



Town of Tiburon

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site, it would be difficult to maintain an eight foot setback at this location without encroaching into the shared driveway on the other side of the property.

The Tiburon Fire Protection District Fire Marshal previously reviewed the plans and found that the proposed lower level deck at the eastern side of the structure would be in violation of the Fire Code. The Code requires a minimum of three feet of clear space from the property line in towards the site. The revised site plan indicates that the side yard deck has been pushed thirty-six inches away from the property line, which would now comply with the Fire Code.

He also had expressed concerns with the location of the electrical utility box. A stairway is now proposed to be constructed from the street level up towards the lower level deck, allowing PG&E and the Tiburon Fire Protection District to gain access to the box.

The proposed deck above the garage on the west side has not been modified from the previous proposal. This deck would appear to be at the same elevation as the living area for the adjacent residence at 1891 Centro West Street. This would result in privacy impacts for both residences. The Board should re-evaluate the proposed deck location and determine whether modifications to the design should be made.

The previous proposal would have eliminated views of the Golden Gate Bridge, Belvedere, portions of the Presidio in San Francisco, and a substantial portion of the bay. The story poles have been lowered a total of twenty-four inches, to reflect a nine inch foundation drop and the lowering of the height of the roof an additional fifteen inches. Staff re-visited the site and verified that the lower level unit at 1895 Centro West Street would now have views of the Golden Gate Bridge, the majority of Belvedere, the Presidio and the bay from the outdoor deck. Sitting down within the living room at this unit, only half of the Golden Gate Bridge would be obstructed and the lower portions of Belvedere. Overall, lowering the story poles by two feet would result in an improved viewshed from the previous proposal, but would still create minor view obstructions. Staff encourages the Board to visit the site and the surrounding properties to view the modified story poles to better understand the extent of the proposal.

The neighboring property owner below the site at 160 Las Lomas Lane had raised concerns with the amount of windows proposed on the south elevation of the home. Once the sun reflects off these windows, light would emit downward creating a blinding effect on the downhill neighbors. The applicant has revised the proposal by lowering the roof, thus reducing the size of the upper windows at this elevation; however, there would not appear to be an overall reduction in the amount of windows on this elevation from the previous proposal. The applicant has stated that the property owner intends to install motorized screens within the home to aid in reducing the amount of sun and heat into the home, as well as use operable upper windows to increase air circulation. The Board should re-evaluate the amount of windows on the south elevation and the concern raised by the downhill neighbor, and determine whether additional modifications to the design should be made.



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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 3, Principal 7 (B) states that the horizon line is the most sensitive part of a view, then foreground, then middle ground.* The previous proposal would have impeded on the horizon, foreground and middle ground of the view from the lower level unit at 1895 Centro West Street; from the center of the view to the right side of the view. The revised proposal would impede minimally on the horizon and middle ground, and would remove the foreground view of the lower water's edge of Belvedere and the Tiburon harbor.
- *Goal 3, Principal 7 (D) 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 have lost a view of the Golden Gate Bridge and Belvedere; the revised proposal now aims to maintain a view of the Golden Gate Bridge, the Presidio and most of Belvedere. The Tiburon harbor would be lost.

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 excavating deeper 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.



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

If the 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 has not appeared to create any problems for the adjacent properties.

From the evidence provided, Staff believes there is sufficient evidence to support the requested variance for reduced side yard setback.

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. It should be noted that the floor area exception being requested was previously approved through the staff level process. The Board is required to re-review the request due to the re-classification of the project as "new construction".

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 and the proposed dwelling.



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From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the 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 meeting.

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.

EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials
3. Staff Report from the March 1, 2007 Design Review Board meeting
4. Submitted plans dated March 6, 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 March 6, 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.