





# Town of Tiburon

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### PROPOSAL:

The applicant has now submitted revised drawings for the project. The proposed floor plan layout has not changed extensively from the previous submittal. The structure proposed would create a lot coverage of 3,767 square feet (20.5%) which is 5.5% over the maximum permitted lot coverage in the RO-2 zoning district (15%). The proposed structure would create a gross floor area of 4,679 square feet, which is 842 square feet over the maximum permitted floor area for a parcel of this size (3,837 sq. ft.). The proposal indicates a 220 square foot reduction in lot coverage and a 160 square foot reduction in floor area, from the previous submittal. The applicant is again requesting a variance for excess lot coverage and a floor area exception.

The proposed design of the home would create a 5 foot 8 inch roof overhang into the front yard setback. As the maximum encroachment permitted for overhangs into a required setback is 3 feet, a variance has been requested for the 2 foot 8 inch encroachment into the front yard setback.

The proposed façade of the home has not changed since the initial review, and would contain two shades of beige cement plaster siding, stone veneer, a pre-weathered zinc roof, flat roofing with light brownish gravel on top, and window and door trim in charcoal gray. The decking would be stained with a natural wood finish. A color/material palette will be available at the Board meeting for review.

### ANALYSIS:

#### Design Issues

The revised drawings for the project address the concerns raised at the meeting by the Board and the adjacent neighbors. The proposal indicates the house would be lowered into the ground for an overall height reduction of 2 feet 8 inches. This would lower both of the high curved roofs by 2 feet 8 inches, and the remaining lower roofs between 2 feet and 2 feet 8 inches.

By reducing the overall height, the views from the uphill neighbors at 2 Audrey Court would be less impacted. The proposed ridgeline of the home would be approximately at the same level as the existing structure, which maintains a view of the lagoon and Belvedere. The Pine trees located at the front of the property are also proposed to be removed, which would open up a view of the Golden Gate Bridge and San Francisco. The property owner of 2 Audrey Court has indicated that they are in support of the modified proposal.

The revised proposal indicates the elimination of portions of the roofing on the west end of the home, as well as portions of the overhang at various locations. The total roof area removed would be 408 square feet. The left (west) side of the home has been pulled inward 4 feet, which has reduced the lot coverage and floor area. The proposed chimneys for the media room and master bedroom would be eliminated and changed from wood burning fireplaces to gas



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fireplaces. The chimney proposed for the living room would be reduced in size from a 3 foot by 5 foot box to a 22 inch diameter metal flue.

In addition, the proposed terrace at the front of the home would also be reduced in size. The full length windows proposed for the lower level bathroom on the left (west) side of the dwelling would be modified from clear glass to an obscured glazed glass, to maintain privacy. The full length windows proposed for the master bathroom shower on the upper level now indicate partial obscure glazing as well.

The Birch trees originally proposed for the rear of the property have been eliminated from the landscape plan. These trees have been replaced with the specimen Tea Tree, which grows to a maximum height of 8 feet.

The neighbors located at 6 and 8 Bartel Court remain in opposition to the project. Overgrown landscaping, which is actually located on the 2 Audrey Court property, blocks views of the proposed home, now that it has been lowered in height, but also blocks views of the bay. The property owner for 2 Audrey Court has indicated that these overgrown trees and shrubs would be trimmed in the very near future. It is unclear of whether or not the proposed home would continue to block their views of the bay, once the landscaping has been trimmed; however, this would still be a minor view obstruction.

The applicant has addressed the issues discussed at the previous Board meeting. These changes have resulted in a reduction in floor area and lot coverage; however the proposal still exceeds the maximum floor area and lot coverage for this property.

### **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 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 approved living room, dining room, family room and kitchen of the adjacent dwelling at 2 Audrey Court; however due to the overall reduction in height of the proposed home, views would be less impacted.
- *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.”* The proposed home has been lowered from the previous submittal and therefore the proposed ridgeline has been lowered to be approximately even with the existing ridgeline. The lagoon view from 2 Audrey Court would be mostly preserved.
- *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 proposal indicates



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removal of several mature Pine trees at the front of the property, which would open up views of San Francisco and the Golden Gate Bridge for the home at 2 Audrey Court. The center view of the lagoon would be mostly preserved as the proposed ridgeline is now approximately even with the existing roof ridgeline.

- *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 chimney for the media room would block a minor view of Belvedere from the adjacent dwelling at 2 Audrey Court.
- *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 views from the nearby dwellings at 2 Audrey Court and 6 and 8 Bartel Court would be accurately characterized as a panoramic view. It is unclear whether the residences on Bartel Court would have any view blockage due to the mature landscaping. If the landscaping were removed, portions of the roof may be visible. The proposed home would only be blocking a minor view to the left of their panoramic views.

