



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
May 17, 2007
Agenda Item:D2

STAFF REPORT

To: **Members of the Design Review Board**

From: **Associate Planner, Laurie Tyler**

Subject: **30 MARK TERRACE; FILE #20709**
Site Plan and Architectural Review for Construction of Additions to
an Existing Single-Family Dwelling With a Variance for Reduced
Front Yard Setback
(Continued From April 19, 2007)

Reviewed By: _____

BACKGROUND:

On April 19, 2007 the Design Review Board reviewed a proposal for additions to the existing single-family dwelling, with a variance for reduced front yard setback and a floor area exception, on the property located at 30 Mark Terrace. During the meeting, the adjacent property owner at 33 Mark Terrace expressed concerns with the requested reduced front yard setback, increase in house size, and the mass of the deck extension proposed. The neighbor was also concerned that the project would force the usable landscaped play areas closer to his home.

The Board concluded that the deck extension would make the front of the home appear massive from the street, and could not support the findings for the requested floor area exception. The Board continued the project with direction given to the applicant that the extension of the home and deck be scaled back, and to work with the adjacent neighbor to come up with a compromise regarding proposed landscaped play areas adjacent to his property.

PROPOSAL:

The applicant has submitted revised drawings which indicate the changes requested by the Design Review Board and the concerned neighbor. The previous proposal would have exceeded the maximum floor area by 350 square feet, for a total floor area of 4,874 square feet (4,524 sq. ft. maximum). The revised proposal now indicates that the proposed addition to the home would not exceed the floor area, for a total of 4,495 square feet. The 379 square foot reduction in floor area from the previous proposal to the current proposal is due to several factors:

- The stairway floor area was counted more than once in the first proposal, and should actually only be counted once.
- The ceiling in the wine cellar has been dropped down to 6 foot 11 inches, which is not considered habitable space, and therefore not included in the total floor area.

- Various areas throughout the home which have a ceiling height of less than 7 feet, due to the roof configuration, do not count as useable floor area.

The Board voiced concerns with the mass of the home, due to the proposed deck extension in front of the addition. The proposal now indicates that the large portion of the deck has been removed from the main level of the home, and replaced with an at-grade patio. This would result in a broken up façade which adds depth to the structure and would not infringe on the driveway for the neighbors at 33 Mark Terrace. The addition would now result in a 13 foot 5 inch front yard setback, instead of a 1 foot 8 inch setback. The addition would also now be 16 feet from the concerned neighbor's driveway. It should also be noted that the master bedroom deck on the upper level is proposed to remain, but would be scaled back minimally.

Staff visited the neighboring property at 33 Mark Terrace and found that this residence was far enough uphill and away from the proposal that it would not appear to impact the neighbors. The property owner had expressed disagreement, and had concerns with the proposed landscaped area adjacent to their driveway and between both homes. The applicant is intending to prepare a finalized version of a landscape plan which would address privacy and noise issues between the two homes. A copy of which will be ready for review by the Board at the meeting.

ANALYSIS:

Design Issues

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

- *Goal 2, Principle 9 states that any dwelling should be planned with active spaces and possible noise pollution sources screened or controlled to prevent a nuisance to neighbors.* Due to the existing topography of the site and layout of the dwelling, there are not many usable landscape areas for active use, with the exception of the area to the north (left) of the dwelling. This area is of concern to the neighbors at 33 Mark Terrace for potential privacy and noise impacts. Staff recommends that a landscape plan specifically address these issues in terms of creating natural barriers to reduce the visual and acoustical outcomes of outdoor use in that area.

Zoning

With the exception of the requested variance for reduced front yard setback, 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 variance, 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.**

The site is configured in the form of a wide triangle, and has an extremely steep slope to the rear and sides of the existing dwelling. The home is situated close to the front property line, mostly out of the slope. The proposed addition would require a small amount of excavation, but not as substantial as it would if it were proposed at the rear of the home, or further up the hillside from its current proposed location. The topography and configuration of the site are special circumstances 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.

Homes situated at the end of cul-de-sacs commonly run into front yard setback issues due to curvilinear front property lines and resulting setback lines.

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

In order for the addition to be located out of the front yard setback, a substantial amount of rear yard excavation would need to be completed. This would also create an oddly shaped home as half of the existing structure is already located within the setback.

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

Granting the front yard setback variance would not be detrimental or injurious to other properties because the existing home has been situated within the front yard setback since it was originally constructed, and has not caused an issue for any of the adjacent neighbors.

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

Public Comment

As of the date of this report, eight letters have been received from the property owner of 30 Mark Terrace and surrounding neighbors in support of the project, and one letter from the property owner of 33 Mark Terrace, in opposition to the project.

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 determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. If the Board agrees with Staff's conclusions, Staff would recommend that the attached conditions of approval be applied.

Exhibits:

1. Conditions of Approval
2. Supplemental Application Form
3. Goal 2, Principle 9 of the Hillside Design Guidelines
4. Letter from Barry Thornton dated April 25, 2007
5. Letter from Brian and June Strunk dated May 7, 2007
6. Letter from Chip and Arlene Nielsen dated May 7, 2007
7. Letter from Andrew & Tiffany Sams dated May 10, 2007
8. Letter from Mark Petri dated May 10, 2007
9. Letter from Ana and Carlos Baradello dated May 10, 2007
10. Letter from Loretta Lloyd dated May 10, 2007
11. Letter from Bonnie Ross and Jordan Eth dated May 10, 2007
12. Letter from Cynthia Kenneally dated May 10, 2007
13. Staff Report and Minutes from the April 19, 2007 Design Review Board meeting
14. Submitted plans

Prepared By: **Laurie Tyler, Associate Planner**

EXHIBIT 1

CONDITIONS OF APPROVAL

30 MARK TERRACE

FILE #20709

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 February 27, 2007, or as amended by these conditions of approval. Any modifications to the plans of May 7, 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.
9. An encroachment permit shall be filed with the Town's Public Works Department for landscaping and any other improvements constructed within the public right-of-way. The encroachment permit shall be reviewed and approved by the Town Engineer prior to issuance of building permits.
10. All requirements of the Town Engineer shall be met.