

Town of Tiburon STAFF REPORT

AGENDA ITEM E4



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TO: **DESIGN REVIEW BOARD**

FROM: **LAURIE TYLER, ASSOCIATE PLANNER**

SUBJECT: **8 ACELA DRIVE; FILE #20619**
SITE PLAN AND ARCHITECTURAL REVIEW FOR A NEW SINGLE-
FAMILY DWELLING WITH VARIANCES FOR EXCESS LOT COVERAGE
AND REDUCED FRONT YARD SETBACK AND A FLOOR AREA
EXCEPTION

MEETING DATE: **AUGUST 17, 2006** _____

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PROJECT DATA:

OWNER:	TOM & CAROL OLLENDORFF
APPLICANT/ARCHITECT:	SUTTON SUZUKI ARCHITECTS
ADDRESS:	8 ACELA DRIVE
ASSESSOR PARCEL NUMBER:	058-231-11
FILE NUMBER:	20619
LOT SIZE:	18,374 SQUARE FEET
ZONING:	RO-2 (RESIDENTIAL OPEN)
GENERAL PLAN:	M (MEDIUM DENSITY RESIDENTIAL)
FLOOD ZONE:	C
DATE COMPLETE:	JUNE 19, 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 15303.

PROPOSAL:

The applicant has submitted a request to construct a new single-family dwelling on the property located at 8 Acela Drive. Currently the property is improved with a single-family dwelling. The applicant is requesting to demolish the structure and build a new home.

The project as proposed would create a two story structure. The lower level of the home would include a two-car garage, two bedrooms, two bathrooms, an office with a bathroom, laundry room, mechanical room and storage. The main level would contain the master bedroom and bathroom, a kitchen with a breakfast nook, dining room, living room, media room, a small powder room, and a terrace that extends the length of the west side of the structure. A terrace



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is also proposed on the northern side of the structure at the main level. An interior stairway and elevator would service both floors.

The proposed structure would create a lot coverage of 3,988 square feet (21.7%) which is 6.7% over the maximum permitted lot coverage in the RO-2 zoning district (15%). The proposed structure would create a gross floor area of 4,839 square feet, which is 1,002 square feet over the maximum permitted floor area for a parcel of this size (3,837 sq. ft.). The applicant is requesting a variance for excess lot coverage and a floor area exception.

The proposed design of the home would create a 5' 8" roof overhang encroachment into the front yard setback. As the maximum encroachment permitted for overhangs into a required setback is three (3) feet, a variance has been requested for a reduced front yard setback.

The façade of the home would contain two shades of beige cement plaster siding, stone veneer, a pre-weathered zinc roof, flat roofing with light brownish gravel on top, and window and door trim in charcoal gray. The decking would be stained with a natural wood finish. A color/material palette will be available at the Board meeting for review.

ANALYSIS:

Design Issues

The existing home is designed to take advantage of the views of Richardson Bay, San Francisco and the Golden Gate Bridge. The proposed home would continue to take advantage of this view-shed. Homes surrounding the subject property are mostly two stories, and are also designed to take advantage of similar views. Landscaping, in the form of large shrubs located along the perimeter of the site, aid in privacy screening. To the rear of the property, a large serpentine rock out-cropping is present.

The proposed home is designed to mimic the existing structure by utilizing the existing cut into the hillside, which would bury the lower level. By cutting into the hillside, the mass and bulk of the structure would be kept to a minimum. Curved zinc metal roofing is proposed for portions of the roof, which may reflect sunlight to the homes located above.

The adjacent home at 2 Audrey Court has a panoramic view to the west that includes the Golden Gate Bridge and San Francisco. The three fireplaces proposed to service the media room, living room and master bedroom have chimneys, which vary in height from 4.5' to 10' from the base of the roof. This would create a view obstruction for the property at 2 Audrey Court, including a portion of the Golden Gate Bridge view. Additionally, the building height is proposed to be roughly two feet (2') higher than the existing home, which creates a view obstruction of the Belvedere Lagoon for these neighbors.



