

Town of Tiburon STAFF REPORT

AGENDA ITEM F7



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TO: **DESIGN REVIEW BOARD**

FROM: **PLANNING MANAGER WATROUS**

SUBJECT: **6 AUDREY COURT; FILE #20420
SITE PLAN AND ARCHITECTURAL REVIEW FOR CONSTRUCTION OF
AN ADDITION TO AN EXISTING SINGLE-FAMILY DWELLING, WITH
VARIANCES FOR REDUCED FRONT AND SIDE YARD SETBACKS
AND EXCESS LOT COVERAGE, AND A FLOOR AREA EXCEPTION**

MEETING DATE: **JUNE 17, 2004** _____

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PROJECT DATA:

ADDRESS:	6 AUDREY COURT
ASSESSOR'S PARCEL:	58-231-09
FILE NUMBER:	20420
PROPERTY OWNERS:	MICHAEL AND KATHLEEN KING
APPLICANT:	MARK GROODY (ARCHITECT)
LOT SIZE:	16,871 SQUARE FEET
ZONING:	RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN:	MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE:	C
DATE COMPLETE:	MAY 26, 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 15301.

PROPOSAL

The applicant is requesting Design Review approval to construct a two-story addition to an existing single-family dwelling located at 6 Audrey Court. The ground floor of the addition would include a two-car garage, a media room and a half bathroom. The upper floor would consist of a new master bedroom suite. A deck would extend to the front of the master bedroom, with a storage area adjacent to the garage underneath. A new entry porch would also be added to the existing residence.

The proposed 1,300 square foot addition would bring the total floor area of this property to 4,100 square feet, which is 413 square feet greater than the floor area ratio for a lot of this size. A floor area exception is therefore requested.



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The proposed additions would increase the lot coverage of this property by 748 square feet to a total of 2,980 square feet (17.7%), 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.

The proposed addition would extend to within 10 feet, 7 inches of the front property line and within 10 feet of the side property line. As a 30 foot front yard setback and a 15 foot side yard setback are required in the RO-2 zone, variances are also requested for reduced front and side yard setbacks.

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

ANALYSIS

Design Issues

The existing house is a two-story structure, although only one level of the residence is visible from the street. The proposed addition would result in a two-story portion of the house that would increase the visible mass when traveling up Audrey Court toward this site.

The proposed garage would have a depth of 23 feet, 2 inches, which is somewhat deeper than a typical garage area; this additional depth accounts for much of the proposed encroachment into the required side yard setback. Similarly, much of the proposed encroachment into the required front yard setback is driven by the conversion of the existing garage into a media room, and exacerbated by the proposed deck and storage area that intrudes furthest into the required front yard.

Lot coverage and floor area ratio requirements for residential properties are methods used by the Town to determine the reasonable amount of development potential for a property. The Design Review Board has often granted variances for excess lot coverage, particularly for properties in the RO-1 and RO-2 zones, when the proposals do not exceed the floor area ratio for their lot; these approvals often recognize building designs that spread the allowable floor area out on a site rather than building taller additions that could impact neighboring properties. However, the Board has begun to recognize that applications that would exceed both the maximum lot coverage and the floor area ratio for a property generally reflect a design that would overbuild the lot. The subject request would not only exceed both of these development requirements, but would also extend into two required setbacks. These requests are indicative of an overambitious building design that is inconsistent with the intended development level of this property.

The adjacent property owners at 10 Audrey Court have raised concerns about potential view impacts that would be caused by the proposed project. Staff has visited this neighboring site and offers the following evaluation of these concerns:

- A swimming pool and patio area is developed at the lower portion of the site, below the elevation of the house and closest to the shared property line with the



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applicants. A series of shrubs on the neighbors' property screen almost all views of the proposed addition from this pool area. From several vantage points at this level, the addition would appear to block a small, lower portion of a slot view toward Richardson Bay and Sausalito. Goal 3, Principle 7 (A) of the Hillside Design Guidelines states that "view protection is more important for the primary living areas of a dwelling (e.g. living room, dining room, family room, great room, kitchen, and decks associated with these rooms) than for less actively used areas of a dwelling (e.g. bedroom, bathroom, study, office, den)." Goal 3, Principle 7 (B) of the Hillside Design Guidelines states that the "horizon line is [the] most sensitive part of [the] view, then foreground, then middleground." Goal 3, Principle 7 (E) of the Hillside Design Guidelines states that "a wide panoramic view can accept more view blockage than the smaller slot view." The pool area is not considered to be a primary living area. The view obstruction visible would not interfere with the horizon line, and would block only a small portion of an existing slot view.

