



Town of Tiburon

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The proposed house would extend to within 1 foot, 3 inches of the roadway easement at the front of the property, which is defined as the front property line for zoning purposes. The previously submitted plans requested a 15 foot front yard setback. As a 30 foot front yard setback is required in the RO-2 zone, a variance is again requested for reduced front yard setback.

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 brown cedar shingle and greyish-brown colored stucco siding, with grey trim. Flat tar and gravel roofs are proposed for the house.

ANALYSIS

Design Issues

The revised house design would be considerably more stepped into the hillside and articulated than the previous design. The house has been designed with three separate levels, with the garage and rear portion of the main floor situated well down the site, and nearly half the footprint of the house pulled into the required front yard setback. The different wall planes for each floor and the differences in planes between floors avoids visual monotony and, when combined with the flat roofs, reduces the visual mass of the proposed house.

This design particularly represents a reduction in the visual mass when viewed from the adjacent home at 75 Round Hill Road, with the areas closest to the neighboring house either well up the site, within the front yard setback and screened by mature trees, or situated at a much lower elevation on the site. The living room windows facing the side toward this adjacent residence would have high sill heights to respect privacy. Other side-facing windows have been sited with additional setbacks, such as the windows for the bedroom above the garage and the office above the living room, and have been located either at lower elevations on the site or would be screened by vegetation at the upper portions of the lot. Low retaining walls would support the driveway along the eastern side of the property to minimize any view intrusion.

A revised design has been proposed for the common private roadway serving this and other homes in the vicinity to allow an existing mature oak tree at the front of the property to remain. The tree would help screen much of the house from the view of the nearby home at 85 Round Hill Road. The flat roof design would also minimize any remaining visual bulk when viewed from this neighboring residence. Preservation of this tree and siting the house at angles to the roadway also helps present a more interesting visual appearance at this gateway location along the private roadway.

As previously described, the adjacent home at 75 Round Hill Road currently has some views toward the Belvedere Lagoon and Richardson Bay across the site, most of which would be limited by the location of the approved house at 79 Round Hill Road (story poles for the lower portion of the approved house have been re-erected to help visualize that building location). The lower portion of the proposed house location would appear to not intrude into the view corridor that was established for the adjacent home at 75 Round Hill Road by the location of the



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approved house further to the west; the lower elevation and flat roof of this portion of the proposed house would ensure that views toward the Marin Headlands would be maintained above the new building once tree trimming required for the house at 79 Round Hill Road has been completed.

The Design Review Board is encouraged to visit the homes at 75 and 85 Round Hill Road to view the story poles and evaluate the revised house design from these locations.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone with the exception of the previously noted variance for reduced front yard setback.

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 slopes sharply down from the shared driveway access. The lower portions of the site also represent a view corridor for the adjacent residence at 75 Round Hill Road that would be impacted if a house was sited on the subject property in conformance with the required front yard setback. 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 vicinity and in the RO-2 zone in Tiburon have received variances for reduced front yard setbacks, particularly on lots with steep frontages similar to that on the subject property.

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

The strict application of the required front yard setback would unnecessarily push the house down the hill on the site, resulting in additional grading and potential

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view impacts on the residence at 75 Round Hill Road. Such design concerns would create practical difficulties for the development of this lot.

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

As noted above, the location of the house within the required front yard setback would avoid any detrimental view impacts on the adjacent home at 75 Round Hill Road.

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

Public Comment

As of the date of this report, one letter has been received regarding the project from the owners of the property at 75 Round Hill Road raising objections to the design of the proposed house.

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 finds the design to be acceptable and in conformance with the Town's Design Guidelines, Staff recommends that the attached conditions of approval be applied.

ATTACHMENTS:

1. Conditions of approval
2. Design Review Board Staff report dated May 19, 2005
3. Minutes of the May 19, 2005 Design Review Board meeting
4. Letter from Charles and Dale Sofnas, dated July 27, 2005
5. Submitted plans

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CONDITIONS OF APPROVAL

77 ROUND HILL ROAD

FILE #20507

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 March 21, 2005, or as amended by these conditions of approval. Any modifications to the plans of July 22, 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.