

Town of Tiburon STAFF REPORT

AGENDA ITEM E3



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TO: **DESIGN REVIEW BOARD**

FROM: **KRISTIN KRASNOVE, ASSISTANT PLANNER**

SUBJECT: **116 SUGARLOAF DRIVE; FILE NO. 20440
SITE PLAN AND ARCHITECTURAL REVIEW FOR CONSTRUCTION OF
A DECK ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE,
WITH A VARIANCE FOR EXCESS LOT COVERAGE**

MEETING DATE: **NOVEMBER 18, 2004** DMW

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PROJECT DATA:

ADDRESS: 116 SUGARLOAF DRIVE
ASSESSOR'S PARCEL: 058-311-05
APPLICANT: HOWARD FIELDS
PROPERTY OWNER: JAY AND TRACIE MILLER
LOT SIZE: 14,010 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE: C
DATE COMPLETE: OCTOBER 19, 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 make exterior alterations to an existing single-family dwelling located at 116 Sugarloaf Drive. The subject property is located on the east side of Sugarloaf Drive, which slopes steeply towards the direction of Paradise Drive. Renovations to the existing home are currently being finished. A Site Plan and Architectural Review with variances for excess building height, reduced front yard setback, reduced side yard setback, and excess fence/wall height, and a floor area exception was approved on March 6, 2003.

The applicant is proposing to construct a structured lawn deck in the rear yard. The proposed project would result in a large flat lawn area, supported by umbrella-shaped steel beams with a molded fiberglass deck grate and a layer of filtration fabric to support the sod. The surface would be planted with 12" of soil covered by a lawn, creating a largely permeable surface.



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The proposed deck would be arc-shaped, with each corner reaching to 12' from the side property lines. The proposed deck would extend out 45' and have a total area of 1,924 square feet (the plans incorrectly indicate the total area as 2,150 square feet). Although a permeable surface, the proposed deck is supported by large beams, which qualify it as a structure that contributes to the overall coverage of the lot. The proposed lawn deck would increase the lot coverage by 962 square feet to 2,738 square feet; therefore a variance for lot coverage (19.5% in lieu of the maximum 15%) is requested. The applicant could avoid the lot coverage variance by reducing the area of the deck to 651 square feet.

The top of the lawn area would be 29'9" above grade, with the glass railing projecting 3' higher. Although the applicant has not requested a variance for building height, the structure as proposed would exceed the 30 foot height limit. The applicant must either revise the deck design to comply with the 30 foot height requirement or submit an application for a variance for excess building height. As the necessary public notice for such a request has not been done, the Design Review Board cannot approve the project as currently designed at this meeting.

ANALYSIS

Design Issues

The house was constructed in its current fashion mainly because of the topographical constraints of the lot; the average slope is greater than 50%. The structure is located within close proximity to the street to utilize as much of the flat area of the site as possible. Similar to most of the homes along Sugarloaf Drive, the design of the structure is based on the significant slope of the hillside.

The existing residence has a contemporary façade with cantilevered decks off the rear of the residence with aluminum detailing. Although the subject property is a hillside development, the rear of the residence is not in a highly visible location.

The proposed structure would be visible from adjacent neighbors, but would be minimally visible from downhill locations toward Paradise Drive. The proposed project would have less visual and physical impact than large retaining walls with backfill; however, the large size of the proposed structure would be significant to adjacent neighbors who have not developed the rear sloping portions of their properties.

Section 4.02.07(c) of the Tiburon Zoning Code indicates that the height, size and/or bulk of a proposed project should bear a reasonable relationship to the character of buildings in the vicinity. There are other homes on steep slopes in this neighborhood, but they all reflect the hillside character. By constructing a large lawn terrace over a steep slope, the applicant has attempted to create a substantial flat outdoor space that is uncharacteristic in the neighborhood.

The following portions of the Tiburon Hillside Design Guidelines should be used to evaluate the proposed project:



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- Goal 1, Principle 2 of the Hillside Design Guidelines states that “buildings should be terraced using the slope,” and “overhanging decks make buildings seem more massive.” The proposed lawn deck would be a large structure hanging over the steep slope; however, there is existing vegetation to partially reduce the visual impact of the tall structure.
- Goal 1, Principle 4 of the Guidelines states that “to increase the integration of dwelling and site, follow hillside contours and slope with building forms.” The currently proposed project does not follow hillside contours, but instead attempts to convert a sloping area into a large level space, decreasing the integration of the structure with the site.

The design concept is innovative, and Staff has not found any examples of the proposed type of structure. For these reasons, staff requests that the Board give the project particular consideration.

Zoning

Besides the requested variance for lot coverage and the necessary variance for building height , the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.

Variances

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 variance request stems from the significant slope on the property. Many other properties in the RO-2 zoning district are larger in size and do not have an average slope of over 50%.

- 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.**

Several properties in the vicinity have been granted similar variances for various standards due to the slope of the properties. The properties at 97, 111, and 133 Sugarloaf Drive were all granted variances for excess lot coverage. For this reason, the granting of the variance would not appear to be a special privilege.



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

The applicant contends that it would be an unnecessary hardship to strictly apply the Ordinance in this case because there is no reasonably flat area of the site to construct an outdoor living area without exceeding the height limit and lot coverage requirements. However hillside lots with steeply sloping yards are not uncommon in Tiburon. By their topographical nature, such properties generally do not provide substantial level areas upon which to place useable yard area, and are normally developed without the yard space associated with more level lots. This lack of level space is an inherent characteristic of a sloping lot, and therefore in and of itself, does not constitute an unnecessary hardship on 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 proposed, the project would not result in significant view, privacy or other impacts detrimental to the public welfare or injurious to other properties in the vicinity.

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

Public Comment

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

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 and 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 15301 and take one of the following actions:

1. If the Board agrees with the conclusions of Staff, the application should be denied or the applicant given direction to revise the deck design to comply with the lot coverage and building height requirements.
2. If the Board finds that the project is consistent with the Guiding Principles for Site Plan and Architectural Review, and all necessary findings can be made for the variance for excess excess lot coverage, then it is recommended that the project be approved with the attached conditions of approval.
3. If the applicant wishes to request a variance for building height, the application should be continued to allow for proper public noticing of that request.

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ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans
4. Excerpts from the Hillside Design Guidelines

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CONDITIONS OF APPROVAL

116 SUGARLOAF DRIVE

FILE #20440

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 September 22, 2004, or as amended by these conditions of approval. Any modifications to the plans of October 15, 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. The design of the deck and all associated railings and improvements shall be modified to comply with the 30 foot maximum building height requirement.