



Town of Tiburon

STAFF REPORT

space. A lap pool and patio would be installed on the right side of the house, and a below-grade changing room would be located below the patio and bedrooms on the right side. An additional patio area would be constructed in the rear of the house facing the bay. A spa would be installed on the rear patio as well.

The façade of the home would include wood and copper materials that weather naturally. The roof would be a standing seam copper roof, and roof-mounted solar panels would be installed on the south and east roof elevations. A color and material palette will be available for review at the Board meeting.

The proposed lot coverage would be 8,950 square feet (17.4%), which exceeds the 15.0% maximum permitted lot coverage in the RO-1 zoning district; therefore a variance for excess lot coverage is requested. The gross floor area of the residence would be 6,956 square feet (see Sheet A0.2), which is less than the floor area limit for the property.

The northeast corner of the structure and the rear deck would encroach into the left side yard by six feet; therefore a variance for reduced side yard setback (14' in lieu of the minimum 20') is required

ANALYSIS

Design Issues

Many of the properties along Old Landing Road are waterfront properties with beaches and docks located in the rear yards. The subject property is surrounded by single-family homes which are generally designed to take advantage of the views of San Francisco Bay to the east. The home to the north is significantly uphill from the property and is accessed from Paradise Drive.

The proposed residence would have a single-story design with a partially below grade changing room (147 square feet) located below the pool patio and bedroom on the right side. Although contributing additional floor area to the structure, the proposed changing room would not be visible from surrounding properties or the street, effectively giving the structure a visually smaller appearance than the floor area amount would appear. The garage would also be cut into the slope, and the structure would be terraced to follow the slope of the property towards the bay.

A large patio and deck area with a hot tub and steps down to the beach would be constructed at the rear of the structure. The decks would be less than three feet above grade. Wood trellises with a canopy material of solar glass would be installed over a portion of the rear patio, side patio, interior courtyard, as well as over the front walkway. As a sustainable feature these photovoltaic cells would produce energy and provide shading to south facing windows and doors. These trellis-covered areas contribute an additional 1,064 square feet to the total lot coverage for the residence.



Town of Tiburon

STAFF REPORT

In order to enhance privacy between the subject property and the residence at 32 Old Landing Road, the window locations are designed primarily to take advantage of the views to the bay and secondarily inward to the courtyard.

The west elevation would reach nearly 12 feet above grade, and the roof line over the bedrooms would be hipped. The east elevation would contain various hipped roof lines, and a combination of wood siding and glass doors would add visual interest to the façade. The south elevation would contain stucco panels and large windows above the pool area. Each bedroom facing south would have a window in addition to a row of windows located below exposed rafters. The north elevation would be mostly wood siding with two glass doors, and two windows in the master suite. A small wood deck would also be installed off the master bathroom. The internal courtyard breaks up the mass of the building by dividing the structure into more distinct sections.

In order to preserve views, the proposed structure would be dug into the existing grade and would not reach more than 14 feet above grade. The structure would be set back 88 feet from the mean high tide line and approximately 75 feet further back than the adjacent property at 32 Old Landing Road.

The landscape plan for the property includes fruit trees and evergreen shrubs along the driveway and hedges along the northwest corner. Additional fruit trees and evergreen shrubs would be planted on the north side of the home. A row of semi-evergreen shrubs and Mexican Fan Palms would be planted along the southern property line, and the existing tall palm tree in the rear yard would remain. Three Japanese Maples and five English Laurels would be planted in the center of the driveway turnaround. The proposed substantial landscaping should enhance privacy on the property.

Although the proposed structure would be visible from the rear yards of properties along Old Landing Road and at 4478 Paradise Drive, it does not appear that it would interfere with views from these homes. The Board may want to consider whether the proposed floor area of the house (only 9 square feet below the floor area ratio for this lot) considered with the requested excess lot coverage would represent an overall size and scale that is compatible with the surrounding neighborhood.

Residents in the vicinity have previously raised concerns regarding construction of other sizable homes in the Old Landing neighborhood that such larger buildings would be incompatible with the more rural character of this neighborhood. The Design Review Board has shared these concerns when reviewing house designs that would have excessive mass and bulk and would be viewed from a number of vantage points. The one-story design and relatively secluded location of the proposed house would not appear to pose the same problems, and would be consistent with other tucked-away beachfront homes in the vicinity. The Board is still encouraged to evaluate the design of the proposed residence for compatibility with the character of the surrounding Old Landing Road neighborhood.



Town of Tiburon

STAFF REPORT

Zoning

As previously mentioned, the proposed dwelling would not comply with the side yard setback and lot coverage regulations of the RO-1 zoning district. Besides the requested variances, the project would be in compliance with all other zoning district requirements.

Variance

- 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.**

Excess Lot Coverage

Constructing a second story in this neighborhood would be difficult without impacting the views and privacy of neighbors, so in an attempt to avoid building a second story while still constructing additional living space, the applicant proposed to exceed the lot coverage. Due to this circumstance, compliance with the lot coverage regulation would deprive the applicant of privileges enjoyed by other properties that can accommodate two stories in the RO-1 zone.

Reduced Side Yard

The 49,653 square foot lot size has an irregular configuration that narrows at a certain point as it draws near the bay. This condition creates special circumstances that would deprive the owners of this 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.**

Excess Lot Coverage

As previously stated, the Board has reviewed several applications in the RO-1 zoning district for lot coverage variances in order to retain single-story design. Therefore, the variance would not constitute a grant of special privileges inconsistent with the limitation upon other properties in the RO-1 zone.

Reduced Side Yard

Numerous other properties with irregular lot configurations have received variances for reduced side yard setbacks. Therefore, granting the reduced side yard setback variance would not be a special privilege inconsistent with properties in the vicinity.

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



Town of Tiburon

STAFF REPORT

Excess Lot Coverage

As previously stated, a two-story structure would be more intrusive than the proposed single-story residence. Because a second story element would likely be difficult to approve, it would be a hardship to strictly apply the Ordinance in regards to lot coverage.

Reduced Side Yard

The applicant contends that it would be an unnecessary hardship to strictly apply the side yard setback requirement in this case because the house would be forced into a narrow configuration at the point where the lot tapers. Requiring the structure to be located within the narrow building area would result in unnecessary hardship.

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

Excess Lot Coverage

As proposed, the lot coverage variance would not appear to have an adverse impact on views, privacy, or otherwise on the properties in the vicinity.

Reduced Side Yard

As proposed, the reduced side yard variance would not appear to have an adverse impact on views, privacy, or otherwise on the properties in the vicinity.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variances for excess lot coverage and reduced side yard setback.

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 and 4.03.05 (Guiding Principles, and Variance Findings by Acting Body) 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, then it is recommended that the project be approved with the attached Conditions of Approval.

ATTACHMENTS

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

Town of Tiburon

STAFF REPORT



CONDITIONS OF APPROVAL

36 OLD LANDING ROAD

FILE #20522

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

Town of Tiburon

STAFF REPORT



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.