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The proposed house would require the following exception and variances:

- The floor area of the proposed house would be 5,005 square feet, which is 2,244 square feet greater than the maximum floor area permitted for a lot of this size.
- The proposed house would cover 3,030 square feet (39.8%) of the site, which is greater than the 35.0% maximum lot coverage permitted in the R-2 zone.
- The proposed house would extend to within 12 feet of the front property line, in lieu of the 15 foot front yard setback required in the R-2 zone.
- The proposed house would extend to within 8 feet, 1 inch of the rear property line, in lieu of the 25 foot rear yard setback required in the R-2 zone.
- The building would have a maximum height of 44 feet, in lieu of the maximum building height of 30 feet.

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 medium brown colored stucco siding, with stone trim. The flat roofs would be planted with low-growing vegetation.

PREVIOUS REVIEW BY THE DESIGN REVIEW BOARD

A Site Plan and Architectural Review application for a new single-family dwelling on this property (File # 20509) was reviewed by the Design Review Board in 2005. At that time, the application called for a two-story home with 2,623-2,685 square feet of living area. At different points in the review process, variances were requested for reduced side or rear yard setbacks and/or excess wall and fence height.

Over the course of three meetings (June 16, September 15 and October 20, 2005) the Design Review Board evaluated permutations of the same basic house design for this property. In each case, the Board heard testimony from neighboring property owners at 110 Las Lomas Lane objecting to view impacts caused by the proposed 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 Board had also encouraged the applicant to redesign the house to better step into the hillside, reduce the overall visual mass and move out of the rear yard setback.

Ultimately, the Design Review Board determined that the house design would result in significant view impacts for the home at 110 Las Lomas Lane. On November 3, 2005, the Board adopted Resolution No. 2005-02 denying the application. Since that time, the previous applicant has withdrawn from escrow on the property; the current application is submitted on behalf of the property owner, who has hired a new architect to design the proposed house.



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ANALYSIS

Design Issues

The subject property is currently vacant, and slopes down toward Mar West Street. Access to the site is provided by a common driveway shared with several other surrounding homes. The driveway and its access easement extend along the bottom and southern side of the lot.

As the subject property is an infill site surrounded by other homes, a future home on this site would have the potential to impact a number of nearby residences. The relationship of this property and the proposed house to the nearby homes is summarized as follows:

- The adjacent duplex to the north at 1905 Mar West Street consists of one upper and one lower residence. The living room of the upper unit has views across the site of San Francisco, Golden Gate Bridge, and Angel Island. The living room and kitchen of the lower residence have limited views of Angel Island and San Francisco across the lowest portion of the subject site which are currently obstructed by vegetation in need of trimming. The proposed house location would not appear to interfere with any of these views.
- The nearby single-family home at 110 Las Lomas Lane has views across the site from the main living area of the house. The location of the proposed house on the site results in some view impacts from the main living areas, described in more detail below.
- The adjacent single-family home at 1915 Mar West Street sits at an elevation directly above the subject property. The owner of this residence at one time owned the subject lot. The proposed house would not result in any significant view impacts on this neighboring home, as the new house would be well below the existing view line of this residence.

According to a survey submitted by the applicant, the upper floor decks of this existing home extend across the property line. Landscaping that this neighbor has maintained over the years also appears to extend across the property line. The proposed house and landscaping to the rear would not appear to interfere with any of the improvements on this adjacent lot.

- Other homes that use this driveway (1919 & 1921 Mar West Street) would see the house as they drive by, but would not have views impacted by the proposed house.

The currently proposed house does a better job of stepping the house into the slope than the previously submitted house design. This would be consistent with Goal 1, Principle 2 of the Hillside Design Guidelines to “terrace [a] building, using the slope,” and Goal 1, Principle 4 to “follow hillside contours and slope with building forms, particularly roof forms, to increase the



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integration of dwelling and site.” The stepping of the proposed house is partially responsible for the excess lot coverage requested as part of this application.

Much of the additional height requested as part of this house design results from the placement of an elevator at the rear of the house to serve all four floors of the building. At the rear of the house, the building would only extend approximately 8 feet above the existing grade of the site. However, other portions of the proposed house would also exceed the 30 foot maximum building height; at roughly the midpoint of the house going uphill (at line (D) of Section drawing 2 on Sheet A2.1 of the submitted plans), the house would have a measured height of 34 feet, but would only extend about 23 above the natural grade at that point.

The applicant has attempted to explain the substantial floor area exception requested by submitting calculations to explain how much of the proposed house would be buried below the existing grade of the site. The calculations indicate that “areas required to preserve neighbors’ view corridors” include 547 square feet of retaining walls (as floor area is measured to the outside of such walls) and 1,530 square feet of “additional circulation area.” It should be noted that this latter category includes not only the elevators, stairs and hallways leading to these access points, but also the entire garage, first floor bathrooms, laundry room and storage, and the second floor wine cellar. The applicant has indicated that the proposed house would have an above-grade visual mass “equivalent to 2,266 square feet,” which would be less than the floor area ratio of 2,758 square feet for this property.

