



Town of Tiburon

STAFF REPORT

the great room. The laundry room would be relocated to the upper level as a small closet, so that interior stairs are not needed to access the lower level. The roof would be pitched, instead of flat, which would result in a higher roof. Additionally, two skylights are proposed on the east side of the structure, located over the kitchen/great room.

The proposed structure would result in a lot coverage of 2,239 square feet (10.8%) which is below the maximum permitted lot coverage in the RO-2 zoning district (15%). The proposed structure would result in a floor area of 2,012 square feet, which is below the maximum floor area allowed for a lot of this size.

The minimum side yard setback in the RO-2 zoning district is 15 feet. The applicant has requested a variance for a reduced side yard setback for the right side (east) of the property. Currently the home sits 13'6" from the property line. The deck is setback 7'6" from the property line. The applicant has proposed to maintain this setback with the new building. Therefore, a variance is requested for reduced side yard setback.

The façade of the home would include cedar shingles in a natural finish with cedar trim. Two options are proposed for the roofing material; the first is a Corten non-reflective weathering steel or painted Galvalume standing seam steel sheet roof; the second is a standard dark color composition shingle. Railings for the exterior decking are proposed as wood rail caps with cables and steel posts. A color/material palette will be available for review at the Board meeting.

ANALYSIS:

Design Issues

The existing home is situated in the southeast corner of the property due to the steep topography, which runs north to south. Homes surrounding are designed to take advantage of views of San Francisco, Angel Island, the Golden Gate Bridge, and the bay.

The proposal results in a change in the roof from a flat roof to a higher pitched roof. During a site visit, Staff recognized that the homes located above (north) would be able to view the roof at this higher elevation; however, because the proposed home would be situated well below their viewsheds, it should not present any view obstructions. The property owner at 2151 Vistazo East has contacted Staff regarding a view obstruction due to the higher pitched roof. Staff was unable to visit the property to determine the extent of any potential view blockage. The Design Review Board is encouraged to view the story poles for the proposed house from this adjacent property.

The applicant has asked for Corten non-reflective weathering steel or a painted Galvalume standing seam steel sheet roof. In the past the Board has viewed this type of roofing material as problematic if reflective; however, if the material proposed was in a dark red or brown color, it should not stand out. If the Board feels that the metal roof is inappropriate for the site, the applicant has proposed dark composition shingle roofing as a secondary roofing material option.



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The reconstruction of the home would add 284 square feet of living space, as the reconfigured upper floor depicts. The proposed home would be similar in size to the existing structure and therefore mass and bulk should not be an issue. The proposal also indicates utilizing the existing driveway which would extend east at the front of the property and connect with a flat portion at the front of the home for the purpose of parking two vehicles. This would satisfy the two car parking requirement, for this property, and would be an improvement over the existing parking for one vehicle outside of the dwelling.

Zoning

With the exception of the requested variance for reduced side yard setback, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.

Variance

- 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 site is sloped steeply from north to south, and the existing home is situated in the southeast corner of the property. The proposal indicates maintaining the home in the same location with a small expansion of the upper floor on the left side (west). The right side (east) of the home is proposed to remain in the same location after construction. The slope and existing setback are special circumstances for this property.

- 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.**

There have been other properties in the vicinity that have requested reduced side yard setbacks.

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

To maintain the setback, the home would need to be relocated on the site out of the side yard setback, which would require a substantial amount of excavation. This would result in a considerable amount of cost added to the project.

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

The current home already maintains the reduced side yard setback, which has not been a problem for the neighboring residents; therefore it should not be problematic after the new construction. The majority of homes surrounding the subject property take advantage of views of the Golden Gate Bridge, San Francisco, Angel Island and the bay.



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The proposed home would be re-constructed in the same location as the house currently exists, and should not obstruct any major views for any of the surrounding homes.

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

Public Comment

To date, no letters have been received regarding the subject application.

RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07 and 4.03.05 (Guiding Principles and Variance Findings), 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 dated September 6, 2006
3. Plans for the project

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EXHIBIT 1

CONDITIONS OF APPROVAL

2131 Vistazo East

FILE #20628

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 6, 2006, or as amended by these conditions of approval. Any modifications to the plans of October 5, 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. 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.
13. All guardrails shall be vertical railings and not horizontal.