





# Town of Tiburon

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The proposed house would cover 1,706 square feet (22.5%) of the site, which is less than the 35.0% maximum lot coverage permitted in the R-2 zone. The floor area of the proposed house would be 2,645 square feet, which is less than the maximum floor area permitted for a lot of this size.

The proposed house would extend to within 15 feet of the rear property line. As a 25 foot rear yard setback is required in the R-2 zone, a variance is requested for reduced rear yard setback.

A retaining wall with a safety railing on top would be constructed within the required rear yard setback to create the parking pad above the house. The wall would have a maximum height of 7 feet, 3 inches, with a 42 inch tall safety railing on top, resulting in a combined maximum height of 10 feet, 6 inches. As the maximum wall or fence height within the required setbacks is 6 feet, a variance is also requested for wall and fence height.

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The structure would be finished with medium yellow-gold colored stucco siding, with beige trim. Light brown clay tile roofing is proposed for the house.

### ANALYSIS

#### Design Issues

The subject property is currently vacant, and slopes down toward Mar West Street. Access to the site is provided by a common driveway shared with several other surrounding homes. The driveway and its access easement extend along the bottom and southern side of the lot.

There has been some confusion over the address for the subject property. The Marin County Assessor's records indicate that the address of this lot is 1915 Mar West Street and that the adjacent residence to the east has an address of 1917 Mar West Street. However, the adjacent residence has actually had an address of 1915 Mar West Street for many years. As a result, the address for the subject property will be 1911 Mar West Street.

As the subject property is an infill site surrounded by other homes, a future home on this site would have the potential to impact a number of nearby residences. The relationship of this property and the proposed house to the nearby homes is summarized as follows:

- The adjacent duplex to the north at 1905 Mar West Street consists of one upper and one lower residence. The living room of the upper unit has views across the site of San Francisco, Golden Gate Bridge, and Angel Island. The living room and kitchen of the lower residence have limited views of Angel Island and San Francisco across the lowest portion of the subject site which are currently obstructed by vegetation in need of trimming. The proposed house location would not appear to interfere with any of these views. If the house were to be moved down the site without substantial excavation, these views could be impacted. However, a low profile garage dug in to the lower portion of the site might avoid such impacts.



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- The adjacent single-family home at 1915 Mar West Street sits at an elevation directly above the subject property. The owner of this residence at one time owned the subject lot. The proposed house would not result in any significant view impacts on this neighboring home, as the new house would be well below the existing view line of this residence.

According to a survey submitted by the applicant, the upper floor decks of this existing home extend across the property line. Landscaping that this neighbor has maintained over the years also appears to extend across the property line. The retaining wall for the parking pad to the rear of the proposed house would extend to within two feet of the shared property line with this neighbor. The wall and parking pad would involve the removal of much landscaping that extends across the property line and would come close to the driveway serving this adjacent home. The northeast corner of the parking pad would be situated almost directly beneath one of the upper floor decks of this neighboring home.

- The nearby single-family home at 110 Las Lomas Lane has views across the site from the main living area of the house. The location of the proposed house on the upper portion of the site would appear to leave these views intact.
- Other homes that use this driveway (1919 & 1921 Mar West Street) would see the house as they drive by. The retaining walls above the house would be mostly visible from the subject dwelling itself, and somewhat visible from people driving up the driveway.

Although the proposed house would be somewhat dug into the upper portion of the lot, the building design is generally vertical, with both stories stacked directly on top of each other. This would be inconsistent with Goal 1, Principle 2 of the Hillside Design Guidelines to “terrace [a] building, using the slope,” and Goal 1, Principle 4 to “follow hillside contours and slope with building forms, particularly roof forms, to increase the integration of dwelling and site.” However, it should be noted that several other homes in the vicinity have a similar architectural style, including some the Victorian railroad homes built in this area.

