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bedroom and bathroom, and a guest room and bathroom. No decking or patios are proposed for the upper floor. An elevator would service the three floors, in addition to an interior stairway.

The proposed structure would create a lot coverage of 2,384 square feet (10.8%) which is 4.2% below the 15% maximum permitted lot coverage in the RO-2 zoning district. The proposed structure would create a floor area of 4,779 square feet, which is 20 square feet below the maximum floor area allowed for a lot of this size.

The façade of the home would include stucco siding in two shades of beige, wood fascia painted white and natural stone accents. Roofing material would be comprised of a "cobblestone" colored concrete tile, and exterior lighting would be provided by small wall sconces directed downward to minimize light and glare. A color/materials board will be available at the Board meeting for review.

BACKGROUND:

On September 6, 2001, the Design Review Board reviewed a proposal for construction of a new three-story, single-family dwelling on the vacant lot located at 7 Seafirth Place. During the meeting, concerns were raised regarding potential privacy impacts on adjacent residences, as well as the massive appearance of the proposed house. The applicant was asked to revise the drawings, and the project was continued to the meeting of October 4, 2001.

At the October 4, 2001 meeting, the Board again reviewed the plans and determined that the revised design would result in the removal of a mature pine tree, which provided screening of the future house from the neighbor's deck at 4030 Paradise Drive. The Board continued the item to the October 18, 2001 meeting, advising the applicant to again revise the drawings and indicate on the plans the preservation of the pine tree.

At the October 18, 2001 meeting, the Board approved the revised plans, which indicated the protection of the mature pine tree, during and after construction, and the addition of several trees and shrubs to be planted between the future home and an existing adjacent home. The preservation of the pine tree and additional landscaping would help to create privacy screening. Building permits were never pulled for this approval, and the project expired on October 18, 2004.

On March 2, 2006, a staff-level Design Review application was submitted for the construction of a new access driveway and fire "shunt" turn-a-round, including retaining walls on the property. At this time the applicant was not submitting for construction of a new single-family dwelling, but was attempting to resolve access issues prior to submittal of plans for a new house. Copies of the plans were submitted to the Tiburon Fire Protection District, which reviewed and approved the plans with conditions on April 7, 2006. During this review time, the applicant submitted the subject application for a new single-family dwelling, and therefore on May 11, 2006, the driveway application was deemed to be withdrawn.



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ANALYSIS:

Design Issues

The subject property is surrounded by two-and three-story single-family dwellings, all of which are generally designed to take advantage of the views of the San Francisco Bay. Homes located above the site, along Paradise Drive, are also designed to take advantage of these views, however, mature landscaping at the rear of the subject site tends to impede upon this view shed. From the lowest point at ground level, there is no view due to dense landscaping in the foreground and in the distance. As you progress up the site, minimal slot views arise through the existing landscaping.

The subject parcel shares boundary lines with 5 Seafirth Place to the east, 9 Seafirth Place to the north, and 4030 Paradise Drive to the south. Paradise Drive is located west of the property, and the San Francisco Bay to the east. Access to the site is provided by a driveway that is shared between 15, 5, and 9 Seafirth Place. The proposed driveway for the subject house would utilize an easement across the property at 15, 5, and 9 Seafirth Place. The applicant has submitted drawings which indicate this shared driveway, and the fire access "shunt" turnaround design, which matches the previously submitted drawings for the driveway (File # 706032).

The site currently is covered in mature landscaping, much of which would be removed as a result of construction. The applicant submitted an arboricultural report, prepared by Moritz Arboricultural Consulting, dated June 12, 2006, which indicates the species, size, location and general health of each tree on the site. Many of the trees located to the west of the site, adjacent to 4030 Paradise Drive, act as a natural screening barrier. During a site inspection, staff noted that the elimination of the pine tree, as well as additional landscaping on this side of the proposed home would cause a privacy issue. In the previous approval, the same pine tree was preserved to maintain privacy, and additional plantings were required to act as a buffer between to the two homes.

The property owners at 4030 Paradise Drive have indicated opposition to the removal of the tree, and are also opposed to the upper floor bedroom being so close in proximity to their home and located within a partial view of the bay. This neighbors' living area faces the future home, and a large deck surrounds this side of the home. A window proposed for the bedroom would allow the neighbor to look directly into the bedroom, and allow the future residents to look directly into the neighbors' living room and kitchen. It should be noted that the proposed bedroom would not impede on the neighbors' entire view of the bay, but only a small portion to the left.

The rear of the home at the lower floor level is proposed to cut into the hillside, while the lower and upper floors are stacked above. A two-tier retaining wall system proposed for the lowest portion of the site will retain a substantial amount of fill that will raise the lower level floor roughly 4.5' above natural grade at the garage. The retaining walls are proposed at 5' and 6' in height, for a combining total of 11' of wall. The applicant has requested to fill the site instead of cut into the slope on this side of the structure, due to the location and design of the required driveway and fire "shunt" turn around, and to create additional privacy for the neighboring residence at 5



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Seafirth Place. The intent was to orient the house with the backyard at the rear of the structure to keep privacy between the two residences.

The proposed house in conjunction with the retaining wall system creates a structure that is extremely tall and continues to gain height when viewing from the lowest point of the site. If the structure is constructed, the residents at 5 Seafirth Place will look upward from their back yard to see a very vertical structure.

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 encourages the “cutting of buildings into the hillside to reduce effective visual bulk.”*

Construction of the proposed home would entail adding fill to raise the lower level floor to meet the driveway and fire turn-around and would require a two-tier retaining wall system along the driveway. Much of the building height would be achieved by perching the house on top of fill, rather than cutting into the slope of the hill. The structure would stand out considerably, most prominently from 5 Seafirth Place. The Board should consider advising the applicant to not rely upon fill and to work with the contours of the site.

- *Goal 2, Principle 6 of the Guidelines states that to control window placement for sun, privacy and view, “avoid placing windows where they will ‘look right into’ someone else’s home.”*

The bedroom proposed on the upper floor will have a window located on the side of the structure adjacent to the residents at 4030 Paradise Drive. This would allow the neighbors to look directly into the bedroom, and the future residents to look directly into the neighbors living area, which ultimately creates a privacy issue for both residents. The Board should consider recommending that the applicant either remove the window on this side, or require an opaque or frosted glass instead of clear glass.

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

The project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.

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Public Comment

To date, letters have been received regarding the subject application from the owners of 4030 Paradise Drive and 5 Seafirth Place, both of which raise objections to the proposed project.

RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles) and the Tiburon Hillside Design Guidelines, 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, the application should be continued with the applicant encouraged to return with a revised project design consistent with the Hillside Design Guidelines. If the Board wishes to approve the project, findings should be articulated for the requested approval, and Staff would recommend that the attached conditions of approval be applied.

EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials dated May 11 and June 16, 2006
3. Letter from Lisa G. Cohan, dated July 11, 2006
4. Letter from Tommie and Rimmo Jolly, dated July 12, 2006
5. Plans for the project

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EXHIBIT 1

CONDITIONS OF APPROVAL

7 Seafirth Place

FILE #706078

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 May 31, 2006, or as amended by these conditions of approval. Any modifications to the plans of July 20, 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.



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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 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).
 - e. The access gate shall have a minimum unobstructed width of 12'. Gates shall be operable using the Fire District's "Knox" key system (UFC 902).
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.