

# Town of Tiburon

## STAFF REPORT

AGENDA ITEM \_\_\_\_\_ E 2



.....

TO: **DESIGN REVIEW BOARD**

FROM: **SCOTT PHILLIPS, ASSISTANT PLANNER**

SUBJECT: **14 SUTTER COURT; FILE # 706178  
APPEAL OF PLANNING DIVISION DECISION  
TO APPROVE A SITE PLAN AND ARCHITECTURAL REVIEW  
APPLICATION FOR THE CONSTRUCTION OF ADDITIONS TO AN  
EXISTING SINGLE-FAMILY DWELLING**

MEETING DATE: **FEBRUARY 1, 2007** REVIEWED BY: \_\_\_\_\_

.....

### PROJECT DATA

**ADDRESS: 14 SUTTER COURT**  
**OWNER: SATPAL SINGH**  
**APPLICANT: DANIEL L. DEL RIO**  
**APPELLANTS: MICHAEL & SUSAN DAB**  
**ASSESSOR'S PARCEL: 055-102-19**  
**FILE NUMBER: 706178**  
**LOT SIZE: 8,000 SQUARE FEET**  
**ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)**  
**GENERAL PLAN: MEDIUM HIGH DENSITY RESIDENTIAL**  
**FLOOD ZONE: C**

### BACKGROUND

On January 4, 2007, the Tiburon Planning Division approved a Site Plan and Architectural Review application to construct additions to an existing single-family dwelling, with a floor area exception, on property located at 14 Sutter Court. The owner of the neighboring property at 20 Sutter Court has now appealed this decision to the Design Review Board.

### PROJECT DESCRIPTION

An application was filed for a Staff-level Design Review approval for the construction of additions to an existing single-family dwelling on property located at 14 Sutter Court. The property is currently developed with a multi-story residence.

The applicant requested Design Review approval for the addition of a new bedroom and two new bathrooms within the lower level and a new covered front porch. The total additional square footage would be 404 square feet. Also proposed was a new master bedroom deck with sliding glass doors above the lower floor addition and the rebuilding and reconfiguration of an existing rear deck. No variance was associated with the reconfiguration of the rear deck. The current kitchen would be relocated and expanded on the upper floor to include a breakfast nook. The



# Town of Tiburon

## STAFF REPORT

---

proposed exterior changes also include new stucco siding, selected new windows throughout the home, and down-facing light fixtures. There are three retaining walls included with the proposal with a maximum height of 4 feet. Two walls would be located within the rear yard and one wall in the front yard. The walls would have a stucco finish to match the residence.

The lot coverage on the site would increase by 398 square feet to a total of 1,892 square feet (24%), which is less than the 30.0% maximum lot coverage permitted in the R-1 zone. The total floor area for the home including the expansion would be 2,892 square feet, which is 92 square feet greater than the maximum floor area permitted for a lot of this size. Therefore, a floor area exception was requested.

### REVIEW BY THE TIBURON PLANNING DIVISION

The Tiburon Planning Division first reviewed the application as a Staff-level Design Review. During the normal 10 day review period, the adjacent property owners at 20 Sutter Court objected to the proposal. They were concerned that the proposed deck and reconfigured deck would have impacted their privacy. The adjacent neighbor also had concerns that the plans were inaccurate and that the proposal would have created a feeling of urban crowding. The property owners at 20 Sutter Court submitted multiple letters to staff documenting their objections.

There were also two other adjacent property owners at 405 and 403 Hilary Drive that had concerns about the drainage and potential for slides on the subject property as a result of excavation. Staff informed the concerned citizen that drainage issues are thoroughly covered in the building permit submittal. Both of the property owners submitted letters documenting their concerns. No appeal was filed in relation to drainage issues.

Staff visited the site on several occasions to evaluate the concerns raised by the neighbors. Staff determined that the location of the proposed deck in relation to the adjacent home would not result in substantial or unusual privacy impacts or an over crowded visual condition.

