



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
October 6, 2011  
Agenda Item: **1**

## **STAFF REPORT**

**To:** Members of the Design Review Board  
**From:** Planning Manager Watrous  
**Subject:** 460 Ridge Road; File #711085  
Site Plan and Architectural Review for the Construction of a New Single-Family Dwelling, with a Floor Area Exception  
**Reviewed By:** \_\_\_\_\_

### **PROJECT DATA**

**ADDRESS:** 460 RIDGE ROAD  
**ASSESSOR'S PARCEL:** 059-082-04  
**FILE NUMBER:** 711085  
**PROPERTY OWNERS:** AMALFI WEST, LLC  
**APPLICANT:** BIGGS GROUP (DESIGNER)  
**LOT SIZE:** 24,792 SQUARE FEET  
**ZONING:** RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)  
**GENERAL PLAN:** MEDIUM DENSITY RESIDENTIAL  
**FLOOD ZONE:** X  
**DATE COMPLETE:** SEPTEMBER 12, 2011

### **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 is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 460 Ridge Road. The subject site is currently developed with an existing two-story dwelling. The project will demolish most (over 50%) of the floor area of the existing building.

The upper floor of the house would include a master bedroom suite, along with four additional bedrooms and two more bathrooms. The lower floor would include a living room, dining room, kitchen, den and powder room. A "basement" level off the lower floor would include a storage room, laundry room, bathroom and one additional "basement room" with closet. A two-car garage would be attached to the lower level. A terraced lawn area would be created to the rear of

the house, supported by low retaining walls. A series of retaining walls up to 6 feet in height would be constructed on either side of the relocated driveway. A driveway gate would be installed closer to the new driveway apron at Ridge Road.

The house would cover a total of 3,670 square feet (14.8%) of the site, which would be less than the 15.0% maximum lot coverage permitted in the RO-2 zone. The floor area of the proposed house would be 4,840 square feet, with 700 square feet indicated as basement space. The total floor area requested would exceed the floor area ratio of 4,479 square feet for a lot of this size by 361 square feet. A floor area exception is therefore requested.

A color and materials board has been submitted and will be present at the meeting for the Board to review. The exterior of the proposed house would include light brown cedar siding with bronze and copper trim. The flat roofs would utilize a light brown colored limestone finish.

## **ANALYSIS**

### **Design Issues**

The subject property generally slopes down from Ridge Road. The existing house is situated on a relatively level area at the center of the lot. The existing driveway slopes down from the center of the lot. The rear of the site has a moderate slope downhill away from the building location.

The proposed house would be primarily visible from the following properties:

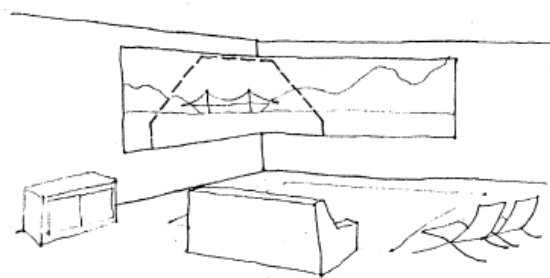
- 480 Ridge Road. This neighboring house sits adjacent and directly uphill from the subject property, on the same side of Ridge Road. Views of the site and story poles are currently obscured by a row of pine trees on this neighboring lot and dense vegetation on the subject property. However, the submitted plans indicate that the vegetation on the subject site would be removed as part of the project, to be replaced by a series of shrubs along the shared property line.

The home at 480 Ridge Road has wide panoramic views stretching from the East Bay, across Angel Island and San Francisco to the Golden Gate Bridge. It appears that the proposed house would block a small, lower portion of the water views in the center of the overall viewshed from the living room and bedrooms of this neighboring residence.

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 (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 house would intrude slightly into the view from the living room of this neighboring home.

