

Town of Tiburon STAFF REPORT

AGENDA ITEM D-2



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TO: **DESIGN REVIEW BOARD**

FROM: **BRIAN LYNCH, ASSOCIATE PLANNER**

SUBJECT: **9 CORTE PALOS VERDES; FILE #20405
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
CONSTRUCTION OF A GUESTHOUSE, WITH A VARIANCE FOR
EXCESS LOT COVERAGE, AND EXCESS ACCESSORY BUILDING
HEIGHT.**

MEETING DATE: **FEBRUARY 19, 2004** _____

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PROJECT DATA:

OWNER:	CEASAR & SANDRA RUEGG
APPLICANT/ ARCHITECT:	HALPERIN & CHRIST
ADDRESS:	9 CORTE PALOS VERDES
ASSESSOR PARCEL NUMBER:	038-301-20
FILE NUMBER:	20405
LOT SIZE:	18,466 SQUARE FEET
ZONING:	RO-2 (SINGLE-FAMILY RESIDENTIAL, OPEN)
GENERAL PLAN:	M (MEDIUM DENSITY RESIDENTIAL)
FLOOD ZONE:	C
DATE COMPLETE:	JANUARY 30, 2004
CEQA EXEMPTION:	FEBRUARY 19, 2004
PERMIT STREAMLINING ACT DEADLINE:	APRIL 18, 2004

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 has submitted a request to construct a guesthouse in the rear yard of the property at 9 Corte Palos Verdes. The property is located at the end of the Corte Palos Verdes cul-de-sac, and slopes down from the street. The guesthouse would be located at the southwest corner of the property. The guesthouse would be 570 square feet in size and would consist of a great room, bedroom and bathroom.



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Two variances would be required for the construction of the guesthouse. The project would exceed the lot coverage for the property, and the structure would be taller than what is typically allowed for a detached accessory structure located in the rear yard setback area.

The applicant is also requesting the removal of a 26" diameter Pine tree in the area of the proposed guesthouse. According to the Tree Ordinance any tree over 19" in diameter (60" in circumference) requires approval from the Town prior to its removal.

ANALYSIS:

Zoning

As previously mentioned, the proposed guesthouse would not comply with the lot coverage, and structure height requirements of the RO-2 zoning district. Additional information regarding these zoning criteria follows:

Excess Lot Coverage The existing lot coverage for the property is 16.3%. The maximum lot coverage for the property is 15%. The proposed accessory structure would increase the total lot coverage to 20%.

Excess Accessory Building Height Typically, the maximum height for a detached accessory structure is 15 feet. However, when an accessory structure is located within the rear yard setback, it is limited to 12 feet in height. The proposed guesthouse would be a maximum of 14'6", which exceeds the height requirements by 2'6".

Design issues

The guesthouse would be located in an area of the property which is steeply sloped. The structure would be recessed into the hillside so only the top four feet of the structure would be exposed on the uphill side. From the downhill side of the structure, the full height of the structure, plus sub-floor area, would be exposed. The entrance to the structure would be located on the east side of the building. A trellis-covered deck would be constructed at the entrance to the guesthouse. The structure would have low-sloping hipped roofs and transom windows would be located just below the plate line on all sides of the structure.

The building would be sided with stucco; there would be metal windows, and composition shingles. The siding color would be light grey, the trim would be white, the entry trellis would be redwood, and the roof would be dark grey shingles. A color and materials board will be available for review at the design review board meeting.

Variance

In order to grant the requested variances, the Board must make the following findings as 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**

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

The subject parcel is 18,466 square feet in size. The minimum lot size in the RO-2 zoning district is 20,000 square feet. Because the property is sub-standard in size, the applicant has been confronted with difficulties in developing the property in a way that is consistent with most other properties that in the RO-2 zoning district, in terms of lot coverage.

The applicant has suggested that the rear yard of the property is the only area in which the proposed guesthouse could be located. Due to the unusually steep rear yard, and the amount of sub-floor area of the guesthouse that would be exposed because of the slope, the height of the guesthouse would not comply with the Ordinance.

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.

The applicant has submitted a data sheet describing the lot coverage statistics for all the homes on Corte Palos Verdes. This information indicates that most of the other homes have similar lot coverage situations. The proposed lot coverage of 20% would be approximately the average lot coverage for the properties in the vicinity, according to the applicant's data. Therefore the granting of the lot coverage variance would not be considered a special privilege.

According to staff's review of the administrative records, there is not an accessory structure with excess height on any property in the vicinity. Therefore, the granting of the variance may be considered a special privilege inconsistent with other properties in the vicinity.

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

According to the RO-2 zoning district requirements, the property could accept additional floor area, but the property is at its limit for lot coverage. The strict application of the Zoning Ordinance would require the applicant to build additions in the area of the site that would not contribute to additional lot coverage; namely, a second story addition. The applicant has stated this would be an unnecessary hardship because the existing structure and foundations would not be able to support a second story addition.

The applicant has suggested that the proposed location of the guesthouse is the only developable area of the lot. If there was a location for the guesthouse outside the rear yard setback area, the structure could be up to 15 feet in height, and therefore, no variance for excess accessory building height would be required. The applicant has suggested that to construct the guesthouse outside the rear yard setback area would be an unnecessary hardship.

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

As proposed, the addition would not appear to result in significant view, privacy or other impacts detrimental to the public welfare or injurious to other properties in the vicinity.

Public Comment

To this date, no public comment has been submitted.

RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07, 4.03.05 (guiding principles for design review, and required variance findings) 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 is inclined to approve the project, it is recommended that the Board suggest language to support the variance for excess accessory building height. If the Board finds that the design of the project is consistent with the Guiding Principles for Site Plan and Architectural Review and all findings for the variances for excess lot coverage and excess accessory building height can be made, then it is recommended that the project be approved with the attached Conditions of Approval.

EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials dated January 21, 2003.
3. Applicant's findings for the variances.
4. Plans for the project

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EXHIBIT 1

CONDITIONS OF APPROVAL **9 Corte Palos Verdes** **FILE #20405**

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 to the application and plans dated by the Town of Tiburon on February 3, 2004, or as amended by these conditions of approval. Any modifications to the plans must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Department 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 Department 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 Design Review 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 Design Review approval is not valid and shall be subject to stop work orders and may require removal.