



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board
June 21, 2007
Agenda Item: **F7**

STAFF REPORT

To: **Design Review Board**

From: **Assistant Planner, Scott Phillips**

Subject: **2130 Mar East Street; File #20718**
Site Plan and Architectural Review to Construct Additions to an Existing Single-Family Dwelling, with a Variance for Reduced Front Yard Setback

Reviewed By: _____

PROJECT DATA

ADDRESS: 2130 MAR EAST STREET
OWNER: CRIS & ROBERT SCHONEFELD
APPLICANT: DAVID HOLSCHER (ARCHITECT)
ASSESSOR'S PARCEL: 059-181-87
FILE NUMBER: 20718
LOT SIZE: 6,528 SQUARE FEET
ZONING: R-2 (TWO-FAMILY RESIDENTIAL)
GENERAL PLAN: HIGH DENSITY RESIDENTIAL
FLOOD ZONE: C
DATE COMPLETE: MAY 30, 2007

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 15301.

PROPOSAL

The applicant is requesting Design Review approval for the construction of additions and alterations to an existing single-family dwelling located at 2130 Mar East Street. The addition would include expanding two sections of the front roofline upward and widening of the upper portion of the chimney. The entire roof material would be changed to a dark brown metal. A roof sample has been included with the submittal.

The proposal also calls for the addition of a spa in the rear yard with steps accessing the spa in a new location. Various windows and doors would be reconfigured throughout the home. Three new skylights would be added to the western roof plane. The existing wall within the front parking area would be replaced with a wood screen. The building footprint would not be expanded as part of this proposal.

The two portions of the proposed roofline expansion are situated within the required front yard setback. In order to expand a non-conforming condition, a variance is required. The applicant has requested a variance for reduced front yard setback.

ANALYSIS

Design Issues

The subject home is located on the water side of Mar East Street. The lot is on a gentle slope but is fairly narrow and fronts the bay along Racoon Strait.

There are a number of changes proposed for the front elevation. The proposed expansion to the roofline is in an area of the home in which two gables currently exist. The expansion would fill in the inside portions of the gables and match the existing roofline on the rest of the home. The gables would be eliminated in the process. The existing tower above the front entry would be replaced with a recessed sloping metal roof as well.

The uphill property owners at 2175 Mar East Street have raised concerns that a portion of their water views from their primary living space would be eliminated by the expansion of the roofline of the subject home. The proposed addition would marginally affect the water views of a large panoramic view of Racoon Strait and Angel Island from the primary living space of the kitchen and living room. The proposed roof expansion does not appear to cut the horizon line from this neighboring property.

Concerns have been raised from the adjacent property owners at 2120 Mar East Street. The concerns relate to the location of the property line separating the two properties. The home owner at 2120 Mar East Street would like the applicant to add landscaping in order to soften the impact of the proposed improvements.

The following portions of the Tiburon Hillside Design Guidelines should be used to evaluate the hillside design of the addition as proposed:

- Goal 3, Principle 7 (A) that the “view protection is more important for the primary living areas of a dwelling (e.g. living room, dining room, family room, great room, kitchen, and decks associated with these rooms) than for less actively used areas of a dwelling (e.g. bedroom, bathroom, study, office, den).” The proposed expansion of the roofline would potentially affect primary living space views from the kitchen and living room from the home at 2175 Mar East Street.

- Goal 3, Principle 7 (B) that the “horizon line is the most sensitive part of a view, then foreground, then middle ground.” The proposed roof expansion would be situated generally in the foreground views of the neighboring home.
- 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 addition would intrude into the lower portion of the center of the existing views from the neighboring home.
- 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 addition from the primary living space.
- 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 addition would intrude into a relatively small portion of the panoramic views from the primary living space of the nearby home.

The Design Review Board is encouraged to view the story poles from the home at 2175 Mar East Street.

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 reduced front yard setback.

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 substandard in lot area for the R-2 zoning district. The property size is a special circumstance that would deprive the owners of this property of 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.***

Numerous other properties in the R-2 or similar zones with similar site characteristics have been granted variances for reduced front yard setback in order to accommodate the most appropriate home design on the property.

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

The strict application of the front yard setback requirement would force the design of the roof expansion to have an unusual roofline that would not match the rest of the existing roof.

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 roof expansion does not appear to result in substantial view or privacy impacts on the primary living space from neighboring homes.

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

Public Comment

As of the date of this report, two letters have been submitted from the owners of 2120 Mar East Street concerning the location of the property line between the two properties.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles) , 16-4.3 (Variances) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. 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 material
3. Letters from Fani & Gary Hansen, dated April 30 & June 11, 2007
4. Submitted plans

CONDITIONS OF APPROVAL

2130 MAR EAST STREET

FILE #20718

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 April 12, 2007, or as amended by these conditions of approval. Any modifications to the plans of May 29, 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. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.
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. 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.