





# Town of Tiburon

## STAFF REPORT

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The façade of the home would contain earth tones consisting of dark beige cement plaster and cast stone with hardwood veneer and metal trim details. A color and material palette will be available for review at the Board meeting.

The proposed lot coverage would be 2,750 square feet (33.0%), which is below the 35.0% maximum permitted lot coverage in the R-2 zoning district. The gross floor area of the residence would be 3,118 square feet, which would exceed the floor area limit of 2,833 square feet by 285 square feet; therefore a floor area exception is required.

Although the proposed house would be the same height as the existing structure, the new residence would exceed 30 feet in height in certain areas. The maximum height of the proposed dwelling would be 32 feet, 8 inches. Since the maximum building height is 30 feet, a variance for excess building height is also required.

### ANALYSIS

#### Design Issues

Similar to most of the homes along this portion of Paradise Drive, the design of the structure is based on the slope of the hillside. The subject property is surrounded by two-family and single-family homes which are generally designed to take advantage of the views of Raccoon Straits to the east. The homes located across Paradise Drive are significantly uphill with views over the subject property, and the subject property has views over the downhill properties on Linda Vista Avenue.

The proposed home would have a three-story design with several balconies and terraces facing towards the rear of the property. The upper level would be at the street level with two lower levels stacked below as the slope drops off. Therefore, the structure would appear to be single story from the front elevation and three stories from the rear. There would be two garage doors at the front elevation located 15 feet from the front property line with a pedestrian entry on the right side. The north and south elevations would have a combination of stone and stucco walls with a few windows. The trees on the south side of the residence would be preserved. The proposed structure would have various vertical and horizontal articulations that contribute architectural interest to three-story section of the structure. The two-story den would allow for large windows to be located below the breakfast room and terrace on the upper level. A row of skylights would be installed along the ridge of the roof facing downhill.

In order to preserve views, the proposed structure does not rise above the ridgeline of the existing structure, and it would not extend beyond the view line of adjacent neighbors. The proposed structure would be 13 feet closer to the right side property line than the existing structure. The decks on the right side would be located five feet from the side property line, and the structure would be located 8 feet from the left and right side property lines.

Although the proposed structure would be visible from the neighboring residences along Paradise Drive and Linda Vista Avenue, it does not appear that it would interfere with views from these homes.



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The vaulted area above the proposed lower floor den contributes additional building volume as well as the potential for future building expansion. Structures with the building volume being larger than the measured floor area of the house have been discouraged in the past. In this case, where the requested floor area exceeds the floor area ratio for the property, this is especially important. Given that the current house design contains only one bedroom, this space also raises the potential for a future property owner to request the construction of a second bedroom with the unused interior volume, which would further exceed the floor area ratio for this property.

The following portions of the Tiburon Hillside Design Guidelines should be used to evaluate the hillside design of the house as proposed:

- Goal 1, Principle 1 of the Hillside Design Guidelines encourages the “cutting of buildings into the hillside to reduce effective visual bulk.” The lower level of the residence would be cut into the hillside, with the lower floor den being partially below grade. This hillside cut would help reduce the visual bulk of the building to adjacent and downhill neighbors.
- Goal 1, Principle 2 of the Guidelines encourages a house to closely follow the contours of a site, and specifically to “terrace a building using the slope.” The proposed structure is not terraced and instead has three stories directly stacked above one another. The Board may want to consider whether the structure is sufficiently terraced for a hillside residence.
- Goal 1, Principle 3 of the Guidelines states that to avoid excess mass and bulk, “large expanses of any material in a single plane on downhill elevations should be avoided.” The rear elevation is articulated with a balcony on the upper level and an interesting combination of stone, cement plaster, and windows. The left elevation would contain some large expanses of cement plaster without significant articulation; however, the trees on south side of the structure should help to reduce the visual mass and bulk of the building.

It should also be noted that the proposed kitchen on the lower level should be eliminated. Second kitchens in single-family residences are not permitted unless a secondary dwelling unit is approved. A condition of approval has been added to eliminate the proposed kitchen.

### **Zoning**

Besides the requested variance for excess building height and floor area exception, the project appears to be in conformance with the remaining development regulations of the R-2 zoning district.



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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 variance request stems from the slope on the property and the existing excavated areas on the site, which does not exist on many other properties in the R-2 zoning district. The existing building area requires a certain amount of digging into the hillside, which results in an increased measured height. These circumstances would deprive the applicant of 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.**

The buildable area of this property is constrained because of the steepness of the slope, and variances for excess height for properties with similar topography in the R-2 zoning district have been granted on several occasions. 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 applicant contends that it would be an unnecessary hardship to strictly apply the Ordinance in this case because achieving adequate ceiling height for the living spaces on all three levels would not be possible without exceeding the height limit requirements. However, a more stepped building design would likely reduce the need to stack three levels of living space on top of each other. Requiring a more terraced design in conformance with the principles of the Hillside Design Guidelines would not create a 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.**

As proposed, the project would not result in significant view, privacy or other impacts detrimental to the public welfare or injurious to other properties in the vicinity.

### 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



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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 stepped into the slope. Although the proposed structure would use the slope in the same manner as the existing structure, the increased floor area of the proposed structure along with insufficient terracing would increase the visual impact of the larger structure on the property.

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

### **Public Comment**

To date, no public comment has 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 (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. If the Board agrees with Staff's conclusions, the application should be continued with the applicant encouraged to return with a revised project design consistent with the Hillside design Guidelines. If the Board wishes to approve the project, findings should be articulated for the requested variance and floor area exception, and Staff would recommend that the attached conditions of approval be applied.

### **ATTACHMENTS**

1. Conditions of approval
2. Application and supplemental materials
3. Applicant's variance findings
4. Submitted plans

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### CONDITIONS OF APPROVAL

#### 2270 PARADISE DRIVE

#### FILE #20510

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 proposed kitchen on the lower level is not approved and must be eliminated. No more than one of the following may be installed without the area qualifying as a kitchen: sink (other than associated with a bathroom), food storage and preparation areas, refrigerator, and cooking appliances.
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

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on a site plan and including specific dimensions from property lines and other reference 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.