





# Town of Tiburon

## STAFF REPORT

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The proposed structure would create a lot coverage of 3,265 square feet (15.9%) which is over the maximum permitted lot coverage in the RO-2 zoning district (15%). The proposed structure would create a gross floor area of 4,210 square feet, which is 155 square feet over the maximum permitted floor area for a parcel of this size (4,054.6 sq. ft.). The applicant is requesting a variance for excess lot coverage and a floor area exception.

The proposed design of the home would result in an eight foot, six inch (8' 6") rear yard setback. The minimum rear yard setback in the RO-2 zoning district is twenty-five feet (25'). Therefore, a variance has been requested for a reduced rear yard setback.

The façade of the home would contain stucco siding, stone accents, clay mission roof tiles, and clad wood windows. A color/material palette will be available at the Board meeting for review.

### ANALYSIS:

#### Design Issues

#### Tiburon Hillside Design Guidelines

The following portions of the Tiburon Hillside Design Guidelines should be used to evaluate the hillside design of the house as proposed:

- *Goal 1, Principle 1 of the Hillside Design Guidelines states that a building should be cut into the hillside to reduce effective visual bulk.*
- *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 (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)."*
- *Goal 3, Principle 7 (B) of the Guidelines states that the "horizon line is [the] most sensitive part of [a] view, then foreground, then middle ground."*
- *Goal 3, Principle 7 (C) of the Guidelines states that "blockage of [the] center of [a] view is more damaging than blockage of [the] side of [a] view."*
- *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."*



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- *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 Design Review Board is encouraged to visit the site and surrounding neighbor’s homes to view the story poles to better understand the extent of this proposal.

### **Zoning**

Besides the requested variances for reduced front yard setback and lot coverage and the floor area exception, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.

### Variances

In order to grant the requested variances, the Board must make all of the following findings required by Section 16-4.3 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.**

Lot Coverage:

Rear Yard Setback:

- 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.**

Lot Coverage:

Rear Yard Setback:

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

Lot Coverage:

Rear Yard Setback:

- 4. The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.**

Lot Coverage:

Rear Yard Setback:



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### Floor Area Exception

As previously mentioned, the proposed dwelling would also not comply with the floor area regulations for a lot of this size. In order to grant the requested floor area exception, the Board must make the following findings as required by Section 16-4.2.8 of the Tiburon Zoning Ordinance:

- 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.**
  
  - 2. The applicant has demonstrated that the proposed structure is compatible with the physical characteristics 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.**
- From the evidence provide, Staff believes that there is insufficient evidence

### **Public Comment**

To date, letters have been received regarding the subject application from the owners at 1860 and 1868 and 1895 Mountain View, which are in favor of the proposed project.

### **RECOMMENDATION**

It is recommended that the Board should review the proposed project with respect to Zoning Ordinance Sections 16-4.2.7(Guiding Principles), 16-4.2.8 (Floor Area Ratio Guidelines), 16-4.3 (Variances) and the Design Guidelines for Hillside Dwellings, 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 agrees with Staff's conclusions, Staff would recommend that the attached conditions of approval be applied.

### **EXHIBITS:**

1. Conditions of Approval
2. Application and supplemental materials
3. Letter from David Ring dated November 6, 2006
4. Letter from Gisela and Rolf Eiselin dated November 13, 2006
5. Letter from Lynn Spitler and Ted Eger dated November 22, 2006
6. Submitted plans

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### EXHIBIT 1

#### CONDITIONS OF APPROVAL

1896 Mountain View Drive

FILE #20630

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 1, 2006, or as amended by these conditions of approval. Any modifications to the plans of December 7, 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. 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.



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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 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.
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 310).
  - c. Approved spark arresters shall be installed on chimneys (UFC 1109).
  - d. All vegetation, existing and new, shall comply with the recommendations of Fire Safe Marin, and the requirements of UFC 1103.
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. All requirements of the Town Engineer shall be met.