

Town of Tiburon STAFF REPORT

AGENDA ITEM D-2



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TO: TIBURON DESIGN REVIEW BOARD

FROM: BRIAN LYNCH, ASSOCIATE PLANNER

SUBJECT: 5047 PARADISE DRIVE; FILE #20412
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
CONSTRUCTION OF ADDITIONS TO AN EXISTING SINGLE-FAMILY
RESIDENCE WITH VARIANCES FOR REDUCED SIDE YARD SETBACK
AND EXCESS STRUCTURE HEIGHT.

MEETING DATE: APRIL 1, 2004 _____

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PROJECT DATA:

OWNER:	JOHN M. SCHUBERTH
ARCHITECT/APPLICANT:	KATHERINE J. HALLAL
ADDRESS:	5047 PARADISE DRIVE
ASSESSOR PARCEL NUMBER:	038-021-08
FILE NUMBER:	20412
LOT SIZE:	27,142 SQUARE FEET
ZONING:	RO-2 (SINGLE-FAMILY RESIDENTIAL OPEN)
GENERAL PLAN:	M (MEDIUM DENSITY RESIDENTIAL)
FLOOD ZONE:	C
DATE COMPLETE:	MARCH 11, 2004
CEQA EXEMPTION:	APRIL 1, 2004
PERMIT STREAMLINING	
ACT DEADLINE:	MAY 31, 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 additions to an existing single-family residence located at 5047 Paradise Drive. The subject parcel is located on the south side, or uphill side, of Paradise Drive. The site slopes significantly from the street up to the residence, and is accessed via a steep shared driveway. The existing residence is a three-level structure; the center of the building consists of three consecutive levels, the west side is comprised of a



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garage on the ground level, and the east side is comprised of the living areas on the second level.

The applicant is proposing to construct additions at the entrance to the building, at the southeast side of the residence, and on the west side, above the existing garage. The additions would create a more formalized entrance, create a new kitchen, and create two new bedrooms. The roofline would be modified on the east and west sides of the structure. The additions would add approximately 930 square feet for total of 4,105 square feet for the residence. The project would be in compliance with the floor area requirements for the property.

The applicant is requesting two variances for the project; excess building height (30'7" in lieu of the maximum 30 feet) and reduced side yard setback (2'6" lieu of the minimum 15 feet). Further details on the proposed variances will follow.

ANALYSIS:

Design Issues

The existing building appears to have been remodeled and added onto a couple of times in the past, due to the varying architectural treatments and unusual floor plan. The applicant has stated that the while the main aspect of the project is to construct additional needed bedrooms, the project is also designed to make the residence more visually integrated and to create a more comfortable floor plan. The design changes, starting on the east side of the structure, would include a new kitchen at the rear of the structure. The roof over the existing dining room and living room would be changed to a shed roof. The slope in the roof would allow clerestory windows to be installed on the rear elevation of the building.

At the entrance to the building, the existing exterior staircase would be removed. An interior staircase would be created in its place, and would be designed to be at an askew angle to create architectural interest. The entry stair would have large vertical windows throughout. Although the front door would be located on the ground floor adjacent to the study and the garage, the addition would create much better access to the main living areas of the home on the second level.

Adjacent to the entry would be the three-level portion of the building. On the ground floor a study, bathroom, and wine closet would be created. Directly above the study would be the family room and an existing bedroom. On the third level would be the master suite. Architectural projections on the north and west sides of this section of the house would add to the visual interest, and reduce the significance of the existing monolithic facade.

On the west end of the residence, the garage is on the ground floor, and two new bedrooms would be constructed above the garage. The roof of the addition would be a shed style roof, to match the roof on the east end of the building. Clerestory windows would also be added facing the rear elevation. A balcony would be constructed on the front elevation of this addition.

The colors and materials of the home would be modified according to a color and materials board submitted by the applicant. The color and materials board will be available for review at



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the Design Review Board meeting. The main body of the building is proposed to be stucco with a blue/grey color. The trim color would be dark grey and light blue/grey. The sloped portions of the roof would be standing seam copper. The flat portions of roof would be medium grey.

