



Town of Tiburon

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design was an improvement over the original project design, two of the Boardmembers were concerned about the amount of the floor area exception requested, and recommended that the house be reduced in size by at least 500 square feet. After deliberation, the Board continued the application to the September 21 meeting to allow the applicant time to address the issues raised by the Board.

The applicant has now submitted revised plans for the proposed house. The applicant has corrected the floor area calculations for the proposed house by not counting the elevator space and counting stairway areas only one time (rather than counting these areas on each floor). Additional minor revisions have been made throughout the entire house design to reduce the area of many rooms in the house. The net result would be a 579 square foot reduction in the proposed floor area of the house from the size presented at the August 17 meeting.

The revised design for the proposed house would require the following exception and variances:

- The floor area of the proposed house would now be 4,161 square feet, which is 1,400 square feet greater than the maximum floor area permitted for a lot of this size.
- The proposed house would now cover 2,996 square feet (39.3%) of the site, which is greater than the 35.0% maximum lot coverage permitted in the R-2 zone.
- The proposed house would still 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 still extend to within 13 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 still have a maximum height of 44 feet, in lieu of the maximum building height of 30 feet.

ANALYSIS

Design Issues

The revised house design would appear to address the concerns raised at the previous meeting by reducing the overall calculated floor area of the proposed house. The house design would not appear to interfere with the views for the other adjacent homes at 1905 & 1915 Mar West Street, and would appear to interfere minimally with the views from the adjacent home at 110 Las Lomas Lane. The Design Review Board is encouraged to view the revised story poles from these adjacent homes.



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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.

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



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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.*

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 sufficient evidence to support the findings for the requested variances and floor area exception.

Public Comment

As of the date of this report, no additional letters have been received regarding this project since the last Board meeting.

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.

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ATTACHMENTS:

1. Conditions of approval
2. Minutes of the July 20, 2006 Design Review Board meeting
3. Minutes of the August 17, 2006 Design Review Board meeting
4. 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 June 7, 2006, or as amended by these conditions of approval. Any modifications to the plans of September 11, 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. 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.