

Town of Tiburon STAFF REPORT

AGENDA ITEM E8



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TO: **DESIGN REVIEW BOARD**

FROM: **ASSOCIATE PLANNER TYLER**

SUBJECT: **2 WARREN'S WAY; FILE #20713**
SITE PLAN AND ARCHITECTURAL REVIEW FOR CONSTRUCTION OF
ADDITIONS TO AN EXISTING SINGLE-FAMILY DWELLING WITH
VARIANCES FOR REDUCED FRONT YARD SETBACK AND EXCESS
LOT COVERAGE

MEETING DATE: **MAY 3, 2007** _____

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PROJECT DATA:

OWNER:	NICOLE ROBERTS
APPLICANT/ARCHITECT:	JOHN CHRISTIAN BELZ
ADDRESS:	2 WARREN'S WAY
ASSESSOR PARCEL NUMBER:	034-302-07
FILE NUMBER:	20713
LOT SIZE:	12,365 SQUARE FEET
ZONING:	RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN:	M (MEDIUM DENSITY RESIDENTIAL)
FLOOD ZONE:	C
DATE COMPLETE:	APRIL 13, 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 15301.

PROPOSAL:

The applicant has submitted a request for additions to the existing single-family dwelling with variances for reduced front yard setback and excess lot coverage on the property located at 2 Warren's Way.

The existing dwelling is divided into two levels. The upper level of the home includes the living room, dining room, kitchen, garage, master bedroom and bathroom and an extra bedroom. The lower level is comprised mostly of crawl space with a third bedroom and bathroom. The lower level bedroom is not accessed from the inside of the home, but by an exterior door. Existing decking wraps around the home at the upper level, along the western and southern sides of the structure.



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The proposal aims to add a third level to the home, which would include two bedrooms, one bathroom, and a small deck. The main level of the home would gain a family room with the conversion of the existing garage, as well as an expanded entry porch and small addition off the existing master bedroom. The lower level would also be expanded to include a large room off the existing bedroom and a small storage area. Two new interior stairways would service all three floors and a new detached two-car garage would replace the converted garage in the existing driveway.

The proposed structure would create a gross floor area of 3,230 square feet which is below the maximum permitted floor area for a parcel of this size (3,236 sq. ft.). The proposed structure would create a lot coverage of 2,701 square feet (21.8%) which exceeds the maximum permitted lot coverage in the RO-2 zoning district (15%). The applicant is requesting a variance for excess lot coverage.

In addition, the proposal indicates that portions of the existing dwelling and proposed interior stairway would encroach into the front yard setback by eight feet (8"), for a front yard setback of twenty-two feet (22'). As the minimum front yard setback in the RO-2 zoning district is thirty feet (30'), the applicant is also requesting a variance for reduced front yard setback.

The façade of the home would be improved with new stucco finish, the color of which would match the existing structure. New roofing material would also match the existing asphalt shingles. A color/materials board will be available for review at the meeting.

ANALYSIS:

Design Issues

The property is designed with a driveway access from Warren's Way, with the main frontage of the home off Reed Ranch Road. The existing dwelling is designed to take advantage of views of the Bay Bridge, Angel Island, San Francisco, Sausalito and the bay. Most of the surrounding homes are also designed to take advantage of a similar viewshed. Many of the homes in the vicinity are two-story structures, with a few single-story homes below the subject site along Reed Ranch Road and above on Burrell Court.

Existing vegetation between 2 and 4 Warren's Way aids in screening the existing dwelling from 4 Warren's Way; however, the third story addition would appear to be at the same elevation as the second floor of 4 Warren's Way. The proposed addition would be visible from within 4 Warren's Way, but view impacts would appear to be minor.

The residence at 6 Burrell Court has a slot view to the south west of Sausalito and the bay from within the living room. If the proposed third story were constructed, portions of the view of the bay would be lost.

The property owner below the subject site at 54 Reed Ranch Road, has expressed concerns with the proposal, most notably the privacy impacts and massive appearance which would result with the addition of the third level to the home. The addition of the third level would be out of



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character with the existing neighborhood, and create a home that sticks out amongst the others along Reed Ranch Road and streets in the vicinity.

The proposal is similar to one recently reviewed by the Design Review Board, located at 9 Burrell Court. The property owner of 9 Burrell Court intended to construct a second level to the home, which would have created a structure that loomed over the residents below along Reed Ranch Road, appearing massive, and resulting in privacy impacts. The Board determined that instead of adding a second story to the structure, utilizing the existing area beneath the home for additional floor area would be the best option. This proposal is similar to 9 Burrell Court, in that by utilizing existing crawl space beneath the home, instead of building a third story which blocks views and creates privacy impacts, the character of the neighborhood would be preserved as well as views and privacy.

