

# Town of Tiburon STAFF REPORT

AGENDA ITEM E4



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TO: **DESIGN REVIEW BOARD**

FROM: **KRISTIN KRASNOVE, ASSISTANT PLANNER**

SUBJECT: **170 RANCHO DRIVE; FILE #705032  
APPEAL OF A STAFF LEVEL DECISION APPROVING SITE PLAN AND  
ARCHITECTURAL REVIEW OF A MODIFICATION TO A PREVIOUSLY  
APPROVED APPLICATION FOR A DECK ADDITION.**

MEETING DATE: **JUNE 2, 2005** REVIEWED BY: SA

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## PROJECT DATA:

**APPLICANTS:** MARK AND JULIE BOYADJIAN  
**APPELLANTS:** LINDA TRIPOLI AND SCOTT MILLER (180 RANCHO DRIVE)  
**PROJECT ADDRESS:** 170 RANCHO DRIVE  
**ASSESSOR PARCEL NUMBER:** 034-393-07  
**FILE NUMBER:** 705032  
**LOT SIZE:** 10,040  
**ZONING:** RPD (RESIDENTIAL PLANNED DEVELOPMENT)  
**GENERAL PLAN:** MH (MEDIUM-HIGH DENSITY RESIDENTIAL)  
**FLOOD ZONE:** C  
**DATE COMPLETE:** MARCH 24, 2005

## ENVIRONMENTAL DETERMINATION:

It has been determined that this proposal is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303(e).

## REVIEW BY STAFF

On March 3, 2005, the applicants submitted a staff-level design review application to modify a previously approved application for a deck addition on the upper level. The modification included an additional 76 square feet of deck space on the upper level and a new on-grade deck area with spa on the lower level. New French doors would replace the windows on both levels to provide access to the decks. The application was reviewed for completeness and the courtesy notices were sent to the adjacent neighbors on March 24, 2005.

Following the mailing of the notices, Staff met with the neighbor at 180 Rancho Drive to evaluate the impacts of the proposed project. On April 5, 2005 the resident at 180 Rancho Drive submitted a letter in opposition to the project.



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Staff reviewed these concerns and visited the property at 180 Rancho Drive to evaluate the impacts from the subject application. Staff determined that the proposed modification was in conformance with the zoning regulations, in conformance with the Guiding Principles of Design Review, and would not have a significant impact on properties in the vicinity. The application was conditionally approved on April 12, 2005. The condition of approval stated that sufficient landscaping would be installed and maintained to mitigate the privacy impacts from the upper level deck on the property at 180 Ranch Drive.

### GROUND FOR APPEAL

The appellants have one ground upon which the appeal is based (Exhibit #1) which is summarized as follows:

**Ground #1: The deck addition would have significant privacy impacts on their property and should therefore not be approved.**

*Staff Response:* The applicants submitted an application for the modification to a previously approved deck addition. The previously approved application (File # 704178) included the addition of a 351 square foot rear deck and circular staircase down to the lower level as well as two new skylights. The subject application under appeal included 76.2 square feet (4'6" x 16'6") of additional deck space to be added to the center of the deck, and an additional lower level on-grade deck and relocated spa.

As with all design review applications, the application for the modification was reviewed in accordance with the zoning regulations for the associated zoning district (RPD), and the Guiding Principles for Design Review. In reviewing the application, Staff determined that the proposed modification, in and of itself, would not have adverse impacts on surrounding properties.

In respect to the additional deck space, the Zoning Ordinance states that the location of proposed improvements on a site should be evaluated with particular attention to view considerations, privacy, adequacy of light and air, and topographic or other constraints. For the subject property, the proposed 76.2 square feet of deck space does not locate the deck closer to any property. The extension would extend a central portion of the L-shaped deck out toward the rear yard, which abuts a large drainage easement located between the homes along Blackfield Drive and Rancho Drive.

The residences in the Cypress Hollow neighborhood are located only 16 feet apart from each other and were designed to be multiple stories, so the rear-facing living areas and yards have minimal privacy. The additional deck space requested would not increase the visibility of the previously approved rear deck from the living areas located at 180 Rancho Drive. A condition of approval has been imposed requiring additional landscaping to be planted to help improve the privacy between the properties. The proposed deck modification falls within the required building envelope, and no precise plan amendment is required.

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### **PUBLIC COMMENT**

The applicants have submitted a letter supporting the application for the deck modification (Exhibit #9). No other comments regarding the appeal have been submitted at this time. All correspondence has been attached for reference.

### **RECOMMENDATION**

It is recommended that the Board receive public testimony and review the application for a modification with respect to Guiding Principles for Site Plan and Architectural Review. If the Board finds that the application is consistent with the Guiding Principles, then it is recommended that the Board direct Staff to prepare a resolution denying the appeal.

### **EXHIBITS**

1. Notice of Appeal and supplemental materials.
2. Letter submitted by applicant received May 12, 2005.
3. Application, plans and supplemental materials dated March 3, 2005.
4. Statement submitted by Mark Boyadjian, received April 6, 2005.
5. Notice of Planning Division Action, dated April 12, 2005.
6. Notice of Planning Division Action, dated November 9, 2004.