



Town of Tiburon

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Concerns were raised by several surrounding property owners over the size of the project and potential privacy impacts. The Design Review Board determined that the privacy impacts could be mitigated by landscaping and that the size of the house was consistent with the surrounding Hillhaven neighborhood. Neighbors also raised noise and safety issues regarding the driveway gate and issues over the height of portions of the proposed structures.

A third design review application (File #20437) was approved by the Design Review Board on October 21, 2004 for modifications to the carport, construction of retaining walls and a fence with a variance for excess wall height and reduced side yard setback.

PROPOSAL

The applicant is now requesting Design Review approval for further modifications to the previously approved plans. This application was submitted in an attempt to consolidate the string of changes and solidify a final design. The revised plans demonstrate the project as approved up to date, and each of the proposed modifications has been noted. Since the applicant was issued a building permit for the prior design and has completed excavation and poured foundation, the vested status of the design review approval is extended. Therefore, the current project should be considered by the Town as a modification to previously approved plans, not as a new project in and of itself.

The subject project qualified for Staff Level Design Review, but due to the number of neighbor concerns, it has been forwarded to the Design Review Board for review.

The applicant is proposing to refine the proposed remodel of the existing residence. The majority of the proposed changes include architectural details, various site improvements, and the conversion of understory space into living space. Changes to the roof design have also triggered concern from the uphill neighbors.

The proposed addition would increase the floor area of the house by an additional 436 square feet, and would result in a total floor area of 4,953 square feet, which exceeds the allowable floor area for the property by 714 square feet. Another floor area exception is therefore required. The current proposal would not change the lot coverage on the property.

ANALYSIS

Design Issues

The subject property is a flag-shaped lot, with a driveway leading down from Ridge Road to the house location. The majority of the site is situated below the level of the surrounding lots on Ridge Road; most of the house and driveway are not visible from homes above the site.

The current proposal includes 22 separate minor modifications that when viewed as a whole contribute an updated landscape design and a restructured façade for the structure. Although



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each modification is individually minor, the overall revision is considered by Staff to be significant. The modifications are listed below.

Site Plan Modifications:

1. Install an in-ground spa in the rear yard;
2. Install an outdoor shower on the southern side of the residence;
3. Construct a trash enclosure and mailbox on the left side of the driveway in front of the vehicle entry gate;
4. Construct the retaining walls in the rear yard in a linear as opposed to curved pattern;
5. Install new sitting benches in the rear yard;
6. Reconfigure the driveway slope to reduce the pitch;
7. Realign the steps to the lower level of the rear yard;
8. Construct a 3'6" retaining wall on the south side of the proposed play room;
9. Extend the driveway curb all the way to the house;
10. Install a fence five feet in height on the south and east property lines;
11. The four foot wood fence on the north property line would remain as previously approved

Structural Modifications:

12. Reconfigure the front entry element;
13. Construct "eyebrows" as architectural features that extend beyond the roof along the front of the house;
14. The trellis around the carport would be reduced to 8 feet in height
15. Install new glazing on the basement level
16. Eliminate the walls from the covered living room deck;
17. Clerestory windows would be installed above the kitchen. There would be no windows on the uphill facing side;
18. The roofline above Bedroom 1 would be lowered to 9'6" above grade;
19. A bathroom would be added to the basement level (48 square feet);
20. An additional Family/Play room would be added to the basement level (336 square feet);
21. Extend a 2 foot overhang in the west wing to the south to increase the size of the bedroom area by 52 square feet; and
22. The colors and material would be changed to a natural tone on tone palate of sand and clay.

The primary items of contention to surrounding property owners include the proposed clerestory window above the kitchen, the change in the roof design, the flue on the rear deck, the mailbox and trash enclosure location, and the overall square footage resulting from piecemeal revisions over the years.

Roof Design and Clerestory Window

The approved maximum roof height is 12'4", and although the roof design has been reconfigured, it remains within the 12'4" approved height. The proposed roof plan includes a total of 15 skylights, four of which would be located on the proposed roof spine over the entry



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and hallway. The proposed clerestory roof pop-up would be located above the kitchen, and would rise 2 feet, 2 inches above the top of the parapet to the 12'4" height. There would be an additional roof pop-up over the living room with a flue extending two feet above the pop-up. The existing chimney rises two feet above the existing roof line. The parapet in the east wing of the house would be increased from 9'6" to 10'1" in some locations and reduced from 10'6" to 10'1" in other locations. The proposed modifications to the roof would be visible from the property to the north; however, it does not appear that the modifications would cause a significant view impact on the panoramic view over the top of the subject residence. The Board is encouraged to view the story poles from the property at 440 Ridge Road to more thoroughly evaluate the potential view or visual impacts of the proposed changes.