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Tiburon Hillside Design Guidelines

The following portions of the Tiburon Hillside Design Guidelines should be used to evaluate the hillside design of the house as proposed:

- *Goal 3, Principle 7 (A) of the Hillside Design Guidelines states that “view protection is more important for the primary living areas of a dwelling (e.g. living room, dining room, family room, great room, kitchen, and decks associated with these rooms) than for less actively used areas of a dwelling (e.g. bedroom, bathroom, study, office, den).”* The story poles are visible from the approved living room, dining room, family room and kitchen of the adjacent dwelling at 2 Audrey Court.
- *Goal 3, Principle 7 (B) of the Guidelines states that the “horizon line is [the] most sensitive part of [a] view, then foreground, then middle ground.”* The proposed house would intrude slightly into the center foreground line which is a view of the lagoon, as well as views to the left in the distance of San Francisco and the Golden Gate Bridge.
- *Goal 3, Principle 7 (C) of the Guidelines states that “blockage of [the] center of [a] view is more damaging than blockage of [the] side of [a] view.”* The proposed house would intrude into the center of the panoramic view, obstructing a view of the lagoon from the residence at 2 Audrey Court, as well as obstruct a view of the Golden Gate Bridge and portions of San Francisco to the left.
- *Goal 3, Principle 7 (D) of the Guidelines states that “blockage of important objects in the view (Golden Gate Bridge, Belvedere lagoon, Sausalito, Angel Island) is more difficult to accept than blockage of other, less well-known landmarks.”* The proposed chimneys would block views of the Golden Gate Bridge and portions of San Francisco, and the elevated roof line would block a view of the lagoon, from the adjacent dwelling at 2 Audrey Court.
- *Goal 3, Principle 7 (E) of the Guidelines states that “a wide panoramic view can accept more view blockage than the smaller slot view.”* The view from the adjacent dwelling at 2 Audrey Court would be accurately characterized as a panoramic view.

The view for residences to the north on Meadowhill Drive may also be affected by the proposed height of the chimneys, although Staff was unable to visit each of these homes to determine the potential impacts.

The Design Review Board is encouraged to visit the site and surrounding neighbor’s homes to view the story poles to better understand the extent of this proposal.

Zoning

Besides the requested variances for reduced front yard setback and lot coverage and the floor area exception, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.



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Variances

In order to grant the requested variances, the Board must make all of the following findings required by Section 16-4.3 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.**

Lot Coverage:

The lot has an existing cut bench into the hillside, which the proposed lower level of the home would utilize. If the proposed home were constructed at natural grade as a full two story structure, views would certainly become obstructed for neighboring residences, and the mass of the home would increase. Additionally, the lot contains a large portion of serpentine rock out cropping, which would remain preserved at the north east corner of the property. This creates a fairly decent sized area on the parcel that is not proposed to be built upon. The proposal aims to stay somewhat within the existing footprint with the exception of the terrace along the front of the home and the north eastern section of the home. These are special circumstances that the applicant has taken into consideration with the proposed design.

Front Yard Setback:

The parcel is elongated and located on a corner with the majority of frontage along Acela Drive. The existing home is designed to take advantage of views of the bay and the Golden Gate Bridge. In redesigning the home, the structure was slightly rotated to gain an enhanced view, which created a 5'8" triangular overhang encroachment into the setback. It should be noted that the orientation of the existing home has an adequate view. Again, these are special circumstances that the applicant has taken into consideration with the proposed design.

- 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.**

Lot Coverage:

Lot coverage requests have been commonly granted on RO-2 zoned lots throughout Tiburon. However, relatively few projects have been granted approval when a variance for excess lot coverage is requested in conjunction with a floor area exception.

Front Yard Setback:

The majority of properties surrounding the subject parcel are designed to take advantage of views of the bay. By rotating the proposed home to obtain an enhanced view, a small triangular section of the roof is now projected into the front yard setback. However, most other homes in the vicinity have been able to obtain such views without encroaching into the front yard setback.

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

Lot Coverage:

The home is designed to fit within the existing excavation and footprint of the current home on the property. However, a significant portion of the coverage is a result from the roof overhang, and the terrace located on the second floor. A reduction in the amount of terrace may aid in reducing the lot coverage. An overall reduction in the requested floor area could be accomplished without difficulty, which would also reduce the lot coverage on the site.

Front Yard Setback:

There does not appear to be a practical difficulty to reduce the size of the home, so that the roof overhang would not encroach into the front yard setback. It may be the case that the extension of roofing and eaves is to provide additional shading over the terrace, but the Board may also want to consider a reduction in the extension of roofing at this location to mitigate the encroachment into the front yard setback.

