

# Town of Tiburon STAFF REPORT

AGENDA ITEM   D5  



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TO:                   **DESIGN REVIEW BOARD**

FROM:               **PLANNING MANAGER WATROUS**

SUBJECT:           **2195 PARADISE DRIVE; FILE #20337**  
**SITE PLAN AND ARCHITECTURAL REVIEW FOR THE**  
**CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING, WITH A**  
**VARIANCE FOR REDUCED REAR YARD SETBACK AND A FLOOR**  
**AREA EXCEPTION**

MEETING DATE:   **FEBRUARY 5, 2004** \_\_\_\_\_

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## **PROJECT DATA:**

<b>ADDRESS:</b>	<b>2195 PARADISE DRIVE</b>
<b>ASSESSOR'S PARCEL:</b>	<b>5-133-08</b>
<b>FILE NUMBER:</b>	<b>20337</b>
<b>PROPERTY OWNERS:</b>	<b>PHOEBE AND DAVID HOLSCHER</b>
<b>APPLICANT:</b>	<b>SAME</b>
<b>LOT SIZE:</b>	<b>12,310 SQUARE FEET</b>
<b>ZONING:</b>	<b>R-2 (TWO-FAMILY RESIDENTIAL-OPEN)</b>
<b>GENERAL PLAN:</b>	<b>HIGH DENSITY RESIDENTIAL</b>
<b>FLOOD ZONE:</b>	<b>C</b>
<b>DATE COMPLETE:</b>	<b>JANUARY 16, 2004</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 is requesting Design Review approval for the construction of substantial additions to an existing two-story single-family dwelling on property located at 2195 Paradise Drive. The proposed construction would result in the demolition of well over 50% of the floor area of the existing house. As a result, the subject application is a request for the construction of a new residence, even though some portions of the existing house would remain.

The main (upper) floor of the proposed house would include a living room, family room, kitchen, a master bedroom suite, three additional bedrooms, two more bathrooms, a den and a laundry room. The lower level would include a recreation room and one bathroom. A two-car garage



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would be attached to the main floor of the house. New fencing is proposed along the Solano Avenue side of the property.

The lot coverage of the proposed house would be 3,675 square feet (29.9%), which is less than the 35.0% maximum lot coverage permitted in the R-2 zone. The proposed house would have a floor area of 3,395 square feet, with 535 square feet of garage space, which is 164 square feet greater than the floor area ratio for a lot of this size. Therefore a floor area exception is requested.

The proposed house would extend to within 11 feet, 1 inch of the rear property line, which is less than the 25 foot minimum front yard setback required in the R-2 zone. A variance is therefore requested for reduced rear yard setback.

A color and materials board has been submitted, and will be available at the meeting for review by the Design Review Board. Beige colored horizontal siding with light brown trim is proposed for the building exterior. Grey asphalt shingle roofing is proposed to be installed.

### ANALYSIS

#### Design Issues

A similar application for this property had been approved by the Design Review Board in 1997; as a building permit was not obtained for that project, the approval has since expired. The most significant modification from the previously approved plans is the change from a detached garage to the currently requested attached garage. As an attached garage may be situated within the required rear yard setback, a variance was not required for the previous application. The applicant has indicated that the garage could again be designed as an attached structure to eliminate the need for the requested rear yard setback variance. However, the detached garage would appear to be an inferior design solution, creating a less practical separation between the garage and the house, and pushing the garage closer to the neighboring uphill property.

The story poles erected for the project appear to indicate that the proposed house would not substantially interfere with the existing views of other homes in the vicinity. The adjacent residence at 171 Solano Avenue has extensive views to the south across the subject property toward Raccoon Straits and San Francisco Bay, but is situated uphill from this lot; the proposed rooflines appear to be low enough to avoid any potential impact on these water views.

The proposed house would also be viewed from several other homes along Solano Avenue and Centro East Street. The proposed structure appears to be either to the side or below of the existing water views from these other homes.

A 165 square foot portion of the requested floor area consists of a covered deck area which would extend off the living room to the east of the house. Although this area would not be fully enclosed, more than 50% of the perimeter of the covered deck would be enclosed; therefore,



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this area meets the Town's definition of floor area. If this area were deleted from the submitted plans, the proposed house would comply with the floor area ratio for a lot of this size.

A proposed six foot (6') tall redwood fence is proposed to be constructed along a portion of the side of the property facing Solano Avenue. The fence design submitted would have a stepped design that would exceed six feet in height at the junction of each fence panel. This fence must be redesigned to comply with the six foot maximum fence height requirement within the required setbacks of the property.

A portion of the proposed fence, along with a proposed trash enclosure, would extend beyond the side property line and into the Town right-of-way along Solano Avenue. It is recommended that these improvements be relocated to stay within the property boundaries of this lot.

A three foot (3') tall retaining wall is situated in the lower portion of the property facing Paradise Drive. The applicants proposed to place new fill behind this retaining wall to create a larger level area for their use. The location of the fill at the lower part of the site, and the corner location of the subject property would minimize any potential issues with this filled area, due to the buffer provided by the adjacent street rights-of-way.

### **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 rear yard setback and floor area exception.

### **Variance**

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 a corner lot with frontage on Paradise Drive and Solano Avenue. The adjacent intersection is a main entry point for traffic to the Hillhaven and Old Tiburon neighborhoods. This busy intersection effectively limits the location of a garage to the rear of the property to avoid circulation conflicts with traffic from this intersection. These characteristics are special circumstances that effectively limit the area upon which a garage could be constructed, and would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity if the subject variance is not granted.



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- 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.***

Other properties in the vicinity which have received variances for reduced rear yard setbacks include the homes at 2129, 2145 & 2323 Paradise Drive (Files #27729, 27309 & 26607) and the homes at 2051 & 2217 Centro East Street (Files #28203 & 27319).

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

The strict interpretation of the required rear yard setback would either limit the ability to provide attached garage spaces on the site or would result in a detached garage design. This would result in either an unnecessary hardship or a practical difficulty in the design and use of this property.

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

The garage portion of the proposed house which extends into the required rear yard setback does not result in any visual or privacy impacts on surrounding properties.

### Floor Area Exception

Section 4.02.08 of the Tiburon Zoning Code states that the Design Review Board may grant exceptions to the required floor area ratio requirements if it makes the following two findings:

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; and
2. The applicant has demonstrated that the proposed structure is compatible with the physical layout 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 predominantly one-story design of the proposed house would be compatible with the existing development pattern of the surrounding Old Tiburon neighborhood. The design of the house generally follows the contours of the property, and would therefore be compatible with the physical layout of the site.

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

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### **Public Comment**

As of the date of this report, no letters have been received regarding the subject application. The applicant has submitted a copy of the proposed plans that have been reviewed and approved by several surrounding property owners, including the owners of the residences at 171 Solano Avenue and 2165 & 2205 Paradise Drive.

### **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 15303. 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. Submitted plans

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### CONDITIONS OF APPROVAL

#### 2195 PARADISE DRIVE

#### FILE #20337

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 16, 2004, or as amended by these conditions of approval. Any modifications to the plans of January 16, 2004, 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).
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. An encroachment permit shall be obtained from the Public Works Department for all construction work to be conducted within the Town right-of-way.
12. The proposed fence shall be redesigned to have a maximum height at all points of six feet (6').
13. All portions of the proposed fence and trash enclosure shall be relocated to stay within the property boundaries of this lot.