Kitchen Flue Relocation

The subject flue would be relocated from the kitchen to the rear deck to provide an outdoor cooking area. The flue would be 14 inches round. File #200024 (June 2000) included a condition of approval that "the barbeque area is limited to a use that does not require a chimney." The applicants contend that the change from a chimney to a flue would exempt them from this previously established condition; however, the property owners of 440 Ridge Road still have a concern over the view impact from the flue.

It should be noted that Mr. and Mrs. Hannah of 440 Ridge Road have concerns over changes which violate the deed restriction on height limitations for development on the subject property. However, the enforcement of the deed restriction is a civil matter, and is not under the purview of the Design Review Board. The Board should review the roof modifications, clerestory window, and flue relocation based on the project's merits.

Mailbox and Trash Enclosure Location

The relocation of the driveway gate and the installation of a mailbox and trash enclosure has been reviewed by the Town Engineer. The Hannahs' concern over noise related to the driveway gate remains. Staff still has no specific opinion on the gate other than a concern that the gate be set back enough to meet the Town Engineer's requirement for safe ingress and egress. A Memo from the Interim Town Engineer discussing the topic has been attached as Exhibit 4.

Piecemeal

The initial project to expand the existing residence at 430 Ridge Road was first approved with 4,114 square feet of living space and 20.1% lot coverage. With minor changes over the last six year, the project approvals have gradually increased the size of the structure to 4,517 square feet and 21.7% lot coverage. The current proposal requests an increase to 4,953 square feet (839 square feet more than the original approval) with the lot coverage remaining at 21.7%. Although the Town does not have a stated policy about the serial increase of projects, the Board may want to consider whether this type of continuous request for modifications is acceptable.



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Zoning

Besides the aforementioned floor area exception, the project appears to be in conformance with the development standards for the RO-2 zone with the exception of the previously granted variances for excess lot coverage, excess wall height and reduced side yard setback. In order to grant the requested floor area exception, the Board must make the following findings as required by Section 4.02.08 of the Tiburon Zoning Ordinance:

- 1. The applicant has demonstrated that the visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood.**

The modification to the previously approved application is for additional living area of 436 square feet. Since the area between the stairway leading down to the lower level is completely integrated into the existing structure, the conversion of this space into livable space would not contribute mass and volume to the structure. Creating exterior access to the proposed living space and allowing it to be used as another family room would not alter the overall visual size of the residence. The visual size and scale of the proposed residence would therefore remain compatible with the neighborhood.

- 2. The applicant has demonstrated that the proposed structure is compatible with the physical characteristics of the site. The characteristics include, but are not limited to, the scale of trees, rock outcroppings, stream courses, land forms, and the dimensions of the lot.**

The applicant has stated the proposed project would be compatible with the physical characteristics of the site because the majority of the proposed new floor area would be located in a part of the structure that is dug into the hillside. The additions would not be visible from surrounding properties or the street. The descending slope of the lot would reduce the visual impact of the additions on the property.

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

Public Comment

Staff has received letters from the neighbors located immediately adjacent to the property. The correspondence from Fred and Casey Hannahs are included in Exhibits 9-14. The subsequent correspondence from the applicant has also been attached.

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

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to approve the project, Staff recommends that the attached conditions of approval should be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Summary letter from applicant, received December 8, 2005
4. Memorandum from the Town Engineer regarding the driveway gate and mailbox location dated November 30, 2005
5. Staff Report from June 15, 2000 Design Review Board meeting
6. Minutes of the July 1, 1999 Design Review Board meeting
7. Minutes of the June 15, 2000 Design Review Board meeting
8. Minutes of the October 21, 2004 Design Review Board meeting
9. Historical correspondence regarding the driveway gate between the Town, Mr. Garay, and the Hannahs, received November 3, 2005
10. Letter from Mr. and Mrs. Hannahs and supplemental material, received October 6, 2005
11. Letter from Mr. and Mrs. Hannahs, received October 13, 2005
12. Letter from Mark Garay, received October 20, 2005
13. Letter from Mr. and Mrs. Hannahs, received October 28, 2005
14. Letter from Mr. and Mrs. Hannahs, received November 7, 2005
15. Submitted plans

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CONDITIONS OF APPROVAL 430 RIDGE ROAD FILE #20437

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 July 26, 2005, or as amended by these conditions of approval. Any modifications to the plans of December 5, 2005, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Department 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 Department 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 Design Review 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 Design Review 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 other than those approved by the Design Review Board must be down light type fixtures.
6. The previously approved fencing as part of the October 21, 2004 application shall be kept to a maximum height of four feet (4').
7. The chimneys and flu shall be built no higher than the minimum required by the Building Code.
8. All skylights shall be bronzed or tinted in a non-reflective manner, and no lights shall be placed on the wells of the skylights.
9. 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.