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study and 1½ bathrooms. An exterior deck would extend in front of the living room. A fireplace and chimney would also be placed at the front of the living room. The swimming pool has been relocated uphill to the rear of the house, behind the master bedroom.

The rearmost portion of the garage would be situated within 20 feet of the rear property line. A variance for reduced rear yard setback would still therefore be required for this project.

ANALYSIS

Design Issues

As the location and overall design of the proposed house has been changed, the potential view impacts on neighboring homes 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. Views toward Angel Island and San Francisco from the rear patio and decks would be slightly impacted.
- 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 further into the views of San Francisco, San Francisco Bay and Angel Island of the single-family home at 110 Las Lomas Lane. Half of the San Francisco view would be blocked from the living room, and much of the city view would be affected from the dining room and kitchen. Other views of San Francisco Bay and Golden Gate Bridge from portions of the house would be unaffected.

The overall design of the house does appear to be better stepped into the hillside than indicated by the previously submitted plans. The deck in front of the living room and the placement of the garage further back from the front of the house create helpful visual articulation when viewed from below. The relocation of the swimming pool to the rear of the site is a better use of the property than its previous location below the house.

The proposed house still appears to be unnecessarily bulky. The section drawings indicate that the lower floor would have a 12 foot ceiling plate; the upper floor would have a 9 foot, 3 inch plate height at the eaves, with an interior height of over 16 feet at the ridgeline. The roofline has been changed from a more peaked design to a more typical roofline with a steeper pitch, which, when combined with the high ceiling plates, places more of the structure further up into the foreground view of the home at 110 Las Lomas Lane.

As noted above, the proposed swimming pool appears to be more appropriately sited than shown on the previous plans. The retaining wall above the pool appears to be 5 feet in height,



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which would not require a variance for excess wall height as previously requested. Details for swimming pool fencing have not been submitted, but appear to be possible without requiring any fence height variance.

The ceremonial rooms of the proposed house have been moved from the lower floor to the northern side of the upper floor, including the kitchen space which projects out from the lower floor toward the northern side property line. This change may have been in response to concerns raised by the Design Review Board that the applicant was previously attempting to gain upper floor views for bedrooms at the expense of views from the primary living areas of the home at 110 Las Lomas Lane.

As indicated in the previous Staff report for this application, a predominantly one-story house design would alleviate some of these concerns. If the upper floor was limited to ceremonial space situated further to the south, with bedrooms located on the lower floor, much of the visual mass and bulk would be pulled away from the home at 110 Las Lomas Lane. Such a design would also pull the lower corner of the house out of the viewline from this neighboring residence, reducing the amount of views toward San Francisco that would be blocked by the proposed house. The placement of the master bedroom upstairs forces more of the upper floor space into the views and foreground from this adjacent home; the result is still an attempt to gain views from a nonceremonial room at the expense of views from the primary living area of the neighboring home. Lowering the plate heights and the pitch of the roof would also be helpful in reducing the visual mass and bulk of the proposed house visible from this adjoining residence.

The proposed living room fireplace appears to be poorly sited. Location of the fireplace on the downhill side of the house would place the chimney unnecessarily into the viewline for the residence at 110 Las Lomas Lane. It is recommended that the fireplace be relocated to the uphill side of the house to alleviate this concern.

The Design Review Board is strongly encouraged to view the story poles for the revised house design from the neighboring homes at 110 Las Lomas Lane and 1905 Mar West Street.

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.***

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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, as described above, an alternative house design that is more oriented to the southern side of the site may possibly limit 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.

- 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 still insufficient evidence to support the findings for the requested variance.

Public Comment

Since the August 4 meeting, no letters have been received regarding the proposed project. Staff has viewed the story poles from the homes at 1905 Mar West Street and 110 Las Lomas Lane, as has spoken to the owner of the latter home about her concerns regarding the view impacts and mass and bulk of the proposed house design.

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CONCLUSION

As previously noted, 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, 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.

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. Design Review Board Staff report dated August 4, 2005
4. Minutes of the June 16, 2005 Design Review Board meeting
5. Minutes of the August 4, 2005 Design Review Board meeting
6. Goal 1, Principles 2, 4 & 7 and Goal 2, Principle 8 of the Hillside Design Guidelines
7. Revised 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 September 6, 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. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
8. 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.
9. 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

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irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.

10. 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 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.
11. 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.
12. 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.

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- 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.
13. 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.
14. All requirements of the Town Engineer shall be met.