

Town of Tiburon STAFF REPORT

AGENDA ITEM F7



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TO: **DESIGN REVIEW BOARD**

FROM: **PLANNING MANAGER WATROUS**

SUBJECT: **35 HACIENDA DRIVE; FILE #20624
SITE PLAN AND ARCHITECTURAL REVIEW FOR CONSTRUCTION OF
ADDITIONS TO AN EXISTING SINGLE-FAMILY RESIDENCE, WITH
VARIANCES FOR REDUCED FRONT AND SIDE YARD SETBACKS,
AND A FLOOR AREA EXCEPTION**

MEETING DATE: **SEPTEMBER 21, 2006** _____

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PROJECT DATA:

ADDRESS:	35 HACIENDA DRIVE
ASSESSOR'S PARCEL:	039-012-04
FILE NUMBER:	20624
PROPERTY OWNERS:	STUART AND GINA PETERSON
APPLICANT:	PATRICK SHEAHAN (ARCHITECT)
LOT SIZE:	54,442 SQUARE FEET
ZONING:	RO-1 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN:	MEDIUM LOW DENSITY RESIDENTIAL
FLOOD ZONE:	C
DATE COMPLETE:	AUGUST 31, 2006

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

The applicant is requesting Design Review approval to construct a garage addition to an existing single-family dwelling located at 35 Hacienda Drive. The existing house includes an attached two-car garage. A 594 square foot addition would be constructed to the rear of the garage, which would provide two additional tandem parking spaces for the house.

The proposed additions would also increase the lot coverage of this property by 594 square feet to a total of 5,936 square feet (10.9%), which is less than the 15.0% maximum lot coverage permitted in the RO-1 zone. In addition to the 594 square foot garage space, the proposed addition would result in substantial crawls space between the garage and the grade below, resulting in an additional 594 square feet of calculated floor area, and a total floor area



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(including garage space) of 9,224 square feet, which is would be 1,182 square feet greater than the floor area ratio for a lot of this size. A floor area exception is therefore requested.

The proposed garage addition would extend to within 7 feet, 3 inches of both the front and northern side property lines, which would be less than the 30 foot minimum front yard setback and 20 foot minimum side yard setback required in the RO-1 zone. Therefore, variances are requested for reduced front and side yard setbacks.

A color and materials board has not been submitted, as the proposed additions would match the colors and materials of the existing house.

ANALYSIS

Design Issues

The subject house generally sits upon a level portion of this large property. A large gravel driveway area connects to the existing garage on the site. The property slopes down toward the northern end of the site, including the area directly behind the existing garage. The location of the proposed addition is screened by a number of mature trees, and would not likely be prominently visible from any nearby homes.

A previous Site Plan and Architectural Review application (File #705071) was approved in 2005 to construct 1,718 square foot addition to the existing residence. That approval brought the floor area of the existing house to 7,435 square feet, which is 6 square feet less than the maximum floor area permitted for a lot of this size.

The design of the proposed garage addition would be inconsistent with a number of principles of the Tiburon Hillside Design Guidelines, including the following:

- Goal 1, Principle 1 of the Hillside Design Guidelines states that projects should “cut [the] building into [the] hillside to reduce visual mass and bulk,” with an illustration discouraging “wasted space in ...[the] foundation.” The proposed garage would project well over the slope, resulting in a design that creates unnecessary crawls space area below.
- Goal 1, Principle 2 of the Guidelines states that a project should “terrace [the] building using the slope.” The proposed garage addition would not follow the slope of the site below at all.
- Goal 1, Principle 4 of the Guidelines states that a project should “follow hillside contours and slope with building forms, particularly roof forms, to increase the integration of dwelling and site.” The proposed garage addition and its flat roofline would not follow the contours or slope of the site.



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As noted above, a large gravel parking area covers much of the front of the property, including a recently expanded parking area supported by a low retaining wall. This expanded gravel area currently provides space to park at least three additional vehicles on the site. This space could also be utilized for construction of a detached two-car garage that would conform to the contours and slope of the site and could be approved without need for any variances.

Although the area beneath the proposed garage addition is not currently intended to be enclosed, this space meets the Town's definition of floor area and could be converted into additional living area in the future. Given the current size of the house on this lot, there does not appear to be justification for this additional space, particularly given its relationship to the slope on the site and the setbacks for this property.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-1 zone with the exception of the previously noted variances for reduced and side yard setbacks and floor area exception.

Variances

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 very large, with a generally rectangular shape and level topography over most of the site. There do not appear to be any physical conditions which create special circumstances that would deprive the owners of this property of development 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 same or similar zones have received variances for reduced front or side yard setbacks to extend an addition when constrained by a smaller, irregularly shaped or sloping lot. However, few variances have been granted when such physical constraints do not exist. Therefore, the granting of this variance would be inconsistent with the limitations upon other properties in the vicinity and in the same or similar zones.

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



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The subject property already has a two-car garage and expansive surface parking areas; this level of provided parking would not create an unnecessary hardship on the applicant. As noted above, a relatively level space exists that could be developed with an additional parking structure without practical difficulty and without encroaching into the required setbacks. The strict interpretation of the required front and side yard setbacks would force the applicant to either proposed additions to be set back from the line would therefore not result in a practical difficulty or unnecessary hardship on the applicants.

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 addition would not be prominently visible from any nearby homes.

Floor Area Exception

Section 4.02.08 of the Tiburon Zoning Code states that the Design Review Board may grant exceptions to the required floor area ratio requirements if it makes the following two findings:

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; and
2. The applicant has demonstrated that the proposed structure is compatible with the physical layout 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.

Although several other nearby homes are as large as the existing house, the immediately surrounding residences are much smaller in visual scale than the existing house with its proposed addition. As noted above, the proposed addition would be clearly incompatible with the landforms of this lot, as the garage would project well above a sloping portion of the site.

From the evidence provided, Staff believes that there is insufficient evidence to support the findings for the requested variance for the proposed upper level addition.

Public Comment

As of the date of this report, 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

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California Environmental Quality Act (CEQA) as specified in Section 15301. If the Board agrees with Staff's conclusions, it is recommended that either the applicant be given direction to move the proposed garage addition to a more level portion of the property, or Staff be directed to prepare a resolution denying the application. If the Board wishes to approve the application, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Goal 1, Principles 1, 2 & 4 of the Hillside Design Guidelines
4. Submitted plans

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CONDITIONS OF APPROVAL

35 HACIENDA DRIVE

FILE #20624

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 August 8, 2006, or as amended by these conditions of approval. Any modifications to the plans of August 8, 2006, 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.
7. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.