





# Town of Tiburon

## STAFF REPORT

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would be situated outside the master bedroom, and a reflecting is proposed adjacent to the living room. A rooftop terrace would be installed above the two auxiliary bedrooms on the main level, and several other outdoor living spaces would be distributed around the north, south and east sides of the house. A driveway gate would be installed approximately 20 feet from the roadway.

The proposed house would cover 4,378 square feet (20.4%) of the site, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone (notices mailed out for this application incorrectly indicated that lot coverage of 40.4% was being requested). Therefore, a variance is requested for excess lot coverage. The floor area of the proposed house would be 4,422 square feet, which is 275 square feet greater than the maximum floor area permitted for a lot of this size. A floor area exception is therefore also requested.

The proposed house would extend to within 10 feet of the west (left) side property line. As a 15 foot rear yard setback is required in the RO-2 zone, a variance is requested for reduced side yard setback.

A series of retaining walls are proposed to be constructed on the site to create terraced yard areas and to lower the level of the driveway leading to the lower level garage. The required safety railings on top of several sections of the walls would be situated within the required setbacks, resulting in a maximum combined wall and fence height of 9 feet in several locations. As the maximum wall or fence height within the required setbacks is 6 feet, a variance is also requested for wall and fence height.

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 light and medium beige colored stucco siding, with stone and painted brown trim. The roof would utilize a combination of tar and gravel, patina copper and synthetic grass.

### ANALYSIS

#### Design Issues

The subject property is relatively level, sloping upwards to the west (toward 1915 Straits View Drive) and downward to the east (toward 1945 Straits View Drive). The subject lot and the two adjacent parcels are terraced at separate elevations, with the uphill homes having views across the rooflines of the downhill residences.

The applicant has indicated that the proposed house design is the result of extensive meetings with neighboring property owners, particularly involving the owners of the adjacent home to the west at 1915 Straits View Drive. Letters supporting the proposed project design have been received from the owners of the adjacent properties at 1911 and 1945 Straits View Drive.

Much of the roofline would be flat, and covered with tar and gravel roofing, synthetic grass or a rooftop terrace. Curved, wing-shaped sections of the roofline would project above the living



# Town of Tiburon

## STAFF REPORT

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room and master bedroom suite; these roof portions would be covered in patina copper material.

The proposed house design would have an L-shaped floor plan, with a narrow hallway connecting the main level bedrooms to the other living areas of the house. The applicant has indicated that this configuration, along with the location of the building within the required side yard setback, are intended to pull the house under and to the rear of most views for the adjacent home at 1915 Straits View Drive. The separation of the living areas and bedrooms to minimize the visual impact of these elements requires a more stretched-out floor plan with a connecting hallway; the applicant has indicated that the connecting hallway accounts for much of the excess lot coverage and floor area requested by this application.

The following portions of the Tiburon Hillside Design Guidelines should be used to evaluate the potential view impacts of the proposed dwelling for the adjacent home at 1915 Straits View Drive:

- Goal 3, Principle 7 (A) of the Hillside Design Guidelines states that “view protection is more important for the primary living areas of a dwelling... than for the less actively used areas of a dwelling.” The proposed house would be visible from the living room, dining room and family room of the adjacent residence.
- Goal 3, Principle 7 (B) of the Guidelines states that the “horizon line is [the] most sensitive part of [the] view, then foreground, then middleground.” The proposed house would be in the foreground views from the neighboring home, intruding slightly into water views toward the East Bay.
- Goal 3, Principle 7 (C) of the Guidelines states that “blockage of [the] center of view [is] more damaging than blockage of [the] side of view.” The proposed house would block a very small portion of the side views from the living room, and small portions at the center of the view from living room and family room.
- Goal 3, Principle 7 (D) of the Guidelines states 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.” As noted above, the proposed house would intrude only slightly into water views toward the East Bay. Important objects would be blocked by the proposed house.
- Goal 3, Principle 7 (E) of the Guidelines states that “a wide panoramic view can accept more view blockage than the smaller slot view.” The adjacent home has a wide panoramic view of Sausalito, the Golden Gate Bridge, San Francisco, Angel Island and the East Bay from their living room and dining room. As noted above, none of these views would be impacted by the proposed house, with the exception of a small part of the East Bay water view.



# Town of Tiburon

## STAFF REPORT

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The potential view impacts that would be caused by the proposed house design appear to be clearly consistent with the intent of the Hillside Design Guidelines. The Design Review Board is encouraged to view the story poles for the proposed dwelling from the home at 1915 Straits View Drive.

The proposed roof terrace above the main level bedrooms would be situated directly across from the dining room and family room of the residence at 1915 Straits View Drive. This unscreened space would be situated in the foreground view of the adjacent home, and could create unwanted privacy impacts for these living areas. Screening of this area would likely intrude into the views from these rooms. This outdoor living area appears to be an unnecessary element of the proposed house, as numerous patio and useful outdoors spaces are situated around the main level of the house in locations that would not result in unwanted privacy impacts on neighboring residents. It is therefore recommended that this roof terrace be eliminated.

