

Town of Tiburon STAFF REPORT

AGENDA ITEM 4



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TO: DESIGN REVIEW BOARD

FROM: PLANNING MANAGER WATROUS

SUBJECT: 5 SILVERADO DRIVE; FILE #20516
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING, WITH
VARIANCES FOR REDUCED SIDE YARD SETBACKS

MEETING DATE: SEPTEMBER 15, 2005 _____

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PROJECT DATA:

ADDRESS: 541 SILVERADO DRIVE
ASSESSOR=S PARCEL: 055-082-12
FILE NUMBER: 20516
PROPERTY OWNER: CHRISTOPHER AND JENNIFER HARTUNG
APPLICANT: COLLEEN MAHONEY ARCHITECTS
LOT SIZE: 10,950 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: MEDIUM HIGH DENSITY RESIDENTIAL
FLOOD ZONE: C
DATE COMPLETE: AUGUST 26, 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 541 Silverado Drive. As more than 50% of the existing structure would be demolished as part of this project, an application has been filed for construction of a new single-family residence.

The main floor of the proposed house would include a living room, dining room, kitchen, family room, a master bedroom suite, two more bedrooms and bathrooms, a play room and an office/guest room with bathroom. The lower floor would include a laundry room, wine cellar, storage space and a two-car garage. A new deck and entry would extend in front of the living room. Four new ridge skylights would be installed.



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The lot coverage of the proposed house would also increase by 1,069 square feet to a total of 3,055 square feet (27.9%), which is less than the 30.0% maximum lot coverage permitted in the R-1 zone. The floor area of the house would increase by 968 square feet to a total of 2,952 square feet, which is less than the floor area ratio for a lot of this size.

The existing house is situated within both required side yard setbacks. The proposed additions would extend to within 4 feet, 7 inches of the left (northern) side property line, and within 6 feet, 8 inches of the right (southern) side property line. As an 8 foot side yard setback is required in the R-1 zone, variances are requested for reduced side yard setbacks.

A color and materials board has not been submitted for this project. New wood shingles would replace the existing shingle siding for the house. Composition shingle roofing would be installed.

ANALYSIS

Design Issues

The subject property slopes up from Silverado Drive. The existing house sits at an elevation below the adjacent house to the west at 539 Silverado Drive, and above the level of the adjacent home to the east at 543 Silverado Drive.

The revised roofline of the proposed house would be situated well below the level of most east-facing windows for the neighboring residence at 539 Silverado Drive. The roofline would block a small portion of water view from a rear sunroom, but would leave most views of Richardson Bay and Sausalito unchanged. The limited windows on the west side of the proposed house would be situated well below the sightlines of the adjacent home, thereby avoiding most potential privacy impacts.

The adjacent home at 543 Silverado Drive has only one window facing the subject property. The proposed east side windows would all be situated forward of the existing windows on that side of the subject house, as well as forward of the neighboring home's window. The location of the house uphill from the neighboring residence minimizes any potential view or privacy impacts on this adjacent home.

As noted above, four new skylights are proposed to be installed as part of this project. The design of these skylights along the roof ridgelines would mean that several of these skylights, particularly the westernmost one, could shine unwanted light up into the windows of the home at 539 Silverado Drive. Although any such skylights would be required to be tinted and installed without lighting in their wells, the location of some of these skylights so close below the windows of the neighboring home could result in undesirable nighttime view impacts. The Design Review Board should determine whether these uphill-facing skylights should be eliminated to prevent such impacts.



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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 variances for reduced side setbacks.

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 existing house on the site was legally developed in the 1950's with side yard setbacks that are less than those required under the R-1 zone. Due to these special circumstances, the strict application of the required side yard setbacks would deprive the applicant of 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 R-1 and similar zones have received variances for reduced setbacks for project designs that are related to the location of older homes on their sites.

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

The existing house on this site was developed with portions of the structure within the required side yard setbacks, in a location which minimizes visual impacts on neighboring homes. Forcing the applicant to construct a new residence with substantially different setbacks could push the house into less desirable portions of the site, and would therefore create 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 noted above, the design of the proposed house would not appear to result in unwanted view impacts or significant privacy impacts on neighboring properties.

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

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Public Comment

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

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. Submitted plans

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CONDITIONS OF APPROVAL

2095 CENTRO EAST STREET

FILE #20519

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 June 28, 2005, or as amended by these conditions of approval. Any modifications to the plans of August 2, 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. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. All exterior lighting fixtures must be down light type fixtures.
8. 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.

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9. 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.
9. The project shall comply with all requirements of the Southern Marin Fire Protection District.
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 sate 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.