



Town of Tiburon

STAFF REPORT

The floor area of the proposed house would be 3,085 square feet, which is 298 square feet greater than the maximum floor area permitted for a lot of this size. Therefore, a floor area exception is requested.

The proposed house would cover 2,965 square feet (37.7%) of the site, which is greater than the 35.0% maximum lot coverage permitted in the R-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 brown and off-white trim. The roof would utilize dark brown asphalt shingles.

ANALYSIS

Design Issues

The subject property is situated at the southeast corner of Solano Street and Centro East Street. The site slopes down from Centro East and is situated well below the level of most of the homes on the uphill side of that street. As a result, the views from most of these uphill residences would not be impacted by the proposed house. The lot is uphill from other homes along Solano Street and borders a vacant lot to the rear.

The proposed house design would include a courtyard area facing Solano Street and varying rooflines that would create a well-articulated building profile. The predominantly one-story design would further minimize the visual mass and bulk of the house when viewed from the front.

Two lots directly across the street each contain two dwelling units, with one residence situated closer to the street at a lower elevation. The home at 2219 Centro East Street has a relatively panoramic view from a south-facing deck, with views stretching from San Francisco across the entire width of Angel Island and Raccoon Straits to the East Bay; the lower center portion of water view would be impacted by the roofline of the proposed house. The adjacent residence at 2223 Centro East Street has similar views, although the views from their south-facing deck toward the proposed house are partially obscured by mature trees on the subject property that are intended to remain; the proposed structure would affect a smaller portion of the lower water view from this residence.

The following principles of the Hillside Design Guidelines should be used to evaluate the potential view impacts that would be caused by the project as proposed:

- Goal 3, Principle 7 (B) that the “horizon line is [the] most sensitive part of [a] view, then foreground, then middleground.” The proposed house would be situated generally in the foreground views for these two homes.



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- Goal 3, Principle 7 (C) of the Hillside Design Guidelines that “blockage of [the] center of [a] view is more damaging than blockage of [the] side of [a] view.” The proposed house would intrude into the lower portion of the center of the views for these two neighboring homes.
- Goal 3, Principle 7 (D) 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.” No views of important objects would be blocked by the proposed house.
- Goal 3, Principle 7 (E) of the Hillside Design Guidelines that “a wide panoramic view can accept more view blockage than the smaller slot view.” The proposed house would intrude into a relatively small portion of the panoramic views currently enjoyed by these two nearby homes.

The Design Review Board is encouraged to visit the residences at 2219 & 2223 Centro East Street to better evaluate these potential view impacts.

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 variance for excess lot coverage and floor area exception.

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 is situated in the midst of a large number of established homes in the Old Tiburon neighborhood which have cherished view corridors across this property. The strict application of the lot coverage requirements would force the property owner to construct a home with a more vertical design in order to enjoy the development privileges enjoyed by other properties in the vicinity.

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.***



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Variances for excess lot coverage have been granted for numerous other properties in the R-2 or similar zones with similar site characteristics 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 substantial 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.*

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.

The visual size and scale of the predominantly one-level design of the proposed house would be compatible with many of the smaller, older homes in this portion of Old Tiburon. This one-story design, with a lower floor only on the downhill end of the site, would be compatible with the physical layout of the site.

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, in certain cases where the variance and exception requested have been characterized as minor and the design did not result in problems for neighboring homes, the Board has approved such applications.

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

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PUBLIC COMMENT

As of the date of this report, two letters have been received regarding this project. One letter was received from the property owner at 171 Solano Street raising concerns about on-street parking. A letter was also received from the owner of the property at 2223 Centro East raising concerns about the accuracy of the story poles and the over size of the proposed house.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Section 16-4.2.7 (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. Letter from Diane Lynch dated March 27, 2007
4. Letter from Leslie Hembree, dated March 28, 2007
5. Submitted plans

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CONDITIONS OF APPROVAL

180 SOLANO STREET

FILE #20705

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 February 6, 2007, or as amended by these conditions of approval. Any modifications to the plans of February 27, 2007 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 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.