

Town of Tiburon STAFF REPORT

AGENDA ITEM D7



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TO: **DESIGN REVIEW BOARD**

FROM: **PLANNING MANAGER WATROUS**

SUBJECT: **136 HACIENDA DRIVE; FILE #20330
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING, WITH
VARIANCES FOR REDUCED FRONT AND SIDE YARD SETBACKS
AND EXCESS BUILDING HEIGHT**

MEETING DATE: **JANUARY 15, 2004** _____

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PROJECT DATA:

ADDRESS:	136 HACIENDA DRIVE
ASSESSOR'S PARCEL:	39-070-27
FILE NUMBER:	20330
PROPERTY OWNERS:	PHILLIP AND VALERIE VON BURG
APPLICANT:	BACKEN GILLAM ARCHITECTS
LOT SIZE:	30,047 SQUARE FEET
ZONING:	RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN:	MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE:	C
DATE COMPLETE:	DECEMBER 18, 2003

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 three-story single-family dwelling on property located at 136 Hacienda Drive. An existing house on this property would be demolished.

The first floor of the proposed house would include a living room, family room, kitchen, dining room and one bathroom. The second floor would include a master bedroom suite, four additional bedrooms, two more bathrooms and a laundry room. A basement level would include an office, a recreation room and one bathroom. A two-car garage would be attached to the first floor of the house.



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The proposed house would have a floor area of 4,844 square feet, with 616 square feet of garage space, which is less than the floor area ratio for a lot of this size. The lot coverage of the proposed house would be 2,207 square feet (7.3%), which is less than the 15.0% maximum lot coverage permitted in the RO-2 zone.

The proposed house would extend to within 3 feet, 6 inches of the front property line, which is less than the 30 foot minimum front yard setback required in the RO-2 zone. A variance is therefore requested for reduced front yard setback.

The proposed house would also extend to within 9 feet, 9 inches of the west side property line, which is less than the 15 foot minimum side yard setback required in the RO-2 zone. A variance is therefore requested for reduced side yard setback.

The proposed house would have a maximum height of 34 feet, 3 inches, which is greater than the 30 foot maximum building height permitted in Tiburon. A variance is therefore also requested for excess building height.

A color and materials board has been submitted, and will be available at the meeting for review by the Design Review Board. Dark yellow colored stucco with off-white trim is proposed for the building exterior. Grey-green slate roofing tiles are proposed to be installed.

ANALYSIS

Design Issues

The story poles erected for the proposed project appear to indicate a substantial increase in the bulk and mass of the house on this site when viewed from Hacienda Drive. The two-story portion of the house including the garage and bedrooms above would bring a full two-story building element to within 10.5 feet of the front property line. The lower living room area would extend closer to the front property line (3.5 feet at the closest point), and would somewhat help to break up the visual mass of the proposed building when viewed from the front.

Although several other homes along this portion of Hacienda Drive are situated relatively close to the street, few include two-story building elements within the required front yard setback. The Design Review Board should carefully consider if the visual mass and bulk of the proposed house is consistent with the character of the surrounding neighborhood.

Two large cypress trees are proposed to be removed from the front of the property, along with at least one pine tree on lower portion of the site. The two cypress trees currently provide considerable visual screening for the existing house. One new cypress tree is proposed to be planted in front of the house, but this tree would take some time to take hold and provide a fraction of the screening provided by the existing trees.

The neighboring homes across the street from the subject property are generally oriented away from the site. The minimal views across the subject property currently enjoyed from these residences are screened by either the existing house or the large cypress trees. Although the



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removal of the two cypress trees could conceivably open up certain views to the west, these neighboring homes would not appear to have significant views across the site even if the property remained undeveloped.

