

Town of Tiburon STAFF REPORT

AGENDA ITEM D5



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TO: **DESIGN REVIEW BOARD**

FROM: **PLANNING MANAGER WATROUS**

SUBJECT: **696 HAWTHORNE DRIVE; FILE #20504**
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING, WITH A
VARIANCE FOR EXCESS LOT COVERAGE

MEETING DATE: **APRIL 21, 2005** _____

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PROJECT DATA:

ADDRESS:	696 HAWTHORNE DRIVE
ASSESSOR'S PARCEL:	55-213-03
FILE NUMBER:	20504
PROPERTY OWNER:	ARDI ARBAB
APPLICANT:	MOHAMAD SADRIEH (ARCHITECT)
LOT SIZE:	7,500 SQUARE FEET
ZONING:	R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN:	MEDIUM HIGH DENSITY RESIDENTIAL
FLOOD ZONE:	C
DATE COMPLETE:	MARCH 18, 2005

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 additions to an existing single-family dwelling on property located at 696 Hawthorne Drive. As more than 50 percent of the existing residence on the site would be demolished, the subject application is considered to be for a new single-family dwelling on the property.

The house would continue to have a one-story design. The existing living room would be converted into a family room, and the existing kitchen would be expanded. A new dining room and a new living room would be added to the front of the house. The existing three bedrooms and two bathrooms to the rear of the house would be expanded, resulting in four bedrooms and three bathrooms.



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The proposed project would increase the floor area of the house by 1,550 square feet to a total of 2,750 square feet, which is the maximum floor area for a lot of this size. The lot coverage of the proposed house would be increased by 1,530 square feet to a total of 3,090 square feet (41.2%). As the maximum lot coverage permitted in the R-1 zone is 30.0%, 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. Brown colored wood shingle siding and stone accents are proposed for the building exterior, with a tar and gravel roof.

This application was first scheduled for review at the April 7, 2005 Design Review Board meeting. Story poles for the project were not installed until just several days prior to that meeting. Several of the story poles were substantially taller than the height of the proposed construction indicated on the submitted plans. After the Town received numerous complaints from neighboring property owners regarding the potential visual impacts that such taller story poles would represent, the applicant requested a continuance to correct the story poles and meet with the neighbors about the proposed plans.

ANALYSIS

Design Issues

The existing house has a slightly pitched roof and an overall height of 11 to 13 feet. The proposed project would increase portions of the roof height, but would create a flat roof with a maximum height of 13 feet. Although the house would now project out further to the front and rear, the flat roof and continued one-story design should minimize any potential view impacts on homes across the street and uphill from the site.

In the past few years, some homeowners in this neighborhood have raised concerns about potential second story additions to other existing one-story homes in the vicinity. Although the concerns have generally centered on potential view impacts that could be caused by such additions due to the terraced nature of the surrounding subdivision, several property owners have felt that two-story homes would be inconsistent with the character of this neighborhood. Historically the Design Review Board has evaluated at such applications on a case-by-case basis, and recognized that two-story homes would not necessarily be incompatible with the character of the surrounding neighborhood. The proposed single-story design for the subject house should avoid any potential view impacts that could be caused by a two-story home on this site. The Design Review Board has often granted variances for excess lot coverage as a means of avoiding such view impacts.

It should be noted that the proposed house would exceed the maximum lot coverage for this property and would also match the floor area ratio for a lot of this size. As is often noted by the Board, the figures for lot coverage and floor area for a house are two methods of determining the overall mass and bulk of a house; although a combination of lot coverage and floor area such as that currently requested can often indicate that a project would result in an overbuilding



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of a lot, the low, flat roof design of the house would substantially minimize the visual mass and bulk of the structure.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 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 subject property is part of a subdivision consisting of shallow terraces in which the lower lots are situated at elevations not dramatically below those of the properties above. This shallow terracing is different from most other subdivisions in Tiburon, in which there are either greater elevation changes between terraced areas or little elevation change at all. These physical characteristics are 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 R-1 zone and similar zones in Tiburon have received variances for excess lot coverage, particularly for single-story projects in situations where a second story addition could result in substantial view impacts on neighboring homes.

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

Construction of additions to the existing house on this site in compliance with the required maximum lot coverage would create practical difficulties by forcing construction of a second story to the house, which would likely result in unacceptable view impacts for neighboring homes across the street and uphill from the site.

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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 proposed house would not result in significant view or visual impacts on other homes in the vicinity.

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

Public Comment

The Town received several letters from neighboring residents after the incorrect story poles were erected, each objecting to the size and scale of building illustrated by those story poles. No additional letters have been received since the story poles have been corrected.

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 wishes to approve the project, Staff would recommend that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Letter from Thomas and Maggie Chan, dated April 4, 2005
4. Letter from Alice Cannistraci, date April 5, 2005
5. Letter from Mary and Peter Shannahan, dated April 5, 2005
6. Letter from Kathleen Bailey, dated April 7, 2005
7. Letter from Joseph Kelly, dated April 7, 2005

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CONDITIONS OF APPROVAL

696 HAWTHORNE DRIVE

FILE #20504

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 February 17, 2005, or as amended by these conditions of approval. Any modifications to the plans of February 17, 2005, 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.