





# Town of Tiburon

## STAFF REPORT

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and a series of solar panels would be installed on the roof. A swimming pool would be installed in the front portion of the site.

The proposed house would require the following exception and variances:

- The floor area of the proposed house would be 4,826 square feet, which is 607 square feet greater than the maximum floor area permitted for a lot of this size.
- The proposed house would cover 4,089 square feet (18.4%) of the site, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone.
- The proposed swimming pool would extend to within 13 feet of the front property line, in lieu of the 30 foot front yard setback required in the RO-2 zone.
- The proposed house would extend to within 17 feet, 10 inches of the rear property line, in lieu of the 25 foot rear yard setback required in the RO-2 zone.

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-grey stained cedar shingle siding, with off-white and stone trim. The roof would utilize grey composition shingles.

### ANALYSIS

#### Design Issues

The existing house sits in generally the same location as that of the proposed house. A curving driveway which currently leads to a garage in the rear of the property would be utilized for access to the proposed garage as well. The proposed swimming pool would replace an outdated pool in the front of the property. Dense vegetation along all four property lines screens much of the site and views of the existing house and pool.

The existing garage is situated within the required rear yard setback for this property. The proposed garage would be somewhat larger, but would not encroach further into the required setback. Similarly, the existing swimming pool is situated within the existing front yard setback; the edge of the proposed pool would be located further from the front property line than the current pool location.

Although the existing house would be demolished and replaced by a new dwelling, the proposed house would not be substantially larger than the existing residence. The existing house contains 4,014 square feet of floor area and covers 17.5% of the lot; the proposed house would only increase the floor area to 4,826 square feet and the lot coverage to 18.4%.

The proposed house design would be predominantly one-story in character. Most of the floor area would be situated on the main level of the house, with only partial second story areas above the garage at the rear of the house and below the living room and master bedroom



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toward the front of the building. The applicant has indicated that the design and the footprint of proposed house are intended to limit the visual expansion of the house beyond the outline of the existing house on the site, and to limit intrusion into the views of surrounding homes.

The location of the house generally toward the upper portion of the lot should prevent interference with views from the homes above the site along Ridge Road and to the side on Mountain View Drive. The homes along Ridge Road are located at substantially higher elevations than either the existing or proposed house. The adjacent home to the northeast at 1875 Mountain View Drive has only a few windows facing the subject property, with views screened by dense vegetation along the common property line. The applicant has indicated that a large pine tree in the western (left rear) corner of the site will be removed as part of this project, which should enhance other views for uphill neighbors.

### **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 front and rear yard setbacks and excess lot coverage and a floor area exception.

### Variances

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.***

The subject property has an unusual access configuration which uses much of the rear of the site for garage access, leaving little space for private recreational use outside the front yard. The existing house has been sited to stay out of various viewlines across the site, limiting the potential location for any new house on 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 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 RO-2 or similar zones with similar site characteristics have been granted setbacks for reduced setbacks and excess lot coverage in order to accommodate the most appropriate house design on the property.

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

The strict application of the required rear yard setback would force the proposed garage to be pushed further away from the neighboring homes, which could then project into existing viewlines across the subject site. The strict application of the front yard setback would substantially alter the manner in which the front yard of this property has been used for many years. The strict application of the lot coverage requirement would force the house design to be more vertical, possibly resulting in substantial view impacts for uphill neighbors.

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 does not appear to result in substantial view or privacy impacts on neighboring homes.

### 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.

Many of the homes in the surrounding neighborhood have two or more floor levels with relatively vertical house designs. As noted above, most of the proposed house would be situated on one level, with only a partial upper level in the rear and a partial lower level at the front of the house.

It should also be noted that the Design Review Board has often determined that applications which request both a variance for excess lot coverage and a floor area exception represent a fundamental overbuilding of the property. However, in certain cases where the variance and exception requested have been characterized as minor and the design did not result in problems for neighboring homes, the Board has approved such applications.

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

### **Public Comment**



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As of the date of this report, no letters have been received regarding this project. The applicants have indicated that they have met with the surrounding neighbors regarding the proposed house design and have submitted a letter requesting the Board to visit these neighbors.

### 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. Submitted plans

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### CONDITIONS OF APPROVAL

#### 1885 MOUNTAIN VIEW DRIVE

#### FILE #20629

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 8, 2006, or as amended by these conditions of approval. Any modifications to the plans of September 8, 2006, 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. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
7. 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.
8. 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 irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
9. 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

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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.

10. 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. All vegetation, existing and new, shall comply with the requirements of Fire Safe Marin, and the requirements of UFC 1103.
  - e. The access gate shall have a minimum unobstructed width of 12 feet. Gates shall be operable using the Fire District's "Know" key system (UFC 902).
  - f. The solar system shall comply with Fire District Standard 8504.
11. 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.
12. 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.
13. All requirements of the Town Engineer shall be met.