The provided parking for this project appears to be awkwardly designed. The two garage spaces and additional open parking space would be at three separate levels; as a result, there would be three driveways side-by-side leading from the existing shared driveway to these spaces, with elevation changes between each of the connecting driveways. These different levels could easily result in vehicles driving off one driveway over a small retaining wall onto a lower driveway. The connecting driveway to the lower garage space is also relatively short, with a minimum distance of 12 feet to the shared driveway; this could result in awkward turning movements for vehicles backing out of the garage.

The upper parking pad would essentially create a hole almost directly beneath the adjacent home at 1915 Mar West Street. As previously noted, the far end of the parking pad would be dug within inches horizontally of the edge of the upper deck above. Although this wall would be mostly visible from the subject property, the parking pad would create a tunnel-like visual effect



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between the house and the wall. The applicant has indicated that the property owner is elderly and wishes to have parking as directly adjacent to the house as possible. However, the parking pad necessitates the creation of large retaining walls only 2 feet from the property line, and seems to be a poor use of much of the required rear yard setback for this property. Further, the proposed house design includes an elevator, which could also be incorporated into a revised house and parking design that better relates to the physical contours of the site.

The proposed terrace for a swimming pool below the house would require retaining walls ranging in height from 4.5 feet to 5.5 feet on the lower end, with a 42 inch tall clear windscreen on top of the wall. The mass of these retaining walls would be highly visible from below the site, particularly to neighbors using the shared driveway, and would be inconsistent with the direction of Goal 1, Principle 7 and Goal 2, Principle 8 of the Hillside Guidelines to avoid large retaining walls visible from below. This proposal also does not appear to be an appropriate design, but, combined with the parking pad design, instead represents placement of structures on the site without regard for the natural contours of the site. A more efficient use of the property for private recreational purposes is encouraged.

A house design that is more spread out and stepped on the site, with a garage accessed from the lower portion of the property, would address the issues of the vertical house design, awkward parking arrangement and inappropriate location of recreational space. The Design Review Board is encouraged to view the story poles from the surrounding homes to evaluate the potential view impacts of the proposed house in its current location, and the potential that such a redesigned house would substantially interfere with these views.

The light colored stucco exterior of the proposed house would be more visually noticeable from other properties than a building with wood or shingle siding, or one with darker colors, which would better blend into the surrounding hillsides. Although the location of the proposed house would not be as prominent from homes below as several of the other adjacent lots, this dwelling would still be visible from other uphill and downhill sites. The Design Review Board should consider whether the proposed exterior color and material scheme is appropriate for a house at this location.

A pyramidal skylight is proposed at the peak of the roof. Due to the location of the proposed house such a short horizontal distance from the home above the site at 1915 Mar West Street, the skylight has the potential to shine nighttime light directly up toward the exterior decks of the adjacent residence. The shape of the skylight could also result in light being visible from several other homes with views across the site, potentially interfering with nighttime views toward San Francisco.

### **Zoning**

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-2 zone with the exception of the previously noted variances for reduced rear yard setback and excess wall and fence height.



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### 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.***

The subject property has an unusual pie-shaped configuration situated in the midst of other unusually-shaped lots. The lot also slopes sharply downhill from the home above, and is constrained by the driveway easement on two sides. These physical characteristics are therefore special circumstances that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity if the subject variance is not granted.

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 same or similar zones with similar slope characteristics have been granted setbacks for reduced setbacks and overheight walls in order to accommodate the most appropriate house design on the property.

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

The strict application of the required rear yard setback could result in a house design that would result in unwanted view impacts for several nearby homes that currently have views to the south across the site. However, a stepped house design that is dug more into the site may be possible without such view impacts. The applicant has not definitively demonstrated that such a design in compliance with the required rear yard setback would result in practical difficulty or unnecessary hardship.

Similarly, a garage and additional parking designed closer to the lower portion of the site would eliminate the need for an overheight wall and fence. The applicant has indicated that this configuration is necessary to place the parking spaces closer to the level of the living spaces of the house; however, the proposed house design includes an elevator, which could also be incorporated into a revised garage and parking design without resulting in practical difficulty or unnecessary hardship on the applicant.

