



Town of Tiburon

STAFF REPORT

The proposed house would cover 2,189 square feet (14.7%) of the site, which is less than the 15.0% maximum lot coverage permitted in the RO-2 zone. The floor area of the proposed house would be 2,723 square feet, which is less than the maximum floor area permitted for a lot of this size.

The proposed house would extend to within 23 feet, 2 inches of the front property line. As a 30 foot rear yard setback is required in the RO-2 zone, a variance is 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 blue-green colored horizontal wood siding, with dark green and beige wood and metal trim. Dark brown composition shingle roofing is proposed for the house.

ANALYSIS

Design Issues

The subject property is a vacant lot sloping downhill from Owlswood Road. The site is surrounded by other properties already developed with single-family homes.

As the subject property is an infill site surrounded by other homes, a future home on this site would have the potential to impact a number of nearby residences. The applicant has indicated that meetings have been held with surrounding property owners and that modifications have been made to the plans in response to concerns from neighbors over potential view impacts. The relationship of this property and the proposed house to the nearby homes is summarized as follows:

- The homes at 5, 7 & 9 Owlswood Road are situated at elevations well above the subject property. Each of these homes has generally panoramic views of San Francisco, Belvedere, Sausalito and the Marin Headlands. The story poles for this application indicated that the proposed house might block only a small portion of the foreground views toward the Belvedere Lagoon from these neighboring residences. The limited potential view impact for these homes would appear to be consistent with Goal 3, Principle 7 (E) of the Hillside Design Guidelines that “a wide panoramic view can accept more view blockage than the smaller slot view,” and Goal 3, Principle 7 (B) that the “horizon line is [the] most sensitive part of [a] view, then foreground, then middleground.”
- The adjacent residence to the side at 6 Owlswood Road is generally oriented to the south, away from the subject property. This home has few windows facing the location of the proposed home, and would not appear to have any substantial views that would be impacted by the proposed dwelling.
- The adjacent residence at 943 Owlswood Lane is situated at roughly the same elevation as that of the proposed house, with panoramic views of San Francisco,



Town of Tiburon

STAFF REPORT

Belvedere, Sausalito and Marin Headlands. The proposed house would be visible at the side of the views from this home, but would only appear to block views of the Monterossa hillside above Lyford Drive. The limited potential view impact for this residence would appear to be consistent with Goal 3, Principle 7 (C) of the Hillside Design Guidelines that “blockage of [the] center of [a] view is more damaging than blockage of [the] side of [a] view,” and Goal 3, Principle 7 (D) that “blockage of important objects in the view (Golden Gate Bridge, Belvedere lagoon, Sausalito, Angel Island) is more difficult to accept than blockage of other, less well-known landmarks.”

A letter has been received from the owners of this residence objecting to the design of the proposed dwelling. The neighbors contend that the proposed house would interfere with views from their primary living areas, be too visually prominent and not stepped into the hillside. The Design Review Board is encouraged to view the story poles for the project from this neighboring home.

The proposed house would be visible from several residences downhill from the site. Existing vegetation behind these nearby homes would provide some screening of the proposed dwelling, and most of the homes below are oriented away from the subject site. However, the lower floor would have a vertical face 15 to 17 feet in height on the downhill side of the building; Goal 1, Principle 3 of the Hillside Design Guidelines states that projects should “avoid large expanses of any material in a single plane on downhill elevations, [and] break up masses of building with horizontal and vertical elements.” The Design Review Board should determine whether this downhill face of the dwelling would present an appropriate visual appearance from below the site.

Similarly, although the proposed house design generally appears to properly follow the hillside contours in conformance with Goal 1, Principle 4 of the Hillside Guidelines, the trellis on top of the upper floor deck gives the house design a much more vertical appearance when viewed from the side. The Design Review Board should determine whether the proposed house design should be modified to better step into the hillside.

A small portion of the living areas of the proposed house would be situated within the required front yard setback, within 23 feet, 2 inches of the front property line at the closest point. However, the parking deck would be a structure at least three feet above grade and would extend to within 15 feet of the front property line. The legal notice for the requested front yard setback variance indicated only the requested setback for the house and did not include the reduced setback for the parking deck. A new notice must therefore be sent out for this additionally reduced setback. As a result, no action can be taken on this application by the Design Review Board until the October 20 meeting.

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.



Town of Tiburon

STAFF REPORT

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 is steeply sloped and surrounded by already developed lots with varying views across the middle of the site. 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 front yard setback could result in a house design that would result in unwanted view impacts for several nearby homes that currently have views across the site. Therefore compliance with the required front yard setback would result in practical difficulty and 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 noted above, the proposed house design would not appear to result in significant view or visual impacts on other properties in the vicinity.

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

Town of Tiburon

STAFF REPORT



Public Comment

As of the date of this report, one letter has been received regarding this project from the owners of the property at 943 Owlswood Lane. The applicant has indicated that meetings have been held with the immediately surrounding property owners, and has submitted plans with the signatures of the owners of the adjacent homes at 5, 6, 7, 9 & 10 Owlswood Road.

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. The application should then be continued to the October 20, 2005 Design Review Board meeting.

ATTACHMENTS:

1. Conditions of approval
2. Application and supplemental materials
3. Goal 1, Principles 3 & 4, and Goal 3, Principles 7 (B, C, D & E) of the Hillside Design Guidelines
4. Letter from Andrea and Charles Morris, dated September 24, 2005
5. Submitted plans

Town of Tiburon

STAFF REPORT



CONDITIONS OF APPROVAL

4 OWLSWOOD ROAD

FILE #20529

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 September 6, 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

Town of Tiburon

STAFF REPORT



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.

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.

Town of Tiburon

STAFF REPORT



- 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.
15. 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.