- 4. The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.**

Lot Coverage:

The home may be designed to maintain privacy between adjacent residences; however, view corridors are not completely unobstructed. The residence at 2 Audrey Court would be most affected property in terms of view obstruction from the tall chimneys and minimally elevated roofline. Other homes in the vicinity may also be affected by the chimney height.

Front Yard Setback:

The extension of roofing into the setback does not affect any neighboring property owners and is a minimal amount of encroachment.

Floor Area Exception

As previously mentioned, the proposed dwelling would also not comply with the floor area regulations for a lot of this size. In order to grant the requested floor area exception, the Board must make the following findings as required by Section 16-4.2.8 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 new dwelling unit would fit mostly within the footprint at the lower level of the existing residence. The applicant has proposed to maintain a two story structure on the site to maintain a low profile home and to help preserve views for the homes on the



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surrounding properties. However, portions of the panoramic view from 2 Audrey Court would be obstructed, and other homes in the vicinity may be affected by the chimney heights. The home is designed to mimic the mass and scale of neighboring residences, so that it would not create a structure that is out of place. Other homes in the vicinity have been granted floor area exceptions due to the topography of sites and to preserve view-sheds. A table has been provided by the applicant showing these floor area exceptions.

- 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 topography of the lot slopes upward from Acela Drive towards Audrey Court. The design of the structure would take advantage of the hillside by cutting into the slope, and the proposal reflects utilizing the existing excavation for the lower level. By placing the lower level floor into the hillside, the size of the home is scaled back, versus a full two story structure which does not cut into the hillside. Additionally, a large serpentine outcropping exists on the property, and is proposed to remain.

From the evidence provide, Staff believes that there is insufficient evidence to support the findings for the requested variances and floor area exception. It should also be noted that the Design Review Board has often determined that applications which request both a variance for excess lot coverage and a floor area exception represent a fundamental overbuilding of the property; however, the Board has supported minimal exemptions from these requirements when resulting from a building design intended to address potential view or privacy impacts that other home designs might have on neighboring residents.

In order to address some of the issues noted above, the Design Review Board should consider;

- A reduction in the chimney height or using an alternative type of fireplace/chimney; and
- Scaled back roofing at the front yard to mitigate the small encroachment into the front yard setback; and
- A reduction in the size of the terrace and roof overhangs to reduce the lot coverage; and
- A reducing the overall size of the structure.

Public Comment

To date, letters have been received regarding the subject application from the owners at 9, 10, and 12 Acela Drive, and 2 and 5 Berke Court, which are in favor of the proposed project; and 2 Audrey Court, which raised objections.

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RECOMMENDATION

It is recommended that the Board should review the proposed project with respect to Zoning Ordinance Sections 16-4.2.7(Guiding Principles), 16-4.2.8 (Floor Area Ratio Guidelines), 16-4.3 (Variances) and the Design Guidelines for Hillside Dwellings, 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 agrees with Staff's conclusions, the Board should direct the applicant to modify the project design to address the issues raised in this report. If the Board finds the design to be acceptable and in conformance with the Town's Design Guidelines and can make the necessary findings to approve the requested variances and floor area exception, Staff recommends that the attached conditions of approval be applied.

EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials
3. Letter from Dr. Lee and Jill Goldman dated June 18, 2006
4. Letters from Jean and James Deitz dated July 1, 2006
5. Letter from Skip and Brenda Berg dated August 1, 2006
6. Letter from Tyler Phillips dated August 10, 2006
7. Submitted plans

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EXHIBIT 1

CONDITIONS OF APPROVAL

8 Acela Drive

FILE #20619

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 19, 2006, or as amended by these conditions of approval. Any modifications to the plans of August 17, 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 skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
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.
10. The project shall comply with the following requirements of the Tiburon 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 310).
 - c. Approved spark arresters shall be installed on chimneys (UFC 1109).
 - d. All vegetation, existing and new, shall comply with the recommendations of Fire Safe Marin, and the requirements of UFC 1103.
 - e. The access gate shall have a minimum unobstructed width of 12'. Gates shall be operable using the Fire District's "Knox" key system (UFC 902).
11. 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.
12. All requirements of the Town Engineer shall be met.