to be compatible with the surrounding neighborhood.



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Although the proposed structure would be visible from the adjacent neighbors and the residences across Spring Lane as well as the residences below the property along Round Hill Road, it does not appear that it would interfere with views from these homes.

The following portions of the Tiburon Hillside Design Guidelines should be used to evaluate the house in its current design for the home at 45 Spring Lane:

- Goal 1, Principle 1 of the Hillside Design Guidelines encourages the “cutting of buildings into the hillside to reduce effective visual bulk.” Although somewhat cut into the hillside, the upper level of the structure is elevated above the entry level , so the structure steps up before stepping down the hillside. The Board may want to consider whether the structure is sufficiently terraced for a hillside residence.
- Goal 1, Principle 2 of the Guidelines states that the “visual bulk should be reduced by “using the roofs of lower levels for the deck and open spaces of upper levels.” The current design does utilize lower levels for decks. The upper level deck is the roof of the entry level, but there is a large cantilevered deck off of the lower level.
- Goal 1, Principle 3 of the Guidelines states that “large expanses of any material in a single plane on downhill elevations should be avoided.” The downhill elevation of the proposed structure is broken up by the split levels and decks, and the architectural details (clerestory windows, various roof lines, windows) contribute to reducing the visual bulk as well.

Variances

- 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 surveyed front property line is set back 10' to 30' from the roadway, making compliance with the front yard setback unusually difficult. The visual setback from the street would appear similar to surrounding residences. A steep drop off also exists at the rear of the property, causing the need to locate the residence closer to the front of the property. These 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 RO-2 zoning district have received variances for reduced front and/or side yard setbacks. Therefore, the granting of this variance would

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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 front and side yard setbacks would require relocating the garage away from where the location of the existing carport and relocating the corner of the existing foundation which encroached into the setback, 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.

Due to the location of the property line away from the roadway, the proposed new single-family home would be located a sufficient distance from the street, eliminating any driveway safety issues. The upper level setback encroachment would only be at a corner of the structure and would not appear to create any significant view impacts on neighboring homes.

Floor Area Exception

As previously mentioned, the proposed dwelling would also not comply with the floor area regulations for a lot of this size. 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 excess floor area would not make the proposed residence out of scale with the surrounding neighborhood. Many homes in the area are large hillside residences that exceed the floor area regulations. The visual size and scale of the proposed residence would therefore be compatible with the neighborhood.

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 near the top of the slope. The topography of the lot would reduce the visual impact of the large structure on the property.



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

Public Comment

To date, no letters have been received regarding the subject application

RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07, 4.02.08, and 4.03.05 (Guiding Principles, Floor Area Ratio Guidelines, 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 Staff's conclusions, Staff would recommend that the attached conditions of approval be applied.

EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials dated November 19, 2004
3. Plans for the project

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EXHIBIT 1

CONDITIONS OF APPROVAL 45 SPRING LANE FILE #20442

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 November 19, 2004 and plans dated January 20, 2005 by the Town of Tiburon, 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. The roof overhang on the lower level on the west side of the building shall not encroach into the side yard setback by more than three (3) feet.
7. The location of the story poles must be certified by a licensed surveyor. Any changes in the story poles must be approved by the Design Review Board, prior to the issuance of a building permit.
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

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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.

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).
 - c. Approved spark arresters shall be installed on chimneys (UFC 1109).
 - d. A "green-belt" shall be provided by cutting and clearing all combustible vegetation within 30 feet of the structure.
 - e. The access gate shall have a minimum unobstructed width of 12'. Gates shall be operable using the Fire District's "Knox" key system.

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.