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master bedroom terrace. An elevator would service the lower two floors and an interior stairway would service all three floors. The guest house would include a bedroom, bathroom, living area and a kitchenette.

The proposed structures would create a gross floor area of 4,176 square feet which is below the maximum permitted floor area for a parcel of this size (4,178 sq. ft.). The proposed structures would create a lot coverage of 3,376 square feet (15.5%) which is just over the maximum permitted lot coverage in the RO-2 zoning district (15%). The applicant is requesting a variance for excess lot coverage.

The proposed design of the home would result in a 25' front yard setback and a 10' right side yard setback. As the maximum front yard setback is 30' and the maximum side yard setback is 15', the applicant is requesting both a front and side yard setback variance.

The façade of the home would include cedar shingles in a brownish-grey tint, rock façade also in a brownish-grey tint, white trim, and composition roof shingles in a dark grey. A color materials board will be available at the Board meeting for review.

ANALYSIS:

Design Issues

The existing home is situated in the southeast corner of the site due to the steep topography which runs north to south. Homes surrounding are two-story structures, designed to take advantage of views of San Francisco, Angel Island, the Golden Gate Bridge, and the bay.

The proposed structure would not appear to result in any major view blockages for the surrounding properties. The dwelling located above the site at 450 Ridge Road expressed concerns regarding deer fencing at the rear of the property. The fencing was previously approved and is not a part of this project. During a site visit, staff verified that there are no view blockages from the proposed construction associated with this application.

The adjacent neighbor to the east at 2151 Vistazo East expressed concerns regarding view obstructions of the Golden Gate Bridge, San Francisco and Corinthian Cove from the proposed construction to the west. Staff visited the property and could not gain entrance to the home, but was able to view the story poles from the rear yard. The lower level family room contains windows which face south towards Angel Island. A side door with a small window within faces the proposed construction. It appears that the proposed construction would impede on a small portion of the water view from their lower family room. The main level family room would appear to be at an elevation higher than the proposed construction, and therefore would only possibly impede on a lower water view. It should be noted that this residence has a panoramic view from the East Bay to Corinthian Cove.

During review of the plans, Staff noticed an area of the home which would exceed the 30' height limit. The area adjacent to the master bathroom tub would need to be extended out approximately two feet to the east, in order for the height to be measured from the grade to the ridge, instead of down to the bottom of the elevator at the lower level. This is a minor change



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that can be corrected during the building plan check process. A condition of approval has been included noting this requirement.

The large master bedroom terrace is proposed at the southern end of the home, which would be accessible from only the master bedroom. Recently, the Board has been reviewing rooftop decks and patios with caution. The concern lies with the possibility of view obstructions with the addition of patio furniture, plants, etc., as well as noise disturbances for the adjacent neighbors. It is recommended that the Board review the master bedroom terrace, and determine if it should be reduced in size or eliminated from the proposal.

The proposed guest house would be located in the northwest corner of the property, above the main dwelling. Upon review of the proposed plans, the Tiburon Fire Protection District discovered that the guest house would be located outside their 150' fire apparatus access area, and has indicated that this was not acceptable. The applicant has complied with the Fire Marshal's requirements by proposing an additional exterior stairway that would lead directly to the guest house from the driveway. This would allow for a more direct route to the guest house, instead of winding around the landscaping, in case of emergency.

In addition, the guest house would be constructed of materials which are fire rated to meet the Fire Marshal's requirements. Sheet A1.0 depicts the revised stairway and includes notations of the types of fire-rated materials to be used on the guest house. The landscape plan and guest house elevations have not been revised with the changes required, and will be reviewed and approved by Staff during the building plan check phase. It should be noted that the applicant has requested that the guest house be classified as a secondary dwelling unit. The proposal indicates that it would meet all requirements set forth for secondary dwelling units.

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 a building should be cut into the hillside to reduce effective visual bulk.* Due to the steep topography of the site, both the main dwelling and guest house are proposed to be stepped into the hillside. The elevations shown on sheet A2.1 and Sections on sheet A3.1 best depict the amount of excavation.
- *Goal 3, Principle 7E of the Hillside Design Guidelines states that a wide panoramic view can accept more view blockage than the smaller slot view.* The residence at 2151 Vistazo East has a panoramic view from the East Bay to Corinthian Island from their main living area. The proposed dwelling would impact a small portion of the water view at the right side of their viewshed, from both their upper and lower living areas. This blockage is minor and can be accepted.