NO

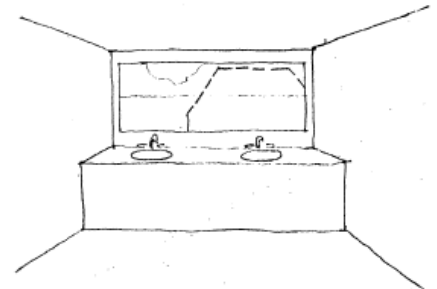
• PROPOSED STRUCTURE  
BLOCKS LIVING ROOM VIEW -



• GREAT IMPACT ON  
LIVABILITY

YES

• PROPOSED STRUCTURE  
BLOCKS BATHROOM VIEW



• LITTLE IMPACT ON  
LIVABILITY

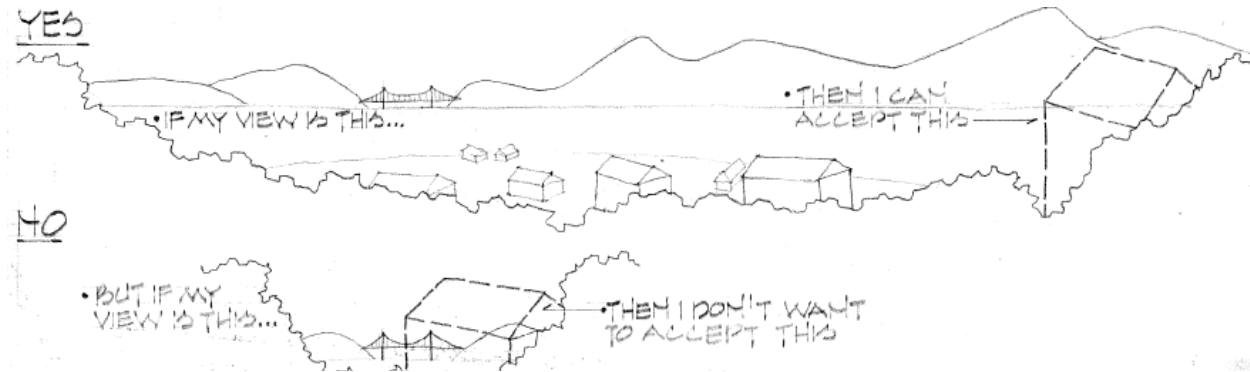
Goal 3, Principle 7 (D) of the Hillside Design Guidelines states that “blockage of important object in the view (Golden Gate Bridge, Belvedere Lagoon, Sausalito, Angel Island) is more difficult to accept than blockage of other, less well-known landmarks.” The proposed house would not block views of any such “important objects” from this adjacent residence.

NO

YES



Goal 3, Principle 7 (E) of the Hillside Design Guidelines states that “a wide panoramic view can accept more view blockage than the smaller slot view.” The proposed house would block only a small portion of the panoramic view from the neighboring dwelling.



The proposed removal of the vegetation along the shared side property line would likely open up views in between the pine trees between the master bedroom of the adjacent home and windows on the front of the proposed house. The windows along the front of the upper level of the house do not face directly into any living areas, but instead face into hallways, a stairway and the top of the master bedroom closet. These less used areas would lessen any potential privacy impacts on the master bedroom of the neighboring residence. However, light from these living spaces would be prominently visible in the foreground of the nighttime views for the adjacent dwelling.

- 465 Ridge Road. This neighboring home is located uphill and across Ridge Road from the subject property and has views across the site toward San Francisco Bay. Similar to the home at 480 Ridge Road, the proposed house would intrude slightly into the lower portion of water views for this nearby residence. There is a possibility that light from the windows at the front of the proposed house could also interfere with nighttime views for this neighboring dwelling.
- 450 Ridge Road. This adjacent home is situated to the west and downhill from the subject site. This residence has few windows facing toward the proposed house location and there is a substantial amount of vegetation on the east side of this property that would continue to screen the subject site from view.
- 2151 Vistazo East Street. This neighboring dwelling is located downhill and southeast of the subject site and is generally oriented away from the proposed house. However, this home has at least one rear window facing uphill toward the site, and the property owner has indicated concerns about potential privacy impacts from the new house and the general proximity of the proposed house location. The rear of this house is screened by several trees on its property, with only a very limited unobstructed view back toward the proposed house.

The design of the proposed house appears to result in excessive grading and does not appropriately follow the contours of the site. The project would demolish the existing garage at the upper level of the house and replace it with a new garage at the lower level. As a result, the currently moderately sloped driveway would need to be replaced with a longer, more steeply sloped driveway dropping 12 feet further in elevation before reaching the new garage. To accomplish this, the applicant proposes to construct a series of retaining walls, each up to 6 feet in height, on either side of the driveway, creating a canyon effect leading down to the new entrance of the house. The extent of these retaining walls also minimizes the area for planting replacement landscaping on the side of the property facing the home at 480 Ridge Road.

The terracing of the rear yard would completely rework the existing contours of the site. The project would replace the sloping rear yard with a large level lawn surface. The submitted plans show retaining walls with heights of 3 feet or less. However, the bottom of the lowest retaining walls appears to be nearly 7 feet above the current contours of the bottom of the site.

Goal 1, Principle 4 of the Hillside Design Guidelines is to “follow hillside contours and slope with building forms, particularly roof forms, to increase the integration of dwelling and site.” Section 16-52.020 (H[5]) of the Tiburon Zoning Ordinance (Guiding principles in the review of Site Plan and Architectural Review applications – Grading and tree removal) states that the Design Review Board shall consider “the extent to which the site plan reasonably minimizes grading and/or removal of trees, significant vegetation, or other natural features of the site such as rock outcroppings or watercourses.” The extent of the proposed grading and retaining walls indicates that the project does not follow hillside contours and slope with building forms nor reasonably minimizes grading on the site. Staff believes that this is an attempt to turn a hillside lot into a level lot, which is inherently inconsistent with the intent of the Zoning Ordinance and Hillside Design Guidelines.

The proposed project design for the proposed basement area has been changed several times during the review of this application. The most recent design modification came on the plans submitted on September 27, 2011, which changed the previous project design showing a 1,200 square foot “basement” area that did not meet the Town’s definition of “basement” in the Zoning Ordinance. The most current basement plans appear to meet the Town’s definition, although the grading around the basement level is not clearly indicated on the submitted building elevations and the floor level for the basement is variously listed as 406.6 feet and 409.6 feet on different sheets of the plans.