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



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The location of the house within the required rear yard setback would place the structure in a location where view impacts on nearby homes would be avoided. However, the location of the structure within the required rear yard setback would place this dwelling within a very short horizontal distance of the home above the site at 1915 Mar West Street. This location could result in unwanted impacts from the proposed pyramidal skylight, and create unwanted visual mass and bulk almost directly below this adjacent home.

Similarly, the location of the overheight wall and fence within two feet of the rear property line would create a tunnel-like effect directly below the neighboring house. The mass of the wall would not be directly visible from other nearby residences, but would be visible by these neighbors when traveling up the adjacent shared driveway.

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

### **Public Comment**

One letter has been received regarding this project from the owners of the adjacent homes at 1905 Mar West Street and 110 Las Lomas Lane, written prior to the submittal of the subject application. One other letter has been received from the owner of the nearby property at Las Lomas Lane. Staff has received verbal comments from several neighboring property owners raising concerns about potential view and visual impacts of the house and associated structures, and parking and circulation concerns about the proposed driveway and parking arrangement.

### **RECOMMENDATION**

The Board should review this project with respect to Zoning Ordinance Section 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 concurs with the conclusions of Staff, the applicant should be directed to modify the proposed house design to address the issues noted above. If the Board finds the design to be acceptable and in conformance with the Town's Design Guidelines, and can articulate the findings required to be made to approve the requested variances, Staff recommends that the attached conditions of approval be applied.

### **ATTACHMENTS:**

1. Conditions of approval
2. Application and supplemental materials
3. Goal 1, Principles 2, 4 & 7 and Goal 2, Principle 8 of the Hillside Design Guidelines
4. Letter from Ned Lawrence, Dianna Springer, Richard Morris and Gail Miller, dated January 15, 2005

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5. Letter from Tiburon Fire Protection District, dated June 3, 2005
6. Letter from Susan and William Lukens, dated June 6, 2005
7. Submitted plans

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### CONDITIONS OF APPROVAL

#### 1915 MAR WEST STREET

#### FILE #20509

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 April 5, 2005, or as amended by these conditions of approval. Any modifications to the plans of May 19, 2005, 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 other than those approved by the Design Review Board must be down light type fixtures.
7. Prior to the issuance of building permits, the applicant shall submit verification from a licensed landscape architect that the proposed landscape plan conforms to M.M.W.D. landscape regulations, as required by Town Council Ordinance.
8. 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.
9. 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

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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.

10. 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 1210).
  - c. Approved spark arresters shall be installed on chimneys (UFC 1101).
  - d. A greenbelt shall be provided by cutting and clearing all combustible vegetation within 30 feet of the structure (UFC 1103).
  - e. A "Jones" model 3740 fire hydrant shall be located on the street within 350 feet of the project along the fire apparatus access route. The final location of the hydrant shall be approved by the Fire District. The fire hydrant shall be capable of flowing a minimum of 1,000 gallons per minute at 20 psi residual pressure for a duration of two hours (UFC 903).
  - f. The access road shown on the improvement plans is not of adequate width to allow for any parking outside of the designated parking spaces. If this is to be a public road then appropriate signs shall be installed to indicate the parking restrictions. If this is to remain a private access then enforceable CC&R's or deed restrictions shall be placed to maintain the area free for emergency vehicle access at all times.
  
11. 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.

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12. The applicants shall obtain a sewer permit from the Sanitary District No. 5 and pay all applicable fees prior to construction of a side sewer and connection to the sewer main. After connection to the sewer main but prior to commencement of discharge and prior to covering of the pipe, the District shall be contacted and allowed to inspect the connection for conformance to standards.
13. All requirements of the Town Engineer shall be met.
14. A tree protection plan shall be filed with the Planning Division prior to issuance of a building permit for this project. The plan shall indicate any trees that are to be removed on the site, and include detailed measures to protect remaining trees on the site during and after construction.