The neighbors at 20 Sutter Court also raised concerns about the clarity of the plans for rebuilding the rear deck in relation to the existing deck. At the time the public courtesy notice was drafted, it was unclear to what extent the rear deck would have been extended compared to the existing deck because of the plans not sufficiently showing the existing conditions. Consequently, the deck extension was not included with original courtesy notice that was mailed out on December 13, 2006. The proposal was subsequently approved by staff on January 4, 2007. An additional condition of approval was added in regard to the rebuilding of the existing rear deck (see **Exhibit 3**).

On January 8, 2007, the appellants filed a timely appeal of this decision.



# Town of Tiburon

## STAFF REPORT

---

### **BASIS FOR THE APPEAL**

There are two grounds upon which the appeal (**Exhibit 1**) is based:

**Ground #1     The proposed deck addition would impact the privacy of the adjacent home.**

*Staff Response:* The subject home is adjacent to one-story residences on either side. During the review of the application, the owner of the home at 20 Sutter Court expressed concerns that the proposed deck additions would impact their privacy. The proposed deck extensions are within the required setbacks. The portion of the proposed deck that encroaches closest to the property of the appellant faces a wall of their home that contains one small window to the garage. It should be noted that the existing deck at the home at 20 Sutter Court is closer to the side property line than the proposed deck would be to the same property line.

The proposed new deck off the master bedroom would be used less frequently than the existing deck off the living room. The additional deck would impact the privacy of the adjacent neighbor to a lesser degree than the existing deck off the living room.

Currently, there is already visibility between the existing decks at 20 and 14 Sutter Court. The decks at 20 Sutter Court would be less visible from the proposed new deck above the addition than from the corner of the existing deck at the subject property.

Goal 2, Principle 6 (C) of the Hillside Design Guidelines states that “window placement where they look directly into someone else’s home should be avoided.” The proposed bedroom sliding glass door placement above the new deck at the subject home would face the side of the appellant’s home containing the garage. The rest of the proposed windows face outward towards the rear property line.

**Ground #2     The proposed addition and decks would significantly alter the density and character of the neighborhood and would create a sense of urban crowding.**

*Staff Response:* Section 4.02.07 of the Tiburon Zoning Ordinance contains guidelines to be utilized in the review of Site Plan and Architectural Review applications. In reviewing these applications, the Design Review Board is instructed to evaluate whether “the height, size, and/or bulk of the proposed project bears a reasonable relationship to the character of existing buildings in the vicinity.” This section further states that “a good relationship of a building to its surroundings is important. For example, in neighborhoods consisting primarily of one-story homes, second-story additions shall be discouraged, or permitted with increased setbacks or other design features to minimize the intrusion on the neighborhood.”

The Little Reed Heights subdivision was constructed in the 1950’s and 1960’s, and consists primarily of hillside one-story homes, many of which have been remodeled with additional decks in the rear of the homes.

# Town of Tiburon

## STAFF REPORT

---



While conducting a site visit during review of the initial plans for the project, staff observed additional deck that has been added to properties adjacent to the subject home after initial construction. Therefore additional decks that comply with zoning requirements would appear to be consistent with the neighborhood. In particular, Staff noted that the adjacent residence on the other side of the subject property of 8 Sutter Court has a deck which extends much closer to the side property line of the subject home than either the proposed deck or the existing deck at 20 Sutter Court.

### CONCLUSION

The Tiburon Planning Staff followed the Hillside Design Guidelines and the guidelines for Site Plan and Architectural Review in its review of this project. The design was found to be consistent with the Zoning Ordinance requirement. The concerns of the adjacent property owners regarding potential privacy impacts and neighborhood character were properly considered in making the decision to conditionally approve this application.

### RECOMMENDATION

It is recommended that:

- 1) The Design Review Board indicate its intention to deny the appeal; and
- 2) The Design Review Board direct Staff to return with a Resolution denying the appeal, for adoption at the next meeting.

### EXHIBITS

1. Notice of Appeal
2. Application and supplemental materials
3. Staff-level Courtesy Notice
4. Notice of action
5. Letters from Susan and Michael Dab, dated December 23, 2006
6. Letter from John Bryant, dated January 3, 2007
7. Submitted plans