



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
June 7, 2007  
Agenda Item: E5

## **STAFF REPORT**

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

**From: Community Development Department**

**Subject: Conditional 43 Upper North Terrace; File #20622  
Site Plan and Architectural Review for the Construction of  
Additions to an Existing Single-Family Dwelling, With Variances for  
Reduced Front and Side Yard Setbacks and Excess Lot Coverage**

### **PROJECT DATA**

**ADDRESS: 43 UPPER NORTH TERRACE**  
**ASSESSOR'S PARCEL: 034-303-11**  
**FILE NUMBER: 20622**  
**PROPERTY OWNERS: GUIV AND DEBRA SOOFER**  
**APPLICANT: MOHAMAD SADRIEH (ARCHITECT)**  
**LOT SIZE: 12,690 SQUARE FEET**  
**ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)**  
**GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL**  
**FLOOD ZONE: C**  
**DATE COMPLETE: MAY 15, 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 is requesting Design Review approval for the construction of an addition to an existing single-family dwelling on property located at 43 Upper North Terrace. A family room addition would be constructed to the rear of the existing breakfast nook on the main level of the house. The addition would include a fireplace and chimney.

The proposed addition would add 310 square feet of floor area to the house, resulting in a total floor area of 2,845 square feet, which is less than the floor area ratio for a lot of this size. The proposed project would also add 310 square feet of lot coverage to the site, resulting in total lot

coverage of 21.0%, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Therefore a variance is requested for excess lot coverage.

The proposed addition would extend to within 12 feet, 6 inches of the western (left) side property line. As a 15 foot side yard setback is required in the RO-2 zone, a variance is also requested for reduced side yard setback.

A color and materials board has not been submitted, as the proposed addition would match the exterior of the existing house.

## ANALYSIS

### Design Issues

The subject property slopes up from Upper North Terrace. The rear of the site is situated at an elevation well above street level. The existing house is a split-level building, with a garage and cellar on a lower level and all of the living space on the main level of the house. A patio is situated above the cellar to the rear of the house.

Although the existing living space of the house complies with the side yard setback, the existing cellar extends into the side yard setback. The house currently exceeds the lot coverage requirement for a lot of this size. The proposed family room would be constructed on top of the cellar in order to utilize the existing support structure.

The rear and western side of the subject property are densely landscaped with mature shrubs and trees which would completely screen the proposed addition. The adjacent residence at 45 Upper North Terrace is situated at a higher elevation. The proposed addition and chimney would be visible from several upper level windows of this neighboring home, but would not extend into any substantial views for this residence.

### Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone with the exception of the previously noted variances for reduced side yard setback and excess lot coverage.

In order to grant the requested variances, 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 substantially smaller than the 20,000 square foot minimum lot size required in the RO-2 zone with topography that shields the rear yard from nearly all nearby homes. These physical characteristics are special circumstances that would deprive the owners of this property of privileges enjoyed by other

properties in the vicinity if the subject variances are not granted.

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 vicinity and in the RO-2 zone have received variances for reduced setbacks and/or excess lot coverage.

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

The strict application of the lot coverage requirements for a lot of this size would require any physical improvements to the existing structure to be placed either on a second story which could create view impacts on nearby homes or in an excavated area with little or no light to the living space. The strict application of the side yard setback requirement would not allow the addition to utilize the support structure of the existing cellar. The imposition of these requirements would severely limit the size and placement of improvements on the site, creating a practical difficulty and an unnecessary hardship on the applicants.

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

As described above, the proposed additions would not result in substantial view or other impacts on homes in the vicinity.

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

### **Public Comment**

As of the date of this report, no letters have been received regarding the subject application.

### **RECOMMENDATION**

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (Guiding Principles) 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 wishes to approve the project, Staff would recommend that the attached conditions of approval be applied.

### **ATTACHMENTS**

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

Prepared by: **Daniel M. Watrous, Planning Manager**

## **CONDITIONS OF APPROVAL**

### **43 UPPER NORTH TERRACE**

#### **FILE #20622**

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 August 2, 2006, or as amended by these conditions of approval. Any modifications to the plans of April 30, 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 exterior lighting fixtures must be downlight type fixtures.
7. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
8. All requirements of the Town Engineer shall be met.