Tiburon Hillside Design Guidelines

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

- *Goal 1, Principle 1 of the Hillside Design Guidelines states that a building should be cut into the hillside to reduce effective visual bulk.* From below the property at Reed Ranch Road, the home would appear massive, even though it is slightly stepped with the incorporation of the third story balcony/deck. When viewing the story poles from further away along Tiburon Boulevard, the home would appear to stick out amongst the other hillside homes, creating a bulk issue.
- *Goal 1, Principle 9 of the Hillside Design Guidelines states that to reduce effective bulk and provide energy efficient and environmentally desirable spaces, underground or below grade spaces should be excavated into the hillside.* If the proposed third story living areas were relocated beneath the home, this would preserve existing viewsheds and reduce the mass and bulk of the home from below and further away. The subject home currently has views from the existing decking and within the home to the south, and while they would not have the additional decking above on the proposed third story to obtain a larger view, they would not lose all of their views without the additional higher elevation decking.

The proposal would appear to be inconsistent with the Tiburon Hillside Design Guidelines. If the partial third story were relocated below the existing structure on the southern side of the site, there would be a reduction in the mass and bulk of the home, while maintaining existing viewsheds for both the owner and adjacent neighbors. Staff noticed that the lower level of the home could have potential to turn into a secondary dwelling unit. In order for this area of the home to be classified as a secondary dwelling unit, a separate application must be filed with the Town of Tiburon.



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Zoning

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

Variance

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.**

Front Yard Setback:

The subject site is accessed through a driveway between 4 Warren's Way and 49 Reed Ranch Road, but the majority of the home fronts Reed Ranch Road just as the homes adjacent to the site are situated. The front yard setback is therefore located off Reed Ranch Road and not Warren's Way. This is a special circumstance applicable to the property.

Lot Coverage:

The minimum lot area in the RO-2 zone is 20,000 square feet. The subject site is only 12,365 square feet, which is far below the minimum lot size for this zone. This is a special circumstance applicable to the property.

- 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.**

Front Yard Setback:

The existing structure is currently located within the front yard setback. The proposed addition of an interior stairway would be placed in approximately the same location as the current encroachment. There have been other properties in the vicinity that have requested reduced front yard setbacks.

Lot Coverage:

Properties in the vicinity of the subject property, specifically on Burrell Court and along Reed Ranch Road, have previously been granted variances for excess lot coverage. Therefore, it is not uncommon for this type of variance request.

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

Front Yard Setback:

The encroachment would be mainly the addition of an interior stairway to access the lower level from the upper level. A portion of the existing structure is already encroaching into the front yard setback. Requiring the applicant to keep improvements out of the alignment with the existing house would be considered a hardship.

Lot Coverage:

Due to the existing topography and orientation of the home and surrounding homes, adding floor area as a full third story to the house to gain additional living space would impede on possible viewsheds from 6 Burrell Court and 4 Warren's Way, and would also increase the mass and bulk of the structure. The applicant has opted to convert the existing garage into usable space at the main level, where it is concealed as part of the home, and build a detached garage at the rear. However; there are other design options available which would not result in exceeding the lot coverage; therefore there would not be a hardship for the request for excess lot coverage.

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

Front Yard Setback:

From Reed Ranch Road, the dwelling is situated uphill from the street with a landscaped area below the home, creating a barrier between the home and the street. The proposed encroachment into the front yard setback would appear to be minor in nature and would not appear to be injurious to other properties in the vicinity.

Lot Coverage:

The majority of the increase in lot coverage would result from the addition of the detached garage, which would not be injurious to other properties because it would be well screened from residents on Warren's Way and Reed Ranch Road. Existing vegetation between 4 Warren's Way and the subject property aid in screening the garage from above.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance for reduced front yard setback but not for the excess lot coverage. There would appear to be other design alternatives that would not result in excess lot coverage, such as utilizing the existing crawl space beneath the home which is already counted towards lot coverage, or not converting the existing garage into a family room.

Public Comment

As of the date of this report, one letter has been received in opposition to the project from the property owner of 54 Reed Ranch Road.

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RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles), 16-4.3 (Variances) and the Tiburon Hillside Design Guidelines, 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 application should be continued with the applicant encouraged to return with a revised project design consistent with the Hillside Design Guidelines. If the Board wishes to approve the project, findings should be articulated for the requested approval, and Staff would recommend that the attached conditions of approval be applied.

EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials
3. Goal 1, Principle 1 and Goal 1, Principle 9 of the Hillside Design Guidelines
4. Letter from Judy and Spencer Bloch dated April 24, 2007
5. Submitted plans

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EXHIBIT 1

CONDITIONS OF APPROVAL

2 WARREN'S WAY

FILE #20713

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 March 28, 2007, or as amended by these conditions of approval. Any modifications to the plans of March 28, 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 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. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.