



Town of Tiburon

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Las Lomas Lane about potential view impacts that would be caused by the house design. The Design Review Board generally concurred with these concerns, encouraging the applicant to further lower the house to alleviate the view and visual impacts from this neighboring home. The application was then continued to the October 20 meeting.

The applicant has now submitted the latest revisions to the project plans. The location of the house remains generally the same, although the garage and master bedroom have been moved out of the rear yard setback and slightly into the right side yard setback. The house has been lowered into the site, with the ridge at the side facing 100 Las Lomas Lane reduced from a height of approximately 27.5 feet above grade to about 20 feet above grade. As a result, retaining walls with heights of up to 5 feet would be installed behind the house.

The lot coverage of the revised house design would be 1,914 square feet (24.6%), which is less than the 35.0% maximum lot coverage permitted in the R-2 zone. The floor area has been reduced from 2,685 square feet to 2,623 square feet, which is less than the floor area ratio for a lot of this size.

The right side of the proposed house would be situated within 4 feet, 6 inches of the side property line, which is less than the 8 foot side yard setback required in the R-2 zone. A variance for reduced side yard setback is therefore requested. A variance for reduced rear yard setback is not longer required for this project.

The proposed retaining walls within the rear yard setback would require a 3 foot tall safety railing on top, resulting in a maximum combined wall and fence height of 8 feet. As the maximum wall and fence height within a required setback is 6 feet, a variance is also requested for excess wall and fence height.

ANALYSIS

Design Issues

As previously noted, the proposed house design would primarily appear to be the line of the views from the neighboring home at 110 Las Lomas Lane. The house would not appear to impact views from the other nearby homes at 1905 and 1815 Mar West Street.

The proposed house would still intrude 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 lowered height of the house does significantly reduce the visual mass and bulk when viewed from this home, but as much of the left side of the existing view from this residence is across the grade of the upper portion of the subject site, such height reduction does not change the extend of the view impacts from this neighboring home.



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The following principles of the Hillside Design Guidelines should be used in determining the significance of the potential view blockage on the home at 110 Las Lomas Lane:

- Goal 3, Principle 7 (A) states that “view protection is more important for the primary living areas of a dwelling (e.g. living room, dining room, family room, great room, kitchen, and decks associated with these rooms) than for less actively used areas of a dwelling (e.g. bedroom, bathroom, study, office, den).” The views across the site that would be impacted by the proposed house are from the living room, dining room and front deck of the home.
- Goal 3, Principle 7 (B) states that the “horizon line is [the] most sensitive part of [the] view, then foreground, then middleground.” The proposed house would impact the horizon line of the left side of the view.
- Goal 3, Principle 7 (C) states that “blockage of [the] center of [the] view [is] more damaging than blockage of [the] side of [the] view.” The view impact would be on the left side of the overall view.
- Goal 3, Principle 7 (D) 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.” The proposed house would block a portion of the views of San Francisco, but would not interfere with views of Belvedere and the Golden Gate Bridge.
- Goal 3, Principle 7 (E) states that “a wide panoramic view can accept more view blockage than the smaller slot view.” The view from the home at 110 Las Lomas Lane is slightly larger than what would normally be considered to be a slot view, but is not wide enough to be considered to be panoramic in nature.

The Design Review Board is strongly encouraged to view the revised story poles for the project from the home at 110 Las Lomas Lane to better evaluate the potential view impacts from the proposed house design.

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 variances for reduced side yard setback and excess wall and fence height.

In order to grant the requested variances, 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 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 slope characteristics have been granted setbacks for reduced setbacks in order to accommodate the most appropriate house design on the property. Variances have also been granted for overheight wall and fence combinations due to such slope characteristics and the need for appropriate safety railings.

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

The strict application of the required side 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. The recommendation to dig the house further into the site is not practical without retaining walls of the height requested. These design constraints result in practical difficulty 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.***

The location of the house within the required side yard setback would place the structure in a location where view impacts on nearby homes would be avoided. The overheight walls and fences would be similarly situated out of the primary views from these neighboring homes, and would allow the house to be dug further into the site to mitigate potential visual impacts.

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

Public Comment

Since the September 15 meeting, one letter has been received regarding the proposed project from the owners of the homes at 110 Las Lomas Lane regarding the view impacts and mass and bulk of the proposed house design.



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CONCLUSION

Although the applicant has followed the direction of the Design Review Board to lower the house into the site, the revised project does not appear to have resolved the view impact issues for the home at 110 Las Lomas Lane. If the Design Review Board determines that more of the view from the primary living areas of this neighboring residence should be preserved, either the roof design of the proposed house would have to be drastically modified (with the possibility of installing a flat roof) or the applicant must finally submit a design that substantially changes the layout of the house on this site. If the Design Review Board feels that the view impacts on the home at 110 Las Lomas Lane are unacceptable, the applicant should be given firm direction to make such changes to the project design. If the applicant is unwilling to make such changes, it is recommended that the Board direct 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 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. Design Review Board Staff report dated September 15, 2005
5. Minutes of the June 16, 2005 Design Review Board meeting
6. Minutes of the August 4, 2005 Design Review Board meeting
7. Minutes of the September 15, 2005 Design Review Board meeting
8. Goal 3, Principles 7 (A, B, C, D & E) of the Hillside Design Guidelines
9. Letter from Richard Morris and Gail Miller, dated October 12, 2005
10. 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 October 10, 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.