

# Town of Tiburon STAFF REPORT

AGENDA ITEM   **E3**  



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TO:                   **DESIGN REVIEW BOARD**

FROM:               **ASSOCIATE PLANNER TYLER**

SUBJECT:           **1893 CENTRO WEST STREET; FILE #20708**  
**SITE PLAN AND ARCHITECTURAL REVIEW FOR CONSTRUCTION OF**  
**A NEW SINGLE-FAMILY DWELLING WITH A FLOOR AREA**  
**EXCEPTION**

MEETING DATE:   **MARCH 1, 2007** \_\_\_\_\_

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## **PROJECT DATA:**

<b>OWNER:</b>	<b>CHARLES HARB</b>
<b>APPLICANT/ARCHITECT:</b>	<b>RICHARDO ROYO</b>
<b>ADDRESS:</b>	<b>1893 CENTRO WEST STREET</b>
<b>ASSESSOR PARCEL NUMBER:</b>	<b>059-071-36</b>
<b>FILE NUMBER:</b>	<b>20708</b>
<b>LOT SIZE:</b>	<b>12,600 SQUARE FEET</b>
<b>ZONING:</b>	<b>R-2 (RESIDENTIAL OPEN)</b>
<b>GENERAL PLAN:</b>	<b>H (HIGH DENSITY RESIDENTIAL)</b>
<b>FLOOD ZONE:</b>	<b>C</b>
<b>DATE COMPLETE:</b>	<b>FEBRUARY 15, 2007</b>

## **PRELIMINARY ENVIRONMENTAL DETERMINATION:**

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15303.

## **PROPOSAL:**

The applicant has submitted a request for construction of a new single-family dwelling with a floor area exception, on the property located at 1893 Centro West Street. Currently a duplex exists on the property, which was in the process of being renovated for conversion into a single-family dwelling. The applicant subsequently demolished over 50% of the existing walls of the structure. By demolishing more than 50% of the structure, the project is therefore classified as "new construction".

The proposed single-family dwelling would be a two-story structure. The lower level would include a two-car garage, the master bedroom and bathroom, two bedrooms, a guest room, and a laundry room. A small wood deck would be located adjacent to the right side of the structure, with access from the guest room and one of the bedrooms. The upper level would include the



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living room, family room, dining area, kitchen and a large deck. The deck would be located above the garage with access from the family room.

The proposed structure would create a lot coverage of 2,628 square feet (20.8%) which is under the maximum permitted lot coverage in the R-2 zoning district (35%). The proposed structure would create a gross floor area of 3,666 square feet, which exceeds the maximum permitted floor area for a parcel of this size (3,260 sq. ft.). The applicant is requesting a floor area exception.

The façade of the home would include stucco siding in a light shade of beige with a darker shade of beige for the trim; copper fascia board and gutters, stained wood soffits; a copper chimney and asphalt shingle roofing in a Spanish tile color. A color/materials board will be available at the meeting for review.

### **BACKGROUND:**

The applicant originally submitted a request for conversion of the existing duplex to a single-family dwelling with minor additions/modifications and a floor area exception on September 19, 2005. Staff approved the request on October 6, 2005. The applicant re-submitted for additional minor modifications to the dwelling on March 27, 2006. Staff approved the re-submittal on April 11, 2006. Copies of the Notice of Action for each approval are attached for reference.

On January 9, 2007, the Tiburon Building Inspector issued a stop work order due to unpermitted demolition without the proper approvals. The applicant was advised to seek approval from the Planning division for demolishing more than fifty percent of the walls of the structure, which classifies the project as "new construction".

### **ANALYSIS:**

#### **Design Issues**

During renovations, it became apparent that more of the structure needed to be demolished than had originally been anticipated. Existing conditions such as poor flooring, dry rot, termites, mold/mildew, framing and structural concerns among other issues, arose, which led to more than fifty percent of the structure being demolished. A detailed explanation from the applicant is attached for reference. It is for these reasons that the applicant is seeking re-classification from addition/remodel to new construction.

The site is steeply sloped from north to south and shares a driveway with the residence to the west at 1891 Centro West Street. The project site is in close proximity to the adjacent homes on both the western and eastern sides of the property. Homes surrounding are designed to take advantage of views of Angel Island, San Francisco, the Golden Gate Bridge and Belvedere. Most of the homes are two to three story structures due to the steep topography of the hillside.



