



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board
May 17, 2007
Agenda Item: **E-3**

STAFF REPORT

To: **Design Review Board**

From: **Assistant Planner, Scott Phillips**

Subject: **20 Sonora Court; File #20716**
Site Plan and Architectural Review to Construct Additions to an Existing Single-Family Dwelling, with a Variance for Excess Lot Coverage

Reviewed By: _____

PROJECT DATA

ADDRESS: 20 SONORA COURT
OWNER: JOHN & JULIANNA BAIER
APPLICANT: HANK BRUCE (ARCHITECT)
ASSESSOR'S PARCEL: 055-101-10
FILE NUMBER: 20716
LOT SIZE: 7,665 SQUARE FEET
ZONING: R-1 (SINGLE FAMILY RESIDENTIAL)
GENERAL PLAN: MEDIUM HIGH DENSITY RESIDENTIAL
FLOOD ZONE: C
DATE COMPLETE: APRIL 17, 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 located at 20 Sonora Court. The addition would include expansion of the entry foyer and trellis onto the existing front entryway, expansion of the kitchen onto the existing rear patio and expansion of the existing front deck. The proposal also calls for the removal of two skylights, addition of two skylights, reconfiguration of various windows and glass doors throughout the home and the addition of a heating, ventilating and air conditioning

(H.V.A.C.) mechanical unit within the rear yard setback. The existing exterior wood siding would be replaced with wood shingle siding.

The lot coverage on the site would increase by 265 square feet (3.5%) to a total of 2,655 square feet (34.6%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. Therefore, a variance is requested for excess lot coverage. The floor area on the site would increase by 198 square feet to a total of 2,549 square feet, which is less than the maximum allowed floor area of 2,766 square feet.

ANALYSIS

Design Issues

The subject home is located towards the end and on the uphill side of Sonora Court. The lot is on a fairly steep slope but has been leveled out where the home is situated. Retaining walls have been installed behind the home. Mature landscaping exists between the subject home and the adjacent properties.

The locations of the proposed additions are in areas of the home in which a jog or depression currently exists. The additions would fill in the two areas that are currently open to above. The additions would not expand beyond the existing plane of the exterior walls of the home.

The proposal calls for the addition of an H.V.A.C. unit within the rear yard setback. Town policy states that all exterior ground mounted equipment shall be screened to substantially conceal the mechanical equipment from view from adjacent properties. Furthermore, mechanical equipment shall not emit more than 65 decibels from 15 feet away. Additional conditions of approval have been added in relation to the proposed exterior mechanical equipment.

Concerns have been raised in regard to the additional skylights creating more light impacts on the uphill neighbors. The proposal calls for the addition of two skylights, the removal of two skylights of similar size and the reduction of size of one other skylight. Therefore the amount of skylight area would be reduced. Furthermore, Town policy requires that all new skylights shall be bronzed or tinted and no lights shall be placed in the wells of the skylights.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 zone with the exception of the previously noted variance for excess lot coverage.

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 substandard in lot area for the R-1 zoning district. The property size is a special circumstance 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 R-1 or similar zones with similar site characteristics have been granted variances for excess lot coverage in order to accommodate the most appropriate home design on the property.

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

The strict application of the lot coverage requirement would force the design of the addition to be more vertical, likely resulting in increased view impacts on uphill neighbors.

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

As noted above, the proposed addition does not appear to result in substantial view or privacy impacts on the primary living space from neighboring homes.

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

Public Comment

As of the date of this report, one letter has been submitted to Staff from the residents at 169 Stewart Drive concerning potential light impacts from the proposed skylights.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles), 16-4.3 (Variances) 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 finds the design to be acceptable and in conformance with the Town's Design Guidelines, Staff recommends that the attached conditions of approval be applied.

ATTACHMENTS:

1. Conditions of approval
2. Application and supplemental material
3. Letter from Gerald and Vivien Jacobs, dated April 19, 2007

4. Submitted plans

CONDITIONS OF APPROVAL

20 SONORA COURT

FILE #20716

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 April 10, 2007, or as amended by these conditions of approval. Any modifications to the plans of April 17, 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. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.
6. All ground mounted mechanical equipment shall have adequate screening to substantially conceal it from view from adjacent properties and public right-of ways by means of landscaping and/or fencing.
7. All ground mounted mechanical equipment shall not generate more than 65 decibels at a distance of five (5) feet and not more than 55 decibels at the nearest property line.
8. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
9. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
10. 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.