





# Town of Tiburon

## STAFF REPORT

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The floor area of the proposed house would be 4,460 square feet, which is the maximum floor area permitted for a lot of this size. The proposed house would cover 4,430 square feet (18.0%) of the site, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Therefore, a variance is requested for excess lot coverage.

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 off-white and stone trim. The roof would utilize grey slate material.

### ANALYSIS

#### Design Issues

The subject property slopes down from Acela Drive. The previous house on the site was situated in approximately the same location as that proposed by the subject application.

The owners of this property also own and occupy the residence across the street at 10 Acela Drive. The owners have indicated that the previous house on the site was substantially taller than the height of the proposed dwelling; their desire to lessen their view impacts from a home on this site led to the purchase of the property, demolition of the existing house and request to construct the proposed dwelling.

The home at 10 Acela Drive would have the most direct views of the proposed house. The story poles indicate that the proposed building would intrude slightly into the lower portion of water view of a much larger panoramic view of San Francisco, the Golden Gate Bridge and the bay from the primary living areas of this neighboring residence. View impacts would be more substantial from the lower level of the home, which does not contain any primary living areas.

The home across the street at 8 Acela Drive is situated well above the level of the proposed home. The primary views for both the existing residence and the recently approved dwelling for that property would appear to be minimally impacted by the location of the proposed house.

The adjacent residence at 11 Acela Drive has similar panoramic views from the rear of the house and several decks. This home's views to the side toward San Francisco are currently bounded by vegetation on properties to the south; the proposed house would not intrude into these views. The neighboring home has several side windows facing the subject property that are screened by existing trees on the site that are proposed to be removed; the neighbor has recently planted shrubs next to a fence along the side property line to apparently provide additional privacy screening.

The adjacent home at 7 Acela Drive is oriented away from the subject property, and is situated at a higher elevation, with only one small window facing the site of the proposed house. Rear decks to this home have panoramic views extending from San Francisco to the south to Mt. Tamalpais to the north; although the proposed house would be visible from these decks, it does not appear that the building would interfere with any views from the neighboring home.



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The submitted landscaping plan indicates that a series of six (6) Japanese Maple trees are proposed to be planted along the front property line. Although these trees generally only reach heights of 15-20 feet, the location of these trees could result in potential view impacts for several homes across the street. The Design Review Board should consider whether these trees should be eliminated or moved to downhill locations to avoid these potential impacts.

### **Zoning**

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone with the exception of the previously noted variance for excess lot coverage.

### Variance

In order to grant the requested variance, 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 configuration which places the most appropriate location for a house on the site directly in line with the views across the site for the home at 10 Acela Drive. This house location is a special circumstance that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity if the subject variance is not granted to lower the house and spread the structure further across the site.

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 RO-2 or similar zones with similar site characteristics have been granted variances excess lot coverage in order to accommodate the most appropriate house design on the property.

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

The strict application of the lot coverage requirement would force the house design to be more vertical, possibly resulting in increased view impacts for uphill neighbors.

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.

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 letters have been received regarding this project.

### **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. Submitted plans

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### CONDITIONS OF APPROVAL

#### 9 ACELA DRIVE

#### FILE #20625

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 August 21, 2006, or as amended by these conditions of approval. Any modifications to the plans of September 27, 2006.
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 points as appropriate, and elevations relative to sea level of the foundation walls and

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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. All vegetation, existing and new, shall comply with the requirements 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. 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.