The basement level and lower level also serve to push up the height of the upper level of the house. The lower floor level has a proposed ceiling height of 15 feet, which is excessive by Tiburon standards. This is also another indication that the proposed project design does not appropriately work with the physical contours of the site.

As noted above, existing vegetation on the site would be removed as part of this project. The submitted plans indicate only existing “scrub vegetation on property to be removed/replaced with VMP [Vegetation Management Plan] compliant vegetation.” The landscaping plan does not

clearly indicate the extent of the vegetation to be removed. The most recently submitted plans indicate additional trees to be removed, but the locations of the trees are difficult to identify. The landscaping plan also provides inadequate information on the replacement planting and its ability to provide appropriate screening for neighboring residences. Staff recommends that a more detailed landscaping plan, prepared by a landscape professional, be provided for the project.

## **Zoning**

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-2 zone, with the exception of the requested floor area exception.

In order to grant the requested floor area exception, the Board must make all of the following findings required by Section 16-52.020(I[4]) 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 surrounding Hillhaven neighborhood contains many dwellings on sloping lots with multiple stories similar to the design of proposed house. The proposed structure would therefore be compatible with the predominant pattern established by existing structures in the surrounding neighborhood.

- 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, shape and steepness of the lot, ease of access, and the presence of natural features worthy of retention, such as trees, rock outcroppings, stream courses and landforms.***

The proposed house would be situated on the relatively level portion of the site occupied by the existing house. The proposal to bury a portion of the existing lower level of the house would be inconsistent with current contours of the site and would be incompatible with the physical characteristics of the site.

From the evidence provided, Staff believes that there is insufficient evidence to support the findings for the requested floor area exception. It should be noted that in recent years, the Design Review Board has discouraged floor area exceptions for construction of new houses.

## **PUBLIC COMMENT**

As of the date of this report, the Town has received letters regarding this application from the property owners of 480 Ridge Road and 2151 Vistazo East Street.

## **CONCLUSION**

The design of the proposed house would not appear to create substantial view concerns for any nearby homes, but could result in privacy and nighttime light impacts for several nearby residences. The amount of grading required for the project is inconsistent with the principles of

the Hillside Design Guidelines to step a house into the hillside and does not minimize grading on the site. The grading and landscaping plans do not provide adequate information to properly understand the how the grading of the site would be performed or the effectiveness of the replacement screening vegetation. Staff recommends that the Design Review Board continue the application to a later meeting and direct the applicant to redesign the proposed house to better address these issues.

## **RECOMMENDATION**

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Design Review Board agrees with Staff's conclusions, it is recommended that the application be continued to a later date, and that the Board give direction to the applicant regarding requested project design modifications. If the Board wishes to approve the application, it is recommended that the attached conditions of approval be applied.

## **ATTACHMENTS**

1. Conditions of approval
2. Application and supplemental materials
3. Letter from James Bernhisel, dated September 26, 2011
4. Letter from Catherine and Lark Halpern, dated September 26, 2011
5. Submitted plans

## CONDITIONS OF APPROVAL

### 460 RIDGE ROAD

#### FILE #711085

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 August 15, 2011, or as amended by these conditions of approval. Any modifications to the plans of September 27, 2011 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 exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
7. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24” x 24” in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the

commencement of work and shall remain posted until the contractor has vacated the site.

8. The project shall comply with the requirements of the California Fire Code to the satisfaction of the Building Official. The Tiburon Fire Protection District recommends the following conditions of approval:
  - a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2
  - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
  - c. The vegetation on this parcel shall comply with the requirements of the Tiburon Fire Protection District and the recommendations of Fire Safe Marin. CFC 304.1.2
  - d. The access gate shall have a minimum unobstructed width of 12 feet. The gate shall be operable using the Fire District's "Knox" key system. CFC 503.6.2
9. All requirements of the Marin Municipal Water District shall be met.
10. The applicants shall obtain any necessary sewer permits from Sanitary District No. 5 and pay all applicable fees prior to construction of a side sewer and connection to the sewer main. After connection to the sewer main but prior to commencement of discharge and prior to covering of the pipe, the District shall be contacted and allowed to inspect the connection for conformance to standards.
11. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
  - a. The location of the front property line shall be confirmed and the proposed wall must be moved at least three feet (3') onto the private property to provide appropriate line of sight at the driveway entrance/exit.
  - b. The plans must show how stormwater drainage will be handled on impermeable areas, especially the asphalt driveway.
  - c. Any proposal that would encroach onto public right-of-way is not permitted. This would include fences, retaining walls and permanent improvements. Under special circumstances the Town may consider these encroachments. Should the applicant consider their case to be a unique circumstance their proposal should be clearly documents and resubmitted. An encroachment permit will be required for the driveway approach.

- d. All encroachments, such as driveway approaches, sidewalks, small drainage facilities and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans or schematics for review. Unless the encroachment is minor or routine in nature, a permit shall be accompanied by a Memorandum of Encroachment that must be recorded by the property owner with the County of Marin.
  
- e. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.