The adjacent house to the northwest at 134 Hacienda Drive currently has views across the subject property to the southeast, toward San Francisco and the Golden Gate Bridge. The applicant has indicated that efforts have been made to line up the downhill corner of the proposed house with the lower corners of the existing house in order to minimize intrusion into the views of the adjacent home. In viewing the story poles erected for this project, it appears that the lowest portion of proposed house should preserve the views toward San Francisco from the upper level and deck of this adjacent home. However, it appears that views toward San Francisco from the lower building level and patio areas of the neighboring property would appear to be compromised by the proposed construction. The Design Review Board is encouraged to view the story poles of the project from the perspective of the house at 140 Hacienda Drive to determine if the proposed house would result insignificant view impacts for this property.

The owners of the property at 140 Hacienda Drive have raised concerns about the potential privacy and noise impacts that could be caused by the rear-facing decks of the proposed house. The home at 140 Hacienda Drive is situated at least 100 horizontal feet away from and at an elevation well below that of the proposed residence, which should substantially mitigate these potential impacts. The Design Review Board is encouraged to view the neighboring residence from the site of the proposed house to more thoroughly evaluate these potential concerns.

The driveway leading to the proposed garage would have a distance of only 14 feet from the front property line at its shortest point, but still provide approximately 32 feet of paved surface from the edge of the street. As with the existing house, the driveway would provide the only on-site guest parking for the site, with tandem parking spaces available in front of garage, and no on-site turnaround area. Given the generally limited amount of on-street parking available along this portion of Hacienda Drive, the Design Review Board should determine if the proposed parking arrangement would be adequate for the proposed house.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone with the exception of the previously noted variances for reduced front and side yard setbacks and excess building height.

Variances

In order to grant the requested variances, 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***

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this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.

A large slope easement on the southern side of the subject property limits the placement of structures to a relatively narrow area on the northern portion of the property. The site slopes substantially to the rear, leaving a relatively small level portion toward the front of the site. These characteristics are special circumstances that effectively limit the area upon which a house could be constructed, and would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity if the subject variances are not granted.

- 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 vicinity have received variances for reduced front yard setbacks, including the homes at 76, 123, 134, 137 and 150 Hacienda Drive (Files #27340, 26708, 298036, 27001 & 27104). Nearby properties which have received variances for reduced side yard setbacks include 132, 142, 146 & 150 Hacienda Drive (Files #27742, 27810, 27511 & 27104). Therefore, the granting of these variances would be consistent with the limitations upon other properties in the vicinity and in the same or similar zones.

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

The strict interpretation of the required front yard setback would push the proposed house further downhill, in a manner inconsistent with the direction of the Hillside Design Guidelines to tuck structures into the hillsides. The strict interpretation of the required side yard setback would force the proposed additions to step back from the line of the existing building. The interpretation of these requirements would therefore place unnecessary hardships on the property owners.

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

The portion of the proposed house that could result in potential view impacts on the adjacent property at 134 Hacienda Drive complies with the required setbacks for this parcel. Similarly, the rear-facing decks that have raised concerns for the property owners of 140 Hacienda Drive also comply with these required setbacks. Therefore, the portions of the proposed house which would encroach into the required front and side yard setbacks would not appear to result in any significant privacy or visual impacts on neighboring homes.



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

Public Comment

As described above, a letter has been received from the owners of the adjacent house to the south at 140 Hacienda Drive, raising concerns about potential privacy and noise impacts from the decks of the proposed house.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (Guiding Principles) 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 wishes to approve the project, Staff would recommend that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Letter from John and Marilyn Loden, dated November 4, 2003
4. Submitted plans

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CONDITIONS OF APPROVAL

136 HACIENDA DRIVE

FILE #20325

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 November 3, 2003, or as amended by these conditions of approval. Any modifications to the plans of November 26, 2003, 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. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
6. All exterior lighting fixtures must be down light type fixtures.
7. 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.
8. 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.

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9. 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-R. 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 1210).
 - c. Approved spark arresters shall be installed on chimneys (UFC 1101).
 - d. A greenbelt shall be provided by cutting and clearing all combustible vegetation within 30 feet of the structure on the sides and upslope areas and within 50 feet of the downslope (south) side of the dwelling (UFC 1103).
 - e. The entire structure shall be constructed of Type V one-hour construction as described in the California Building Code.
10. 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.
11. All requirements of the Town Engineer shall be met.