The provided parking for this project is more appropriately designed than the initial design of the previously proposed house for this site. The two-car garage and additional open parking space would lead directly to the lower level of the existing shared driveway leading to the homes at 1915, 1919 & 1921 Mar West Street, in contrast to the previous driveway design that awkwardly proposed to connect to the upper level of the shared driveway.

View Issues

As noted above, the proposed house has the potential to block certain views from the adjacent home at 110 Las Lomas Lane. This residence has a slot view of San Francisco and the Golden Gate Bridge from the living room, dining room and kitchen. The previously submitted house design for the subject property would have blocked half of the San Francisco view from the living room of the neighboring home, and much of the city view would have been affected from the dining room and kitchen. Other views of San Francisco Bay and Golden Gate Bridge from portions of the house would have been unaffected.

The currently proposed house design would block a much smaller portion of the view for the home at 110 Las Lomas Lane. The story poles indicate that the proposed house would intrude into only the far left portion of the San Francisco views from either the living room or dining room, leaving intact most of the views of San Francisco, along with views of the Golden Gate Bridge. The following principles of the Hillside Design Guidelines should be used to evaluate these potential view impacts:



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- 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).” The story poles are visible from the living room, dining room and kitchen of the adjacent home, along with a deck outside the living room (accessible via a gate near the front entry).
- Goal 3, Principle 7 (B) of the Guidelines states that the “horizon line is [the] most sensitive part of [a] view, then foreground, then middleground.” The proposed house would intrude slightly into the horizon line above the left-hand views of San Francisco, and would be considered to be in the overall foreground of the views from the neighboring residence.
- 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.” The proposed house would intrude into the far left side of the views from the adjacent residence.
- 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.” The proposed house would not block views of the Golden Gate Bridge from the neighboring home.
- 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 view from the adjacent dwelling would be most accurately characterized as a slot view.

A review of the visual representations of these Hillside Guideline principles, copies of which are attached, indicates that the potential view impacts on the home at 110 Las Lomas Lane that would be caused by the proposed house design more clearly resemble the “yes” illustrations of projects that would conform to these principles than the “no” illustrations. It should be noted that Goal 3, Principle 7 of the Guidelines states that although “partial view blockage should be avoided whenever possible. However, as much as we dislike it, views from existing dwellings must often be compromised by new dwellings or additions in front of the existing structure.” The limited view impacts on the residence at 110 Las Lomas Lane should be thus evaluated given the inherent difficulties associated with designing a new dwelling on a vacant lot surrounded by existing homes. The Design Review Board is encouraged to view the story poles from the surrounding homes to evaluate the potential view impacts of the proposed house.

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 front and rear yard setbacks and excess building height and a floor area exception.



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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 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. The front property line is V-shaped, creating difficult setback conditions. 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 excess lot coverage in order to accommodate the most appropriate house design on the property. Although building height variances are not as common, such applications have been approved as part of an overall design solution and when much of the additional building height would be below the natural grade of the site.

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 several nearby homes that currently have views to the south across the site. The strict application of the front yard setback would push the garage to a higher elevation further from the shared driveway and result in a more vertical house design. The strict application of the lot coverage requirement would force the house design to be more compact and less stepped into the hillside. The strict application of the building height requirement would eliminate a needed elevator for the proposed house design and result in the practical difficulty of a series of staggered stairways that would consume much more of the interior space of the house.

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



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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, much of the proposed house would be buried below the existing grade of the site, further limiting the visual mass and bulk of the structure. The four levels of the house would be properly stepped into the sloping hillside of the site.

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

Public Comment

Letters have been received regarding this project from the owners of the adjacent homes at 110 Las Lomas Lane and 1905 Mar West Street.

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. Goal 1, Principles 2 & 4 and Goal 3, Principle 7 (A-E) of the Hillside Design Guidelines
4. Design Review Board Resolution No. 2005-02



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5. Minutes of the June 16, 2005 Design Review Board meeting
6. Minutes of the September 15, 2005 Design Review Board meeting
7. Minutes of the October 20, 2005 Design Review Board meeting
8. Letter from Richard Morris and Gail Miller, dated July 7, 2006
9. Letter from Ned and Diana Lawrence, dated July 13, 2006
10. Submitted plans

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CONDITIONS OF APPROVAL

1911 MAR WEST STREET

FILE #20618

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 May 19, 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. 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. A greenbelt shall be provided by cutting and clearing all combustible vegetation within 30 feet of the structure (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. 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.