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**

With the exception of 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:**

The lot has an existing cut bench into the hillside, which the proposed lower level of the home would utilize. If the proposed home were constructed at natural grade as a full two story structure, views would certainly become obstructed for neighboring residences, and the mass of the home would increase. Additionally, the lot contains a large portion of serpentine rock outcropping, which would remain preserved at the northeast corner of the property. This creates a fairly decent sized area on the parcel that is not proposed to be built upon. The proposal aims to stay somewhat within the existing footprint with the exception of the terrace along the front of the home and the northeastern section of the

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home. These are special circumstances that the applicant has taken into consideration with the proposed design.

### Front Yard Setback:

The parcel is elongated and located on a corner with the majority of frontage along Acela Drive. The existing home is designed to take advantage of views of the bay and the Golden Gate Bridge. In redesigning the home, the structure was slightly rotated to gain an enhanced view, which created a 5'8" triangular overhang encroachment into the setback. It should be noted that the orientation of the existing home has an adequate view. Again, these are special circumstances that the applicant has taken into consideration with the proposed design.

- 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:

Lot coverage requests have been commonly granted on RO-2 zoned lots throughout Tiburon. However, relatively few projects have been granted approval when a variance for excess lot coverage is requested in conjunction with a floor area exception.

### Front Yard Setback:

The majority of properties surrounding the subject parcel are designed to take advantage of views of the bay. By rotating the proposed home to obtain an enhanced view, a small triangular section of the roof is now projected into the front yard setback. However, most other homes in the vicinity have been able to obtain such views without encroaching into the front yard setback.

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

### Lot Coverage:

The home is designed to fit within the existing excavation and footprint of the current home on the property. However, a significant portion of the coverage is a result from the roof overhang, and the terrace located on the second floor. The proposal indicates a reduction in the amount of terrace, in addition to portions of the home being reduced, which has resulted in an overall reduction in the lot coverage.

### Front Yard Setback:

There does not appear to be a practical difficulty to reduce the size of the home, so that the roof overhang would not encroach into the front yard setback. It may be the case that the extension of roofing and eaves is to provide additional shading over the terrace, but the Board may also want to consider a reduction in the extension of roofing at this location to mitigate the encroachment into the front yard setback.



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

Lot Coverage:

The revised design of the home maintains privacy between the adjacent residences and aims to maintain prominent views for 2 Audrey Court. Other homes in the vicinity may still remain affected by the proposed home.

Front Yard Setback:

The extension of roofing into the setback does not affect any neighboring property owners and is a minimal amount of encroachment.

### Floor Area Exception

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.**

The new dwelling unit would fit mostly within the footprint at the lower level of the existing residence. The applicant has proposed to maintain a two story structure on the site to maintain a low profile home and to help preserve views for the homes on the surrounding properties. The home is designed to mimic the mass and scale of neighboring residences, so that it would not create a structure that is out of place. Other homes in the vicinity have been granted floor area exceptions due to the topography of sites and to preserve viewsheds.

- 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.**

The topography of the lot slopes upward from Acela Drive towards Audrey Court. The design of the structure would take advantage of the hillside by cutting into the slope, and the proposal reflects utilizing the existing excavation for the lower level. By placing the lower level floor into the hillside, the size of the home is scaled back, versus a full two story structure which does not cut into the hillside. Additionally, a large serpentine outcropping exists on the property, and is proposed to remain.



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From the evidence provided, Staff believes that there is insufficient evidence to support the findings for the requested variances and floor area exception. It should also be noted that the Design Review Board has often determined that applications which request both a variance for excess lot coverage and a floor area exception represent a fundamental overbuilding of the property; however, the Board has previously discussed that if the revised design did not obstruct the neighbor's views, they may be able to support the design.

### **Public Comment**

To date, letters have been received regarding the subject application from the owners at 6 and 8 Bartel Court, which are in opposition of the proposed project, and 2 Audrey Court which is in favor of the 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 wishes to approve this application, appropriate findings must be made, and Staff would recommend that the attached conditions of approval be applied.

### **EXHIBITS:**

1. Conditions of Approval
2. Application and supplemental materials
3. Staff Report and Minutes of the August 17, 2006 Design Review Board meeting
4. Email from Mark Casillas received September 21, 2006
5. Email from Patricia and Kenneth Woeber received September 21, 2006
6. Email from Tyler Phillips received September 28, 2006
7. Revised plans

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### EXHIBIT 1

#### CONDITIONS OF APPROVAL

##### 8 Acela Drive

##### FILE #20619

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 19, 2006, or as amended by these conditions of approval. Any modifications to the plans of August 17, 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 std. 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.
  - 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.