Several trees indicated on the proposed landscaping plan have the potential to grow into the views from 1915 Straits View Drive. It is recommended that Staff be directed to review the final landscaping plan to insure that all tree species be limited to those with maximum heights that would not exceed the height of the proposed house.

A number of retaining walls are proposed to be constructed around the site to create appropriate usable outdoor living spaces. Most of these retaining walls would be less than 6 feet in height, or would only exceed a 6 foot height outside the required setbacks for the lot. There would be two wall sections for which a variance is requested for excess height: a portion of the wall adjacent to the western (left) side property line, visible primarily from the adjoining driveway; and a portion of the wall toward the rear of the eastern (right) side of the property, which would be visible mostly from undeveloped hillsides to the rear of the adjacent home at 1945 Straits View Drive.

Additional retaining walls 4 to 6 feet in height would be constructed approximately 16 feet from the street and along the eastern side of the property facing the home at 1945 Straits View Drive. Although some landscaping is shown on the submitted plans to screen these walls, the Design Review Board should determine whether these walls would be visually compatible with their surroundings or would result in unwanted visible bulk when viewed from outside the subject property.

### **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 variances for reduced side yard setback, excess lot coverage and excess wall and fence height, and a floor area exception.



# Town of Tiburon

## STAFF REPORT

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### Variances

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 has a relatively narrow configuration, and the only level portion upon which to build a house is situated at an elevation directly opposite and below the house on the adjacent property at 1915 Straits View Drive. 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 variances are 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 physical relationships to neighboring homes and with similar topography have been granted setbacks for reduced setbacks, excess lot coverage and/or overheight walls in order to accommodate the most appropriate design for a house and associated improvements 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 the home at 1915 Straits View Drive, as compliance with the side yard setback requirement would likely push the house further into the view from the adjacent residence, and compliance with the lot coverage requirement could require construction of upper level additions which would further impact views across the site. Similarly, compliance with the wall height requirement would substantially limit the usable open yard space for the property and would make it difficult to site the garage below the main level of the house. Compliance with these requirements would therefore result in 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 noted above, the proposed house would not result in significant view or privacy impacts on other homes in the vicinity if the roof terrace is eliminated and



# Town of Tiburon

## STAFF REPORT

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appropriate trees are planted. The overheight walls and fences would either be visible only from the interior of the subject site or would be situated in locations not prominently visible from neighboring properties.

### Floor Area Exception

Section 4.02.08 of the Tiburon Zoning Code states that the Design Review Board may grant exceptions to the required floor area ratio requirements if it makes the following two findings:

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; and
2. The applicant has demonstrated that the proposed structure is compatible with the physical layout 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 visual size and scale of the proposed house would be similar to that of many other homes in the Hillhaven neighborhood that have been designed with flat roofs and relatively stretched-out floor plans. The predominantly one-story design would be compatible with the flat portion of this terraced site.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variances and floor area exception. It should be noted that the Design Review Board has often determined that applications that request both a variance for excess lot coverage and a floor area exception represent a fundamental overbuilding of the property; however, the Board has supported minimal exemptions from these requirements when resulting from a building design intended to address potential view or privacy impacts that other home designs might have on neighboring residents.

### **Public Comment**

As of the date of this report, four letters have been received regarding the subject application. A letter has been received from the owners of 1915 Straits View Drive raising view and privacy concerns previously described. A letter has been received from the owners of 1905 Straits View Drive raising view and privacy concerns about the proposed roof terrace, chimney and landscaping. As noted above, letters in support of the proposed house design have been received from the owners of the adjacent properties at 1911 and 1945 Straits View Drive, along with similar letters from the owners of 1907 and 1960 Straits View Drive.

### **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

# Town of Tiburon

## STAFF REPORT

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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. Application and supplemental materials
3. Goal 3, Principles 7 (A-E) of the Hillside Design Guidelines
4. Letter from Michael and Amy Tyler, dated June 9, 2005
5. Letter from Bob and Ingrid Becker, dated September 26, 2005
6. Letter from Barbara Seidel, dated October 1, 2005
7. Letter from Magda Wesslund, dated October 25, 2005
8. Letter from Lewis Taich, dated November 5, 2005
9. Letter from Daniel and Joanna Kemper, dated November 8, 2005
10. Letter from Michael and Amy Tyler, dated November 8, 2005
11. Submitted plans

# Town of Tiburon

## STAFF REPORT

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### CONDITIONS OF APPROVAL

#### 1925 STRAITS VIEW DRIVE

#### FILE #20533

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 21, 2005, or as amended by these conditions of approval. Any modifications to the plans of October 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. Uplights shown on submitted landscaping plans are not permitted.
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

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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. The access gate shall have a minimum unobstructed width of 12 feet. Gates shall be operable using the Fire District's "Knox" key system (UFC 902).
  - e. The guest bedroom on the lower floor shall be provided with a secondary means of egress (UFC 310.4).
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.
  - 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.

# Town of Tiburon

## STAFF REPORT

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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. The rooftop terrace above the main level bedrooms shall be eliminated.
16. Landscaping plans shall be reviewed by Planning Division Staff prior to issuance of building permits for this project to insure that the maximum height of trees planted as part of this project shall not exceed the height of the finished roofline of the house.