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The Design Review Board is encouraged to visit the site and surrounding properties to view the story poles to better evaluate the extent of the proposal.

Zoning

With the exception of the requested variances for reduced front and side yard setbacks and excess lot coverage, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.

Variance

In order to grant the requested variances, 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.**

Front and Side Yard Setback:

The site is steeply sloped from north to south and the proposed home would be located in the northeast section of the site. The existing home is currently located within the front and right side yard setback. The proposal aims to maintain this general location to utilize the majority of the existing cut into the hillside. To meet the maximum setbacks would require the home to be pushed farther up the property and up the slope, consequently requiring more excavation. This proposal aims to use cut which currently exists.

Lot Coverage:

The home is situated on a narrow, steep lot and in between two other narrow, steep lots. This topography and configuration are special circumstances applicable to this 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.**

Front and Side Yard Setback:

The existing structure is currently located within both the front and side yard setbacks. The proposed structure would be placed in approximately the same location. There have been other properties in the vicinity that have requested reduced yard setbacks.

Lot Coverage:

Lot coverage requests have been commonly granted on RO-2 zoned lots throughout Tiburon.

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

Front and Side Yard Setback:

To maintain the maximum setbacks, the home would need to be pushed further up the hill, requiring additional excavation. The proposal aims to utilize the existing cut to prevent a large amount of excavation, and subsequent redesign of the site, as well as stay out of the uphill neighbors' viewshed.

Lot Coverage:

The existing topography and views surrounding the site create a very difficult site for development. If the lot coverage were reduced with the same amount of floor area proposed, the home would appear massive and potentially block views.

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

Front and Side Yard Setback:

The current home already maintains the reduced front and side yard setbacks, which has not been a problem for the neighboring residents; therefore it should not be problematic after the new construction. The majority of homes surrounding the subject property take advantage of views of the Golden Gate Bridge, San Francisco, Angel Island and the bay. The proposed home would be re-constructed in the same location as the house currently exists, and would not obstruct any major views for any of the surrounding homes.

Lot Coverage:

The project is not proposing an extreme increase in coverage. The existing lot coverage is approximately 13%. This proposal would result in coverage of 15.5%, which is .5% over the maximum permitted in the RO-2 zone, which is minimal.

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

Public Comment

To date, a letter has been received from the previous property owner at 2131 Vistazo East in support of the project, and a letter from the neighbor at 2151 Vistazo East in opposition to the project.

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RECOMMENDATION:

It is recommended that the Board should review the proposed project with respect to Zoning Ordinance Sections 16-4.2.7(Guiding Principles), 16-4.3 (Variances) and the Design Guidelines for Hillside Dwellings, 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 would recommend that the attached conditions of approval be applied.

EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials
3. Goal 1, Principle 1 and Goal 3, Principle 7(E) from the Hillside Design Guidelines
4. Letter dated January 16, 2007 from Michael Figour
5. Letter dated February 5, 2007 from Catherine Halpern
6. Letter dated February 6, 2007 from Fani Hansen, AIA
7. Submitted plans

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EXHIBIT 1

CONDITIONS OF APPROVAL

2135 VISTAZO EAST

FILE #20701

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 January 2, 2007, or as amended by these conditions of approval. Any modifications to the plans of January 25, 2007 and February 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.
12. The guest house shall comply with the fire safe construction features listed on sheet A1.0 and all requirements of the Tiburon Fire Protection District.
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 sate 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.

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15. The master bathroom tub area shall be extended out to the east, approximately two feet, so that the height measurement is taken from grade to the ridge at this location, and not all the way down to the lower level (elevator shaft). Conformance shall be indicated on all plans submitted for building permits.
16. The guest house shall comply with the fire safe construction features listed on sheet A1.0 and all requirements of the Tiburon Fire Protection District. Conformance shall be indicated on all plans submitted for building permits.