

Town of Tiburon STAFF REPORT

AGENDA ITEM D2



.....

TO: **DESIGN REVIEW BOARD**

FROM: **PLANNING MANAGER WATROUS**

SUBJECT: **94 MT. TIBURON COURT; FILE #20425**
SITE PLAN AND ARCHITECTURAL REVIEW FOR CONSTRUCTION OF
AN ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE, WITH A
VARIANCE FOR EXCESS BUILDINGHEIGHT

MEETING DATE: **JULY 1, 2004** _____

.....

PROJECT DATA:

ADDRESS:	94 MT. TIBURON COURT
ASSESSOR'S PARCEL:	58-261-20
FILE NUMBER:	20425
PROPERTY OWNER:	SINA SHEKOU
APPLICANT:	ROBERT SYMONS ASSOCIATES (ARCHITECT)
LOT SIZE:	44,500 SQUARE FEET
ZONING:	RO-1 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN:	MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE:	C
DATE COMPLETE:	JUNE 11, 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 an addition to an existing single-family dwelling located at 94 Mt. Tiburon Court. An expanded kitchen and new breakfast room would be added to the main floor, with a new bedroom and bathroom added to the lower level of the house. The existing deck to the rear of the middle level would be expanded.

The proposed project would add 1,039 square feet of floor area to the existing house, resulting in a total floor area of 6,241 square feet, which is less than the floor area ratio for a lot of this size. The proposed additions would also increase the lot coverage of this property by 447 square feet to a total of 4,472 square feet (10.0%), which is less than the 15.0% maximum lot coverage permitted in the RO-1 zone.



Town of Tiburon

STAFF REPORT

The height of the proposed addition would be 38 feet above the existing grade. As the maximum building height in Tiburon is 30 feet, a variance is requested for excess building height.

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 subject house is situated on a parcel that slopes down from the end of Mt. Tiburon Court. The homes downhill from the site along Venado Drive and Tara Hill Road are situated well below the subject residence and are oriented away from the site. Uphill neighboring homes are similarly situated at elevations well above the site, with views over the home. The proposed addition would be marginally visible from the adjacent home to the east, and would not appear to interfere with the views from that neighboring residence.

The existing house has a height well in excess of 30 feet. This dwelling was constructed prior to 1990, before the Tiburon Zoning Ordinance established the current 30 foot building height limit in Tiburon. The proposed addition would extend out from the building, but would be at a substantially lower elevation than the highest portions of the structure.

The design of the proposed addition would include substantial crawl space areas beneath the lower level bedroom. The existing house includes several such empty spaces, which are a result of the original structure design which does not substantially follow the sloping contours of the site. The crawl space that would be created by the proposed addition would be similar to those other existing spaces, and would be situated at a level that is currently not accessible from any of the main living areas of the house. This would reduce the likelihood of this crawl space area being converted into living space in the future.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-1 zone with the exception of the previously noted variance for excess building height.

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.***



Town of Tiburon

STAFF REPORT

The subject property slopes steeply away toward the rear of the site, and the house is situated on a level area, with much of the floor area suspended well above the sloping hillside. The topography of the site and the placement of the house would make it difficult to add on to the rear of the residence without violating the maximum building height requirement. 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.***

A number of other homes throughout the hilly portions of Tiburon were developed with building heights in excess of 30 feet prior to the establishment of this height limit in the current Tiburon Zoning Ordinance. Numerous variances have been approved for additions to such homes that simply extend the line of the existing structures without increasing the overall height of the building. Therefore, the granting of this variance would be consistent with the limitations upon other properties in the vicinity and 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 maximum building height would force any proposed additions to be located at a very low level on the site, with much of the floor area nearly inaccessible to other floors of the house. Due to the sloping character of the lot and the potential that such additions to the rear of the building would not be properly linked to the remainder of the house, the strict interpretation of the required maximum building height would result in a practical difficulty for the applicants.

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 addition would not appear to create any significant view or visual impacts on neighboring homes.

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

Public Comment

To date, no letters have been received regarding the subject application.

Town of Tiburon

STAFF REPORT



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

Town of Tiburon

STAFF REPORT



CONDITIONS OF APPROVAL

94 MT. TIBURON COURT

FILE #20425

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 6, 2004, or as amended by these conditions of approval. Any modifications to the plans of May 6, 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 exterior lighting fixtures must be down light type fixtures.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.