

Town of Tiburon STAFF REPORT

AGENDA ITEM E4



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TO: **DESIGN REVIEW BOARD**

FROM: **PLANNING MANAGER WATROUS**

SUBJECT: **116 HACIENDA DRIVE; FILE #20702
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
CONSTRUCTION OF ADDITIONS TO AN EXISTING SINGLE-FAMILY
DWELLING, WITH A VARIANCE FOR EXCESS LOT COVERAGE AND A
FLOOR AREA EXCEPTION**

MEETING DATE: **FEBRUARY 1, 2007** _____

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PROJECT DATA:

ADDRESS:	116 HACIENDA DRIVE
ASSESSOR'S PARCEL:	039-070-14
FILE NUMBER:	20702
PROPERTY OWNER:	KURT AND JAINA MAIER
APPLICANT:	GREG JOHNSON (ARCHITECT)
LOT SIZE:	11,200 SQUARE FEET
ZONING:	RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN:	MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE:	C
DATE COMPLETE:	JANUARY 11, 2007

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 116 Hacienda Drive. A proposed new upper story would include a master bedroom suite and den. Small additions would also be made to the main floor of the house, including and expanded entry and foyer, bay windows to be added to three bedrooms and the rear family room, and a new deck and fireplace for the front family room.

The proposed additions would add 837 square feet of floor area to the house, resulting in a total floor area of 3,524 square feet. As the floor area ratio for a lot of this size is 3,120 square feet, a floor area exception is requested.



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The proposed project would add 110 square feet of lot coverage to the site, resulting in total lot coverage of 26.6%, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Therefore a variance is requested for excess lot coverage.

A color and materials board has been submitted, and will present at the meeting for the Board to review. The house would be finished with cedar shingle siding and dark brown trim, with dark grey composition shingle roofing.

ANALYSIS

Design Issues

The subject property is situated along a portion of the Tiburon Ridgeline. Homes across the street are oriented toward the East Bay and have little or any views across the site. The homes on either side of the site are situated at roughly the same elevation.

In 2003, the owners of the adjacent home to the southwest at 118 Hacienda Drive requested approval of additions to that building, including the construction of a new upper story area on the side of the house closest to the subject property which would have encroached into the side yard setback. The owners of the subject home raised objections to the application, including concerns about the mass and bulk of the second story addition. Partially in response to these concerns, the Design Review Board requested modifications to that project design, eventually approving a second story addition that did not encroach in to the side yard setback. A subsequent application to modify the design of the garage and driveway was denied by the Board in 2004. The applicants have indicated that they have met with the owners of 118 Hacienda Drive regarding the proposed additions and have received their support for the project.

The house below the site at 18 Noche Vista Lane is generally oriented away from the subject property, but has views of the proposed addition from the kitchen and a patio adjacent to the dining room. The proposed upper floor addition would not block any views from these points, but could result in privacy impacts from the rear windows and deck of the master bedroom. In combination with the recently constructed upper floor area for the home at 118 Hacienda Drive, the proposed addition may also result in cumulative visual mass and bulk of the uphill structures when viewed from below. The applicant has attempted to resolve these impacts through possible landscaping, but as of the date of this report, has been unable to come up with a planting plan that would sufficiently screen the proposed addition from below without creating view obstructions for the ground floor living space of the subject home. The Design Review Board is encouraged to view the story poles from this neighboring residence to determine if modifications to the proposed upper floor addition are warranted.

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 variance for excess lot coverage and floor area exception.

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Variance

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 substantially smaller than the 20,000 square foot minimum lot size required in the RO-2 zone. This physical characteristic is a special circumstance that would deprive the owners of this property of privileges enjoyed by other properties in the vicinity if the subject lot coverage variance is not granted.

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 vicinity and in the RO-2 zone have received variances for reduced excess lot coverage. However, fewer have recently received such a variance in combination with a floor area exception.

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

The strict application of the lot coverage requirements for a lot of this size would limit any physical improvements to the existing structure needed to take advantage of views and outdoor spaces in a manner consistent with other contemporary home designs in the vicinity. The imposition of this requirement would severely limit the size and placement of improvements on the site, creating a practical difficulty and an 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 additions would not result in view impacts on other homes in the vicinity. The proposed upper floor area could possibly result in privacy or visual impacts on the adjacent home at 18 Noche Vista Lane, which could be addressed with landscaping or other screening.

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:



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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.

Many of the homes along Hacienda Drive and in the vicinity have two or more floor levels with similar house designs to that proposed as part of this application. The proposed changes to the existing house would not substantially alter the current relationship of the house to the physical layout of the site.

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

Public Comment

As of the date of this report, one letter has been received regarding the subject application, expressing support for the request. Staff has spoken to the owner of 18 Noche Vista Lane regarding the previously noted concerns about privacy and visual mass and bulk issues regarding the proposed upper floor area.

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.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

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CONDITIONS OF APPROVAL

116 HACIENDA DRIVE

FILE #20702

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 December 20, 2006, or as amended by these conditions of approval. Any modifications to the plans of January 22, 2007, 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 downlight type fixtures.
7. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
8. All requirements of the Town Engineer shall be met.