

# Town of Tiburon STAFF REPORT

AGENDA ITEM F3



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TO: **DESIGN REVIEW BOARD**

FROM: **ASSOCIATE PLANNER 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 AND A FLOOR  
AREA EXCEPTION**

MEETING DATE: **APRIL 19, 2007** \_\_\_\_\_

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## PROJECT DATA:

<b>OWNER:</b>	<b>ANDREW &amp; TIFFANY SAMS</b>
<b>APPLICANT/ARCHITECT:</b>	<b>GEOFFREY E. BUTLER</b>
<b>ADDRESS:</b>	<b>30 MARK TERRACE</b>
<b>ASSESSOR PARCEL NUMBER:</b>	<b>039-141-19</b>
<b>FILE NUMBER:</b>	<b>20709</b>
<b>LOT SIZE:</b>	<b>25,244 SQUARE FEET</b>
<b>ZONING:</b>	<b>RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)</b>
<b>GENERAL PLAN:</b>	<b>M (MEDIUM DENSITY RESIDENTIAL)</b>
<b>FLOOD ZONE:</b>	<b>C</b>
<b>DATE COMPLETE:</b>	<b>MARCH 30, 2007</b>

## 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 a variance for reduced front yard setback and a floor area exception on the property located at 30 Mark Terrace. Currently the existing dwelling is undergoing extensive renovations. The owner has decided to expand the home while undergoing these renovations, to try and minimize the amount of construction time, and to lessen the number of Design Review applications submitted to the Town.

The existing dwelling is a three-story structure and contains a two-car garage and entry foyer at the lower level; a family room, kitchen, dining room, living room and decking that extends the length of the front of the home at the main level; and four bedrooms and two bathrooms at the



# Town of Tiburon

## STAFF REPORT

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upper level. The proposal seeks to expand the entry foyer at the lower level; add a family room, game room and wine cellar at the main level; and add a new master bedroom, bathroom and study room at the upper level. The existing decking across the front of the home would continue on the main level to the new addition. Additionally, a small deck would be located on the upper level at the front of the home, accessed by the master bedroom.

The proposed structure would create a lot coverage of 2,920 square feet (11.6%) which is below the maximum permitted lot coverage in the RO-2 zoning district (15%). The proposed structure would create a gross floor area of 4,874 square feet which exceeds the maximum permitted floor area for a parcel of this size (4,524 sq. ft.). The applicant is requesting a floor area exception.

The proposed expansion of the home would encroach into the front yard setback, resulting in a 1' 8" setback from the proposed decking, and 13' 5 ½" setback from the structure. As the minimum front yard setback in the RO-2 zone is 30 feet, the applicant is requesting a front yard setback variance.

The façade of the home would include stained cedar shingles and painted trim. A color/materials board will be available at the meeting for review.

### ANALYSIS:

#### Design Issues

The existing home is situated on a cul-de-sac, with a steep hillside surrounding the structure. The home takes advantage of views to the southwest of the Golden Gate Bridge and bay, as well as Sausalito. Homes surrounding the site take advantage of a similar viewshed.

Since the existing home is at a much lower elevation than the homes located uphill, the proposed additions would not appear to create any substantial view blockages for the uphill neighbors. Adjacent neighbors are also either located at a different elevation than the subject property, or far enough away to be mostly unaffected by the proposed addition.

The project site is configured in the shape of a triangle, with the front yard setback essentially running through the middle of the site. The existing structure has a front yard setback of 8 feet 7 inches, in lieu of the required 30 foot setback. The proposed expansion of the home would result in a further reduced setback between 1 foot 8 inches and 13 feet 5 ½ inches.

The addition would require excavation for the main level and the upper level; however, if the addition were proposed behind the existing dwelling, substantial excavation would occur. The applicant has chosen to add on to the left side (north) of the home where the slope is not as steep as the rear yard, which would also better incorporate the addition into the existing dwelling. It should be noted that the roof ridge of the addition would be at the same elevation as the existing structure.

A landscaping plan was not required for this application; however, the applicant is intending to prepare one for review by the Board at the meeting. Several retaining walls are proposed for



# Town of Tiburon

## STAFF REPORT

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the north end of the property, adjacent to the proposed addition. Heights of these retaining walls would vary from two to six feet in height. It should be noted that the landscaping proposed for the front of the structure would be located within the public right-of-way. A condition of approval has been included which requires an encroachment permit for any landscaping or other improvements constructed within the public right-of-way.

### Zoning

With the exception of the requested variance for reduced front yard setback and the floor area exception, 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



# Town of Tiburon

## STAFF REPORT

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since it was originally constructed, and has not caused an issue for any of the adjacent neighbors.

### Floor Area Exception

In order to grant the requested floor area exception, the Board must make the following findings as required by Section 16-4.2.8 of the Tiburon Zoning Ordinance.

- 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.**

The majority of homes surrounding the subject site are two and three level structures due to the steep topography of the hillside. Many homes in Tiburon have requested floor area exceptions because their sites contain areas which are not build-able due to steep topography. The proposed addition would adequately incorporate into the existing structure without appearing massive or creating a bulk issue.

- 2. The applicant has demonstrated that the proposed structure is compatible with the physical characteristics 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.**

The topography of the site slopes steeply upward (east) from Mark Terrace, creating a difficult site to build upon. The hillside contains landscaping which aids in maintaining privacy between the residences to the east (uphill) and the proposed addition. The neighbor to the north (left side) would not be impacted because the home is located far enough away that the addition would not block views or infringe on their privacy.

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

### **Public Comment**

As of the date of this report, no letters have been received regarding 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 16-4.2.8 (Floor Area Ratio Guidelines), 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.

# Town of Tiburon

## STAFF REPORT

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### EXHIBITS:

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

# Town of Tiburon

## STAFF REPORT

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### 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 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.
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

# Town of Tiburon STAFF REPORT

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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.