

Town of Tiburon STAFF REPORT

AGENDA ITEM D4



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TO: **DESIGN REVIEW BOARD**

FROM: **PLANNING MANAGER WATROUS**

SUBJECT: **11 ACELA DRIVE; FILE #20411**
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING, WITH A
VARIANCE FOR EXCESS LOT COVERAGE

MEETING DATE: **MARCH 18, 2004** _____

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PROJECT DATA:

ADDRESS:	11 ACELA DRIVE
ASSESSOR'S PARCEL:	58-231-18
FILE NUMBER:	20411
PROPERTY OWNERS:	MICHAEL BLATT
APPLICANT:	MOHAMAD SADRIEH (ARCHITECT)
LOT SIZE:	22,500 SQUARE FEET
ZONING:	RO-2 (SINGLE--FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN:	MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE:	C
DATE COMPLETE:	FEBRUARY 27, 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 is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 11 Acela Drive. An existing single-family dwelling on the site would be demolished.

The upper floor of the proposed house would include a living room, dining room, kitchen, a master bedroom suite, a guest room and one bathroom. The lower level would include a family room, three bedrooms, three bathrooms, a laundry room, wine cellar and storage space. A three-car garage would be attached to the upper floor of the house. Several retaining walls are proposed to be constructed along the side and rear of the property.



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The proposed house would have a floor area of 4,245 square feet, which is 5 square feet less than the floor area ratio for a lot of this size. The lot coverage of the proposed house would be 3,930 square feet (17.5%), which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Therefore a variance is requested for excess lot coverage.

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

ANALYSIS

Design Issues

The upper floor of the proposed house would occupy the same general elevation of the existing one-story residence. The lower floor would be dug in below the outward portion of the new house.

The proposed house would not appear to create any significant view impacts on neighboring homes. The adjacent home to the west at 15 Acela Drive is situated at a lower elevation, with views to the south and west that would not be interrupted by the proposed house. The adjacent residence to the east at 9 Acela Drive is situated at a higher elevation, with views toward Mt. Tamalpais that would not be impacted by the roofline of the proposed house. Similarly, the homes across Acela Drive from the site are situated at higher elevations, with views that would not appear to be obstructed by the proposed house.

The two-story rear elevation of the proposed house would not be particularly visible from other nearby properties. An open space parcel maintained by the Marinero Homeowners Association borders the rear of the site. Vegetation on this open space parcel would screen the rear of the house from view from the residences on Marinero Circle below.

A series of retaining walls are proposed to be installed in the rear and east side of the property. Most of these walls would be less than six feet (6') in height, and would be situated outside of the required setbacks for the site. The submitted plans do not indicate the presence of safety railings on top of these walls, as is usually required by the Building Code. It is recommended that no combination of wall and railing should exceed a height of 6 feet to avoid the appearance of massive wall and fence structures on the site.

A portion of the proposed retaining wall to be constructed in the eastern portion of the property would appear to have a height of 6 feet, 6 inches within the required side yard setback. This wall must either be reduced in height to six feet, or a variance must be obtained to permit a wall greater than six feet in height within the required setback.

Numerous variances have been granted for relief from the 15.0% maximum lot coverage for properties within the RO-1 and RO-2 zones. In most cases, these variances were granted as a tradeoff for the construction of predominantly single-story structures, or for lots that are smaller than the minimum lot size requirement for their zone. The proposed house does not meet either



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of these criteria. More than one third (36.7%) of the floor area for the proposed house would be contained within the second lower level of the structure, and the 22,500 square foot lot size is larger than the 20,000 square foot minimum lot size required in the RO-2 zone. The proposed house design also contains 475 square feet of basement area, which does not count toward the total floor area of the building. Combined with the fact that the total floor area of the house is only 5 square feet less than the floor area ratio for a lot of this size, the requested lot coverage variance may indicate an attempt to overbuild on this site.

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 variance for excess lot coverage.

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 applicant contends that “the relationship of this property to the uphill neighbors is such that any second story addition would impact views of uphill neighbors. This circumstance forces [the applicant] to spread the building out primarily on one level and exceed allowable coverage.” As previously noted, a substantial portion of the proposed house would be situated on a second level, albeit a lower level of the building. The physical relationship of the site to other surrounding homes would not prevent the applicant from designing a more compact home with additional floor area on the lower level (including the possible conversion of the proposed basement area into habitable space) that would be the same size as currently proposed. Therefore, these physical characteristics are not special circumstances that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity if the subject variance is 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 and in the RO-1 and RO-2 zones in Tiburon have received variances for excess lot coverage.

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

The applicant contends that a change in design to push the lower level back to line up with the upper floor would “be in conflict with the [Hillside Design Guidelines], which encourage stepping upper levels back from lower levels.” There does not appear to be a practical difficulty in creating a more compact design for the proposed house that would comply with the lot coverage requirements for this property. The need to redesign, and possible decrease the size of, the proposed house would not result in an unnecessary hardship for the applicant.

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

As noted above, the design of the proposed house would not appear to result in unwanted view or visual impacts on neighboring properties.

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

Public Comment

As of the date of this report, no letters have been received regarding the subject application. The applicant has submitted letters signed by the property owners of 9, 10, 12 & 15 Acela Drive and One Berke Court in support of the project.

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 agrees with the Staff analysis contained herein, the applicant should be directed to redesign the project to comply with the lot coverage requirements for this property, or the Board should direct Staff to prepare a resolution denying the application. If the Board wishes to approve the project, findings should be made to support the requested variance, and 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

11 ACELA DRIVE

FILE #20411

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 6, 2004, or as amended by these conditions of approval. Any modifications to the plans of February 20, 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. All walls and fencing, or combinations thereof, shall not exceed six feet in height.