

Town of Tiburon STAFF REPORT

AGENDA ITEM E5



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TO: **DESIGN REVIEW BOARD**

FROM: **PLANNING MANAGER WATROUS**

SUBJECT: **40 SEAFIRTH PLACE; FILE #20549
SITE PLAN AND ARCHITECTURAL REVIEW FOR MODIFICATIONS TO
A PREVIOUS APPROVAL FOR THE CONSTRUCTION OF A NEW
SINGLE-FAMILY DWELLING, WITH VARIANCES FOR REDUCED REAR
YARD SETBACK AND EXCESS LOT COVERAGE**

MEETING DATE: **DECEMBER 15, 2005** _____

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PROJECT DATA:

ADDRESS:	40 SEAFIRTH PLACE
ASSESSOR'S PARCEL:	039-101-24
FILE NUMBER:	20549
PROPERTY OWNERS:	ANN SWART
APPLICANT:	HOLSCHER ARCHITECTURE
LOT SIZE:	15,000 SQUARE FEET
ZONING:	RO-2 (SINGLE--FAMILY RESIDENTIAL - OPEN)
GENERAL PLAN:	MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE:	C
DATE COMPLETE:	NOVEMBER 23, 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 15301.

PROPOSAL

A Site Plan and Architectural Review (File #20514) was approved on July 14, 2005 for the construction of additions to an existing single-family dwelling on property located at 40 Seafirth Place. As more than 50% of the existing house would be demolished as part of this project, the approval was granted filed for construction of a new residence. A variance for reduced front yard setback was also approved as part of this application. A similar Site Plan and Architectural Review application for this project was approved as additions to this residence on March 3, 2005.

The applicant is now requesting to make modifications to the approved design for the house on this property. The revisions include the construction of a covered porch to the rear of the



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building, changes to the front entry deck and to various doors and windows throughout the house.

The floor area of the house would be unchanged from the 3,322 square foot size previously approved for this property. The proposed covered porch would increase the lot coverage on the site by 141 square feet to a total of 2,159 square feet (15.6%), which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. A variance is therefore requested for excess lot coverage.

The proposed covered porch would extend to within 16 feet of the rear property line. As the RO-2 zone requires a rear yard of 25 feet, a variance is requested for reduced rear yard setback.

A color and materials board has not been submitted, as the exterior design will be the same as that previously approved for the house on this site. The home would be finished with natural finished wood siding and dark brown roof shingles.

ANALYSIS

Design Issues

As described in the previous reports for this property, the Design Review Board determined that the general layout of the residence on the site appeared to be appropriate, and that the requested variance for reduced front yard setback was acceptable. Potential view impacts on nearby residences did not appear to be a concern, as the increased roof height proposed by this project would not interfere with the views of other nearby homes on Seafirth Place or Seafirth Road.

The proposed covered porch would extend to the rear of the main level of the house, facing San Francisco Bay. The porch would cover a portion of a deck to the rear of the house that was approved as part of the previous applications for this project. The porch would not extend into any views across the site for any neighboring homes, which have views that are more directly oriented toward the water than across the subject property.

The other modifications to the proposed plans involve minor changes to the design of the front entry porch and to various windows and doors around the exterior of the house. These changes would not alter the basic design of the proposed house, and would not result in any unwanted view or privacy impacts on nearby homes.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone with the exception of the previously noted variances for reduced rear yard setback and excess lot coverage.



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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 subject property is smaller than the minimum size for new lots in the RO-2 zone, with an irregular shape bordered by San Francisco Bay on one side. The rear property line is curved, with the narrowest rear yard area directly behind the location of the existing house. These characteristics create special circumstances that limit the areas and extent of construction on the site; the strict application of the rear yard setback and lot coverage requirements on such a lot would deprive the applicant of the development potential enjoyed by other homes 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 RO-2 zone have received variances for reduced setbacks and excess lot coverage, often to accommodate additions to existing homes with similar physical characteristics to those of the subject dwelling.

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

As noted above, the proposed porch would cover a portion of a rear deck area that was already approved under the previous applications on this property. The strict application of the rear yard setback and lot coverage requirements for this property would impose an unnecessary hardship on the property owner by limiting the location of weatherproof enjoyment of a reasonable amount of rear yard waterfront area behind the house on this property.

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 project would not create any significant visual or privacy impacts on neighboring homes.

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

As of the date of this report, no letters have been received regarding the project.

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

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Design Review Board Staff report dated March 3, 2005
4. Design Review Board Staff report dated July 14, 2005
5. Minutes of the March 3, 2005 Design Review Board meeting
6. Minutes of the July 14, 2005 Design Review Board meeting
7. Submitted plans

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CONDITIONS OF APPROVAL

40 SEAFIRTH PLACE

FILE #20549

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 November 21, 2005, or as amended by these conditions of approval. Any modifications to the plans of November 21, 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 exterior lighting fixtures must be down light type fixtures. The lighting fixtures indicated on the submitted plans are not approved, and shall be replaced with appropriate down lights.
7. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
8. Prior to the issuance of building permits, the applicant shall submit verification from a licensed landscape architect that the proposed landscape plan conforms to M.M.W.D. landscape regulations, as required by Town Council Ordinance.



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9. 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.
10. 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.
11. The project shall comply with the following requirements of the Southern Marin Fire Protection District:
 - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-D. 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).
 - d. A greenbelt shall be provided by cutting and clearing all combustible vegetation within 30 feet of the structure (UFC 1103).
12. 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.
13. All requirements of the Sanitary District No. 5 shall be met.
14. All requirements of the Town Engineer shall be met.