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have been erected at the location of the required front yard setback toward the bottom of the property.

As the location and overall design of the proposed house remains unchanged, the potential view impacts on neighboring homes would be the same as described in the previous Staff report or reported by neighbors at the last Board meeting. These impacts are summarized as follows:

- The proposed house would not affect the existing views from the adjacent duplex to the north at 1905 Mar West Street across the site of San Francisco, Golden Gate Bridge, and Angel Island.
- The proposed house would still sit almost directly below the adjacent single-family home at 1915 Mar West Street, but 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.
- The proposed house would intrude into the views toward San Francisco Bay and Sausalito, and possibly the Golden Gate Bridge, from the main living areas and deck of the nearby single-family home at 110 Las Lomas Lane.

If the proposed house was sited further downhill in line with the additional story poles, the house would intrude into views from an upper patio area for the homes at 1905 Mar West Street and would increase the separation from the home at 1915 Mar West Street. This lower location would block more of the views from the home at 110 Las Lomas Lane.

The revised plans are not responsive to the direction given by the Design Review Board to step the house into the hillside and possibly reduce the overall size of the building. The revised story poles indicate only what would occur if the exact same house design was simply relocated further down the site. No efforts have been made by the applicant to actually change the design of the house to address the issues raised at the previous Board meeting.

However, the story poles erected to indicate the location of the front yard setback for the property give an indication of how a possible new house could be designed on the lot to address some of these concerns. An evaluation of these lower story poles indicated that a predominantly one-story house could be dug into the site, extending down toward the front yard setback. Such a design would be below the view lines for the house at 110 Las Lomas Lane, and would increase the visual separation for the house at 1915 Mar West Street. This house location would, however, begin to impinge on the views from the homes at 1905 Mar West Street; this house design would affect water views from the rear patios and terraces on this lot, as well as the dining room and a portion of the living room views from the upper dwelling unit, but would leave other views from this duplex intact. This revised design could also include moving the proposed swimming pool to the rear of the site, rather than occupying the more prominent position in front of the house.

Other previously noted issues with the house design include the potential for the proposed stucco exterior to be more visually noticeable from other properties than a building with wood or



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shingle siding, and the proposal for a pyramidal skylight at the peak of the roof that has the potential to shine nighttime light directly up toward the exterior decks of the adjacent residence at 1915 Mar West Street. The Design Review Board should consider whether the proposed exterior color and material scheme and rooftop skylight would be appropriate for a house at this location.

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 variance for reduced rear yard setback.

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 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.

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

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.

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

Public Comment

Since the June 16 meeting, letters have been received regarding this project from the owners of the adjacent homes at 1905 Mar West Street and 110 Las Lomas Lane, raising issues regarding the potential view impacts of the proposed house design.

CONCLUSION

As previously noted, the design of the proposed house is generally vertical, and 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.” Although the proposed swimming pool terrace has been lowered, its design still indicates retaining walls ranging in height from 4.5 feet to 5.5 feet on the lower end which 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 instead represents placement of structures and private recreational areas on the site without regard for the natural contours of the site. A house design that is more spread out and stepped on the site, would address the issues of the vertical house design and inappropriate location of recreational space.

The Design Review Board normally does not attempt to redesign projects, instead providing general direction and identifying concerns, leaving the applicant with the responsibility to redesign the project. However, as the applicant has not complied with the previous, unanimous direction of the Board to redesign the proposed house, the Board may wish to give more specific direction to the applicant regarding necessary changes to the project design. If the applicant is unwilling to make such changes, the Board may wish to consider directing Staff to prepare a resolution denying the application. The Board is strongly encouraged to visit the nearby homes at 1905 and 1915 Mar West Street and 110 Las Lomas Lane to evaluate the story poles for the proposed design and other possible design alternatives.

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RECOMMENDATION

1. 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.
2. If the Board concurs with the conclusions of Staff, the Board should either:
 - A. Direct the applicant to modify the proposed house design to address the issues noted above, or
 - B. Direct Staff to prepare a resolution denying the application for adoption at the next meeting.
3. If the Board finds the design to be acceptable and in conformance with the Town's Design Guidelines, the Board should:
 - A. Articulate the findings required to be made to approve the requested variance, and
 - B. Apply the attached conditions of approval.

ATTACHMENTS:

1. Conditions of approval
2. Design Review Board Staff report dated June 16, 2005
3. Minutes of the June 16, 2005 Design Review Board meeting
4. Goal 1, Principles 2, 4 & 7 and Goal 2, Principle 8 of the Hillside Design Guidelines
5. Letter from Richard Morris and Gail Miller, dated June 22, 2005
6. Letter from Ned and Dianna Lawrence, dated July 11, 2005
7. Submitted plans

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CONDITIONS OF APPROVAL

1911 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 July 25, 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.