

# Town of Tiburon STAFF REPORT

AGENDA ITEM   **F5**  



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TO:                   **DESIGN REVIEW BOARD**

FROM:               **PLANNING MANAGER WATROUS**

SUBJECT:           **4975 PARADISE DRIVE; FILE #20408**  
**SITE PLAN AND ARCHITECTURAL REVIEW FOR CONSTRUCTION OF**  
**A DETACHED GARAGE, WITH VARIANCES FOR REDUCED SIDE**  
**YARD SETBACK AND EXCESS LOT COVERAGE**

MEETING DATE:   **MARCH 4, 2004** \_\_\_\_\_

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## **PROJECT DATA:**

<b>ADDRESS:</b>	<b>4975 PARADISE DRIVE</b>
<b>ASSESSOR'S PARCEL:</b>	<b>38-031-06</b>
<b>FILE NUMBER:</b>	<b>20408</b>
<b>PROPERTY OWNERS:</b>	<b>JOSEPH AND PATRICIA ANASTASI</b>
<b>APPLICANT:</b>	<b>PEDERSEN ASSOCIATES</b>
<b>LOT SIZE:</b>	<b>13,600 SQUARE FEET</b>
<b>ZONING:</b>	<b>RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)</b>
<b>GENERAL PLAN:</b>	<b>MEDIUM DENSITY RESIDENTIAL</b>
<b>FLOOD ZONE:</b>	<b>C</b>
<b>DATE COMPLETE:</b>	<b>FEBRUARY 13, 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 15301.

## **PROPOSAL**

The applicant is requesting Design Review approval to construct a detached garage and other site improvements for a property developed with an existing single-family dwelling located at 4975 Paradise Drive. The garage would be situated in front of the house, near the right (northern) side property line. Fencing is proposed to be installed along both side property lines, along with a new driveway gate. A retaining wall and fence combination would be constructed toward the front of the site. Additional exterior lighting and landscaping improvements are also proposed in the front of the property.

The proposed 336 square foot garage would bring the total floor area of this property to 3,096 square feet for the house and 841 square feet of garage space, which is less than the floor area ratio for a lot of this size. The proposed additions would increase the lot coverage of this property by 336 square feet to a total of 2,557 square feet (18.8%), which is greater than the



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15.0% maximum lot coverage permitted in the RO-2 zone. Therefore, a variance is requested for excess lot coverage.

The proposed garage would extend to within 7 feet, 6 inches of the side property line. As a 15 foot side yard setback is required in the RO-2 zone, a variance is requested for reduced side yard setback.

A color and materials board has not been submitted, as the proposed garage would match the colors and materials of the existing house.

### ANALYSIS

#### Design Issues

The detached garage would have a double hipped roof, and would be dug into the existing grade. As a result, only the central point of the roof would extend 12 feet, 3 inches above the finished grade. The highest point of the garage roof would appear to be lower than the window height of the nearest structure on the adjacent property at 4985 Paradise Drive. The proposed roof design and overall height of the garage would eliminate any potential view impacts that could be caused by the proposed building, and should minimize the mass and bulk of the garage when viewed from the neighboring property.

Three separate portions of six foot (6') tall fencing is proposed to be installed along the side property lines. A wooden fence would continue from the existing fence along the northern property line to near the front property line. A wood and wire deer fence would be constructed along most of the southern property line, with an ornamental iron fence extending the last 20 feet to the front property line.

An ornamental iron gate is proposed to be constructed across the existing driveway. The gate would be situated at least 20 feet from the roadway of Paradise Drive, providing adequate area for vehicles to stop in front of the gate without creating potential traffic safety issues.

A 3.5 foot retaining wall would be constructed along the front property line, topped with a 2.5 foot iron railing. This wall is intended to create a new level lawn area at the front of the site.

Two Monterey Pine trees located near the front of the property are proposed to be removed. The submitted landscaping plans indicate that a number of Mayten trees (with maximum heights of 30 to 50 feet) would be planted on the site, along with several dense hedges along the northern side property line and behind the proposed retaining wall and fence near the front property line. This vegetation could create a visual barrier for the adjacent property at 4985 Paradise Drive, and would contribute to a walled-off appearance for the front of the site. The Design Review Board should carefully review the proposed landscaping to determine if modifications should be made to this landscaping plan.

At least one upright fixture is shown on the proposed landscaping plan, and several uprights currently exist in the midst of the area to be improved as a result of the subject application. No



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new upright fixtures should be permitted as part of this project, and existing uprights within the area of work to be done should be removed as well.

### **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 side yard setback and excess lot coverage.

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

The 13,600 square foot lot size is substantially smaller than the 20,000 square foot minimum lot size for the RO-2 zone. The lot is also somewhat narrow, limiting the area in which to site a detached garage on the property. These physical conditions create special circumstances that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity.

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 RO-2 zone have received variances for excess lot coverage due to relatively small lot sizes. Similarly, variances for reduced side yard setbacks have been routinely granted in single-family residential zones due to the narrowness of the site. Therefore, the granting of this variance would be consistent with the limitations upon other properties 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 side yard setback would force the proposed garage to be situated in an area that would limit the ability of the existing driveway to provide adequate turnaround area in front of the new garage. The strict interpretation of the maximum lot coverage requirement would eliminate the ability of the applicant to provide additional on-site covered parking for this property.



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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 described above, the proposed garage would not appear to create any significant visual or view impacts on neighboring homes.

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

### **Public Comment**

To date, no letters have been received regarding the subject application. The applicant has submitted a set of plans signed by a number of nearby property owners. The owner of the adjacent property at 4895 Paradise Drive has expressed objections to the reduced side yard setback requested for the proposed garage, and to potential view impacts that could be caused by proposed landscaping.

### **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 agrees with Staff's conclusions, 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

#### 4975 PARADISE DRIVE

#### FILE #20408

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 February 2, 2004, or as amended by these conditions of approval. Any modifications to the plans of February 2, 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. Existing upright fixtures in the vicinity of the garage and other improvements associated with this application shall be removed.