





# Town of Tiburon

## STAFF REPORT

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the Board discussed the possibility of stepping the house further back into the hillside, to lessen the impact on the viewshed for the adjacent neighbor, and to reduce the visual bulk of the home from below.

The item was continued with the applicant advised to reduce the amount of windows and exterior lighting on the front of the home, modify the pitch of the roof, and step the house further back into the hillside.

### ANALYSIS:

#### Design Issues

The applicant has now submitted revised drawings of the proposed home, which indicates a shift of the second floor, 42 inches to the rear (towards the hillside), and 10 feet 8 inches to the west (toward the shared driveway). The lower level of the home would remain in the same location the previous submittal. A row of mature trees at the rear of the property would continue to shield the dwelling from the uphill neighbor, resulting in a natural privacy screen. Additional excavation into the hillside would be required as part of the second floor shift and re-incorporation of the entry walkway and patio area.

By shifting the second story, and incorporating a bow window at the front of the home, the floor area of the home would increase from the previously proposed 3,666 square feet to 3,746 square feet, an 80 square foot increase. The applicant would still need a floor area exception, as the maximum floor area ratio for the property is 3,260 square feet. Additionally, the lot coverage would increase from 2,628 square feet (20.8%) to 2,807 square feet (22%), which is still below the maximum permitted lot coverage in the R-2 zone (35%).

Modifications to the pitch of the roof are also shown. The roof ridge would be a traditional gable style roof, with a section of the center of the home maintaining an upward angled roofline. Beneath this section, a large bow window is proposed. By modifying the pitch of the roof, the upper windows that were previously proposed have now been eliminated, reducing the overall amount of windows on the south facing elevation. Additionally, all exterior sconce lighting has been eliminated from the south elevation, with only lighting proposed beneath the soffits. The front entry of the home (north elevation), and entry on the west elevation, would contain a few exterior sconce lights.

The lower level unit at 1895 Centro West Street would now maintain its view of the Presidio and Golden Gate Bridge; however, there would still be an impact on the Tiburon Harbor, Belvedere and the bay, which is due to the second story being shifted back toward the hillside. The upper level unit would remain unaffected by the proposal.

A landscape plan was not submitted as part of the application. Staff has included a condition of approval requiring a landscape plan to be reviewed and approved by Staff, prior to issuance of building permits.

Staff encourages the Board the visit the site and the surrounding properties to better understand the extent of this proposal.

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### 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 states that “to reduce effective visual bulk, cut the building into the hillside”.* The revised proposal would shift the second floor 42 inches to the rear of the property, closer to the hillside. Even though the second floor is proposed to be shifted back, further stepping the home into the hillside, the home would still appear massive from below. However, homes typically appear massive from below, due to the steepness of slopes, which creates difficult sites upon which to build upon.
- *Goal 2, Principle 6 (a) of the Hillside Design Guidelines encourages “avoiding large expanses of floor to ceiling glass and ‘picture windows”.* The applicant has reduced the amount of windows on the southern elevation, which was of concern at the previous two meetings; however, there would still be floor to ceiling windows on the southern elevation at the second floor, along the entire length of the home.
- *Goal 2, Principle 6 (b) of the Hillside Design Guidelines states “views should be framed with carefully thought out windows”.* The modification to the roofline would eliminate the previously proposed upper “sky view” windows at the front of the home. By dropping the roofline, views toward San Francisco and the bay would be framed, resulting in a more than adequate viewshed for the residents.
- *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 than for less actively used areas of a dwelling”.* Due to a shift of the second floor of the proposed dwelling 42 inches back toward the hillside, the lower level unit at 1895 Centro West Street would maintain views across the Bay of Angel Island, San Francisco, the Presidio and the Golden Gate Bridge from within the living room. However, views of the Tiburon Harbor, portions of Belvedere and the water would be lost from within the living room.
- *Goal 2, Principle 7 (c) of the Hillside Design Guidelines states that “blockage of the center of the view is more damaging than blockage of the side view”.* The proposed structure would impact the right side of the view from within the family room of the lower level unit at 1895 Centro West Street.
- *Goal 2, Principle 7 (d) of the Hillside Design Guidelines states that “blockage of important objects in the view is more difficult to accept than blockage of other, less well-known landmarks”.* The lower level unit at 1895 Centro West Street would lose a view of the Tiburon Harbor, portions of Belvedere and water views.



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### Zoning

With the exception of the requested floor area exception and side yard setback variance, the project appears to be in conformance with the development regulations of the R-2 zone.

### Variance

In order to grant the requested variance, 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.**

The site is steeply sloped from north to south creating a very difficult site to build upon. Most of the homes within the vicinity are also constructed on steep portions of the hillside, many of which encroach into their side yard setbacks instead of further excavating into the hillside. This is a special circumstance applicable to the 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.**

Numerous other properties within the R-2 zoning district have received side yard setback variances.

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

If the entire home were shifted two feet to the west, resulting in the minimum eight foot side yard setback, the home would encroach into the shared driveway with 1891 Centro West Street. The existing shared driveway is only ten feet wide. Reducing the width would certainly create maneuverability issues for both residents when trying to access their carport/garage.

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

The previously existing duplex was located two feet within the same side yard setback, which did not seem to create any problems for the adjacent properties.



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### Floor Area Exception

As previously mentioned, the proposed dwelling would not comply with the floor area regulations for a lot of this size. 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 majority of homes surrounding the subject site are two and three story structures due to the steep topography of the hillside. Most of the parcels along Centro West Street contain areas in which are not build able because the hillside is so steep. Many homes in the vicinity have requested floor area exceptions for this reason.

- 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 site slopes steeply upward (north) from Centro West Street, creating a difficult site to build upon. The hillside behind the pre-existing structure is extremely steep and contains several mature trees which aid in maintaining privacy between the residence to the north (uphill) and the proposed dwelling.

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

### **Public Comment**

As of the date of this report, no additional letters have been received regarding the project from the previous Design Review Board meetings.

### **RECOMMENDATION:**

It is recommended that the Board 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 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, Staff recommends that the attached conditions of approval be applied.

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### EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials
3. Goal 1, Principle 1; Goal 2, Principle 6 (a, b); and Goal 3, Principle 7 (a, c, d) of the Hillside Design Guidelines
4. Staff Report from the March 1, 2007 Design Review Board meeting
5. Staff Report from the March 15, 2007 Design Review Board meeting
6. Minutes from the March 1, 2007 Design Review Board meeting
7. Minutes from the March 15, 2007 Design Review Board meeting
8. Submitted plans dated April 9, 2007

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### EXHIBIT 1

#### CONDITIONS OF APPROVAL

#### 1893 CENTRO WEST STREET

#### FILE # 20708

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 15, 2007, or as amended by these conditions of approval. Any modifications to the plans of April 9, 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. 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.
11. 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. 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. There shall be a minimum of three feet of clear space from the eastern property line towards the dwelling per the Uniform Fire Code.
  - f. An access stairway shall be constructed from the street level, up towards the lower level deck, for access to the electrical utility box.
12. 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.

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13. All requirements of the Town Engineer shall be met.
14. A landscaping plan shall be submitted to the Planning Division for review and approval by Staff, prior to issuance of Building permits.
15. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.