- The lower level of the house contains a family room and several bedrooms. From the family room, the proposed addition would again appear to impact a small, lower portion of a slot view of Richardson Bay and Sausalito. Although this view is from a primary living area, the horizon line is not affected, and the intrusion into the slot view from this room would be minimal.
- The upper floor of the house contains the other primary living areas for the residence. A long deck facing the subject property currently has a much more panoramic view than found at the lower levels of the site. The elevation of this deck well above the height of the proposed addition indicates that the addition would only possibly impact a small portion of water view, and would not significantly impact the more extensive views from this portion of the neighboring house.

The neighboring property owners have contended that the landscaping adjacent to the pool area may be trimmed in the near future, resulting in increased visibility of the proposed addition. However, it appears that these property owners have chosen to maintain the shrubbery at its current height to provide privacy for the pool area; this continued need for privacy would make it unlikely that the area between the pool and the proposed addition would become substantially more open in the future.

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 front and side yard setbacks and excess lot coverage and the requested floor area exception.



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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 16,871 square foot lot size is somewhat smaller than the 20,000 square foot minimum lot size for the RO-2 zone. The rear of the lot has slightly steep slopes, but is generally consistent with other properties in the vicinity. Therefore there do not appear to be unusual physical conditions on the subject property that 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 and/or yard setbacks have been routinely granted in single-family residential zones due to site constraints such as the steep area to the rear of the site. However, few properties have been granted variances for reduced front and side yard setbacks and excess lot coverage without more extreme topographical constraints. Therefore, the granting of these variances would be inconsistent 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 addition to be reduced in depth and moved closer to the center of the site. The strict interpretation of the required front yard setback would necessitate the elimination of the new garage and moving the master bedroom suite away from the front and side property lines, which could be accomplished by placing more of the addition above the existing garage. The strict interpretation of the maximum lot coverage requirement would force the owner to utilize the existing garage on the site and eliminate the proposed media room. These modifications could be accomplished without practical difficulty or imposing an unnecessary hardship on the property owner.

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



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As described above, the proposed addition would not appear to create any significant view impacts on neighboring homes. The visual mass of the property when viewed from the street would be increased by the proposed addition, but would not be substantially different than the street level mass and bulk of other homes in the vicinity.

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.

As described above, the visual size and scale of the proposed addition is similar to that of many other homes in the vicinity. The existing two-story portions of the subject residence more closely follow the terrain of the site; the proposed construction would place a more vertical element on a relatively level portion of the site, which would be less compatible with the physical layout of the property.

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

Public Comment

As mentioned above, the owners of the adjacent property at 10 Audrey Court have expressed concerns over potential view impacts that could be caused by the proposed addition.

CONCLUSION

As discussed above, the proposed addition would appear to represent an overbuilding of the subject property, as reflected by the requests to exceed the lot coverage and floor area ratio requirements and intrude into the required front and side yard setbacks. Staff is also unable to make the findings necessary to approve the requested variances and floor area exception. Although the addition would not result in significant view or visual impacts on other homes in the vicinity, the Design Review Board is required by Section 4.02.07 (d) of the Tiburon Zoning Ordinance to consider "the relationship between the size and scale of improvements and the size of the property on which the improvements are proposed." It appears that the proposed addition would create an unreasonable relationship between the size of the improvements and the size of this property.

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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 either the applicant be directed to reduce the size and scale of the proposed addition, or Staff be directed to prepare a resolution denying the application. If the Board can make the findings necessary to approve the requested variances and floor area exception, these findings should be elucidated and the attached conditions of approval should be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Goal 3, Principle 7 (A) of the Hillside Design Guidelines
4. Goal 3, Principle 7 (B) of the Hillside Design Guidelines
5. Goal 3, Principle 7 (E) of the Hillside Design Guidelines
6. Letter from Randall & Jeannie Higashida, dated June 11, 2004
7. Submitted plans

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CONDITIONS OF APPROVAL

6 AUDREY COURT

FILE #20420

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 May 18, 2004, or as amended by these conditions of approval. Any modifications to the plans of May 18, 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.