Zoning

As previously mentioned, the proposed project would not comply with several zoning regulations. Details on the requested variances are as follows:

Excess Building Height The height of the existing home is 30' 6 1/2". Most of the proposed additions would be below the 30 foot maximum height line. At the proposed architectural projection off the master suite on the upper-level, the new roof edge would extend beyond the existing roof edge. At this point, the new roof edge would be a maximum of 30'7". The proposed height variance would minimally exacerbate the existing non-conforming situation.

Reduced Side Yard Setback The existing home is approximately 3 feet from the property line on the west side, which does not comply with the required 15 foot setback. The additions on the west side of the building would be directly above the footprint of the existing structure, with the exception of a relatively small projection in front of the garage. The resulting setback would be 2'6", exacerbating the existing non-conforming situation by six inches.

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

The topographical constraints of the site minimize the developable area of the lot, and the configuration of the existing improvements on the site also hinder future improvements. For example, the flattest area of the lot is in the location of the existing building. The existing improvements are designed to respect the topography of the site and have a linear east to west orientation. The proposed improvements would follow this precedent and respect the topography of the site. In regards to the height variance, the existing improvements create a tall unarticulated wall on the front elevation. The architectural projection on the upper-level is designed to break up the mass and bulk of the existing building.

- 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.**

Similar variances for reduced side yard setback have been approved on other properties in the vicinity such as 4975, 4950, 5080, and 5053 Paradise Drive (Files #290024,



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#295007, #28321, and #298041, respectively). The most recent variance for reduced side yard setback was approved in 1998 on the adjacent property at 5053 Paradise Drive.

Variances for excess structure height are generally highly scrutinized by the Board due to the potential view impacts now and in the future. However, in cases where an applicant has proposed additions to an existing non-conforming structure, the Board has taken a more liberal approach in the review of the application. Similar height variances have recently been granted at 100 Lyford Drive, 136 Haceda Drive, 116 Sugarloaf Drive, and 130 Geldert Drive. For these reasons, the granting of the variances would not appear to be a special privilege.

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

It would be an unnecessary hardship to strictly apply the Ordinance in this case and require the applicant to rebuild the existing home to meet the required setbacks and building height requirements. The only reasonably flat area of the site is in the location of the existing building footprint. To build improvements in other areas of the lot would require further expansion of the building footprint and would discontinue the linear layout of the building. In regards to the height variance, the strict application of the Ordinance would require that the roofline of the existing residence be re-sloped throughout the entire upper-level.

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 project would not appear result in significant view, privacy or other impacts detrimental to the public welfare or injurious to other properties in the vicinity. However, the adjacent neighbors at 5053 Paradise Drive have expressed their disapproval of the proposed project.

Public Comment

The applicant has provided a site plan with the signatures from two of the adjacent neighbors indicating their support of the project; the Bortons at 5045 Paradise Drive, and the Stiles's at 5053 Paradise Drive. The Planning Division has since been informed that the Doug and Jeannie Stiles have rescinded their approval for the project.

The applicants have submitted a letter which explains the history in the design of their project, and the steps that were taken to review the plans with adjacent neighbors.

Doug and Jeannie Stiles of 5053 Paradise Drive have submitted a letter of objection to the proposed project, and clarify in the letter that they rescind their signature indicating their support of the project. No specific objections have been cited.

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RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07 and 4.03.05 (Guiding Principles, Variance Findings by Acting Body) 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 finds that the design of the project is consistent with the Guiding Principles for Site Plan and Architectural Review, and all necessary findings can be made for the variances for excess building height and reduced side yard setback, 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 March 8, 2004.
3. Applicant's findings for the variance.
4. Letter submitted by applicant on March 26, 2004
5. Letter submitted by Doug and Jeannie Stiles on March 26, 2004
6. Plans for the project

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EXHIBIT 1

CONDITIONS OF APPROVAL **5047 Paradise Drive** **FILE #20412**

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 March 22, 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. All exterior lighting other than that approved by the Design Review Board shall be shielded downlighting.
4. No lighting fixtures shall be located in the wells of the skylights, and the skylights shall be tinted in a non reflective manner.
5. 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.