



Town of Tiburon

STAFF REPORT

The proposed house would cover 4,300 square feet (1.7%) of the site. The floor area of the proposed house would be 6,850 square feet, which is less than the maximum floor area permitted for a lot of this size.

A portion of the proposed house would have a maximum height of 34 feet, 9 inches, as calculated according to the Tiburon Zoning Ordinance. As the maximum building height in Tiburon is 30 feet, a variance is requested for excess building 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 beige colored stucco siding, with and black trim. The roof would utilize a black or dark grey standing seam metal roofing material.

ANALYSIS

Design Issues

The subject property slopes down from Rolling Hills Road, and extends down to Owlswood Road. The building envelope for the property was recently modified by the Town Council to create a wider envelope further downslope from the front property line. Most of the site is in a heavily wooded condition, with a stream running through the center of the property.

A previous Site Plan and Architectural Review application (File #701164) was approved in 2001 for the construction of a single-family dwelling on this site, but has since expired. The building envelope for the property was modified by the Town Council shortly before that prior approval to create a wider envelope further downslope from the front property line.

The closest homes to the proposed residence are situated at 100 Rolling Hills Road (owned by the applicants) and 6 & 25 Rolling Hills Road. The latter two homes are situated well above the level of the proposed house, with views that are currently bounded by existing oak trees on the subject site. As the height of the proposed house would be well below the level of the treeline on the site, the proposed construction should not result in any view impacts for nearby homes. The remaining mature trees on the site should also insure adequate privacy protection for both the neighboring residents and the future residents of the proposed house as well.

A long driveway would connect the house and garage with the higher elevation of Rolling Hills Road. Even with this driveway, retaining walls on the site would be minimized, with most walls ranging from 4 to 5 feet in height. A 10 to 12 foot tall retaining wall would only be visible from a portion of the heavily forested area below the pool.

The proposed house would generally follow the contours of the site, with an orientation parallel to the property slope. Most of the proposed house would be substantially less than 30 feet in height. Only a small section of the house near the garage with three floor levels on top of each other would exceed the 30 foot height limit. The siting of the house well below the level of the top of the property should help the building appear to nestle into the surrounding oak woodlands.



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Wet bars are indicated to be installed within the main level living room and the lower level sitting room of the proposed house. At this time, such improvements would be in violation of the Zoning Ordinance requirements limiting a house to only one kitchen; however, the town is developing a code amendment which may allow such improvements in the future. Although the wet bars must be eliminated from the current plans, the applicant may wish to submit revised plans at such time that this requirement is modified.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the Owlswood West Precise Development Plan with the exception of the previously noted variance for excess building height.

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 extremely large (5.8 acres, one of the largest single-family lots in Tiburon), with substantial changes in elevation from the top to the bottom of the property, including significant grades directly below the building envelope. The building envelope for this lot is situated at a level well below the adjacent roadway and screened by dense oak woodlands from homes below the property. 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.***

Other properties in the same or similar zones with similar physical relationships to neighboring homes and with similar topography have been variances for excess building height 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.***

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The strict application of the required building height requirement would cause the proposed house to be unnecessarily spread out on the site. The constraints of the building envelope and its location well out of the view from other nearby homes make the strict application of the building height requirement for this property an unnecessary hardship on the applicants.

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.

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, no letters have been received regarding the subject application.

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. Application and supplemental materials
3. Minutes of the November 1, 2001 Design Review Board meeting
4. Submitted plans

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CONDITIONS OF APPROVAL

80 ROLLING HILLS ROAD

FILE #20552

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 November 14, 2005, or as amended by these conditions of approval. Any modifications to the plans of November 14, 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. 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. After connection to the sewer main but prior to commencement of discharge and prior to

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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.