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During review of the proposal, Staff noticed that a request for a side yard setback variance was needed for the right side of the structure. The minimum side yard setback in the R-2 zoning district is eight feet. This proposal indicates a pre-existing side yard setback of six feet. Since the home has been demolished with the exception of a few walls, and is now seeking classification of “new construction”, a variance is required to maintain this setback, as the proposal reflects. As no legal notice has been published for this variance request, Staff recommends that the Board review the proposal, and continue the project so that the proper noticing requirements can be met, and then review the request for the side yard setback variance at a later date.

The Tiburon Fire Protection District Fire Marshal 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. He also expressed concerns with the location of the electrical utility box. The proposed spiral staircase at the corner of the lower level deck would serve the purpose of allowing a person to reach the utility box by walking around the home, down the spiral staircase and to the utility box. Since the spiral staircase is located in close proximity to the property line, it would need to be removed or relocated. The only solution to reach the utility box is to construct a stairway 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. Conditions of approval have been included for both the three foot clearance requirement and stairway requirement.

In addition, the proposed deck above the garage 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.

Upon visiting the site, it was evident that the adjacent neighbor to the east at 1895 Centro West Street would be impacted by the proposed dwelling. 1895 Centro West Street is a duplex with a unit at each level, and carports below. A small portion of the lower level water views from the upper level unit would be slightly impacted by the proposed dwelling. However, the lower level unit would lose a view of Belvedere, the Golden Gate Bridge and portions of the Presidio in San Francisco, along with a substantial portion of San Francisco Bay. As of the date of this report, Staff has not received any correspondence from the property owner of 1895 Centro West Street, declaring their support or opposition to the proposal. However, the tenants of this home have voiced concerns over the potential view impacts and have questioned the accuracy of the story poles erected for this application.

The demolition of the home on this site creates the need to review the proposed house design as a new structure on the property. Although the original house design may have intruded into substantial views from the adjacent home at 1895 Centro West Street, the Design Review Board is not obligated to allow these view impacts to continue with the new proposed construction, particularly if reasonable design alternatives exist that would be more consistent with the Hillside Design Guidelines.

Although Staff does not usually attempt to redesign projects for applicants, there are several design alternatives for the site that should be considered by the Board for this house. The



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upper floor of the house could be pushed back several feet into the hillside, better stepping the house into the hillside. Some of the mass and bulk of the upper floor could be moved from the foreground view of the home at 1895 Centro West Street and above the garage (replacing the proposed roof deck), where such mass would be less noticeable from and have no view impacts on the home at 1891 Centro West Street. The ceiling heights could also be reduced and/or roof heights lowered to also reduce the visual mass and view impacts of the house.

Staff recommends that Design Review Board explore these options or suggest other design alternatives that would address these same issues. Staff also recommends that the Board visit the site and surrounding properties to view the story poles to better understand the extent of this proposal.

### **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, Principal 1 states that a building should be cut into the hillside to reduce effective visual bulk.* The proposed dwelling would utilize the existing cut into the hillside from the previous duplex; however, with each level of the home proposed as being “stacked” on top of each other, with the increase in roof height from the rear to the front of the structure, this would result in a mass and bulk issue. If the structure were cut additionally into the hillside, this would help reduce the visual mass and bulk of the home and possibly remedy view obstructions for the lower unit at 1895 Centro West Street.
- *Goal 3, Principal 7 (B) states that the horizon line is the most sensitive part of a view, then foreground, then middle ground.* The proposed dwelling would impede 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.
- *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 lose a view of the Golden Gate Bridge and Belvedere.

### **Zoning**

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

### **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



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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.

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 letters have been received regarding the project.

### **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) 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, the Board should direct the applicant to modify the project design to address the issues raised in this report and continue the project to allow for the proper noticing and review for the side yard setback variance. If the Board finds the design to be acceptable and in conformance with the Town's Design Guidelines and can make the necessary findings to approve the requested floor area exception, 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. Notices of Action dated October 6, 2005 and April 11, 2006
4. Submitted plans

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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 February 15, 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.
13. 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.
14. All requirements of the Town Engineer shall be met.
15. There shall be a minimum of three feet of clear space from the eastern property line towards the dwelling per the Uniform Fire Code.

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- 16. An access stairway shall be constructed from the street level, up towards the lower level deck, for access to the electrical utility box.