



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
March 5, 2009

Agenda Item: **D1**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

**Subject: NOTICE OF CONTINUANCE
22 Mercury Avenue; File #708189
Site Plan and Architectural Review for the Construction of A New
Single-Family Dwelling**

Staff recommends that this item be continued for the following reason(s):

- No story poles have been erected/no certification received
- Requested information has not been received
- Item not properly advertised
- The applicant has requested a continuance to: **April 16, 2009**
- Other:



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
March 5, 2009
Agenda Item: **D2**

STAFF REPORT

To: Members of the Design Review Board

From: Associate Planner Tyler

Subject: 42 Reed Ranch Road; File No. 20816; Site Plan and Architectural Review for Construction of Additions to an Existing Single-Family Dwelling With a Variance for Excess Lot Coverage and a Floor Area Exception (Continued from February 5, 2009)

Reviewed By: _____

BACKGROUND

On February 5, 2009, the Design Review Board reviewed an application for construction of additions to an existing single-family dwelling, with variances for reduced front and side yard setbacks, excess lot coverage, excess fence and wall height, and a floor area exception for the property located at 42 Reed Ranch Road.

During the meeting, a few of the adjacent neighbors spoke both in favor and in opposition to the project. Many of the concerns raised with the proposal were directly related to the swimming pool, spa and over-height walls at the front and right side of the property. The neighbor at 41 Reed Ranch Road was also concerned with the proposed addition because it would block a slot view of Blackie's Pasture from within the living areas of her home.

Although these adjacent neighbors were generally in favor of improvements to the property, as an improved property would add value to the overall neighborhood, there were questions why the swimming pool and spa were not located in the rear yard, where pools and spas are normally located. Placement of the pool and spa within the front and side yards resulted in the overheight walls, which would appear massive to the neighbor next door at 40 Reed Ranch Road.

The Board was not able to make the variance findings for the requested front and side yard setbacks and excess fence and wall height, and advised the applicant to consider relocating the pool and spa to the rear yard or eliminate them from the proposal. The Board did not seem overly concerned with granting the floor area exception as the addition to the home was characterized as minor in nature; however, the Board did conclude that the excess lot coverage should be reduced, as the home already exceeded the lot coverage maximums. The Board also determined that blockage of a slot view of Blackie's Pasture from the neighbor across the street at 41 Reed Ranch Road was minor compared to the expansive panoramic view that this neighbor had of the Bay Bridge to Sausalito. The Board therefore continued the item with direction given to the applicant to reduce the lot coverage and either relocate the landscape amenities or eliminate them from the proposal.

PROPOSAL

The applicant has now submitted revised plans for the project. Based on the comments and concerns received from the Board and the adjacent property owners, the applicant has made the following revisions to the proposal:

1. Eliminated the swimming pool and spa, which eliminated the need for the front and side yard setback variances.
2. Elimination of the swimming pool and spa reduced the fence and wall heights at the right side and front of the property, therefore eliminating the need for a variance for excess fence and wall height.
3. Relocated the fire district required all-weather steps from the east (left) side of the property to the west (right) side.
4. Reduced the front yard terrace recreation area by moving the lower and upper retaining walls 3' further uphill and 4' 4" further from the west property line. The visibility of the retaining walls as seen by the neighbors at 40 Reed Ranch Road has therefore been reduced.
5. Reduced and reconfigured fences and guardrails throughout the project to conform to the Town maximum permitted heights and guardrail height requirements.
6. Eliminated the spiral staircase at the addition and added a lower level deck extension around the west side of the addition, directly below the already proposed upper level deck.
7. Reduced the proposed lot coverage minimally by deleting the spiral stair and landings (22 sq. ft.) but addition of the upper level deck extension for a net coverage loss of 5.5 square feet (20.4%).

It should be noted that plan sheets 2 and 3 best depict these modifications for ease of reference.

ANALYSIS

Design Issues

The modifications as proposed would appear to remedy the majority of concerns raised by both the adjacent neighbors and by the Board. However, the proposal would still exceed the lot coverage maximum of 15.0%. Currently the home has lot coverage of 17.2%. The previous submittal indicated exceeding the coverage by 3.3% for total lot coverage of 20.5%. The applicant modified the proposal to reduce the lot coverage by eliminating the spiral staircase and landings which reduced the overall coverage by 22 square feet, but then added an upper level deck extension, which results in only a 0.1% reduction in coverage for a total of 20.4%.

Although the Board advised the applicant to try to reduce the lot coverage, Staff does not foresee the lot coverage as an issue in this neighborhood. The Reedlands subdivision was originally developed under the jurisdiction of the County of Marin prior to annexation to the Town of Tiburon. Many homes were originally built with lot coverage in excess of the 15.0% maximum allowed in the RO-2 zone. The Design Review Board has historically granted numerous variances for lot coverage in excess of the 20.4% requested by this application, particularly for substandard sized lots like the subject property.

Tiburon Hillside Design Guidelines

As discussed in the previous Design Review Board staff report dated February 5, 2009, the proposed project would block a small slot view of Blackie's Pasture from the living areas of 41 Reed Ranch Road; however, this blockage is considered to be minor and therefore the proposal would be consistent with the Hillside Design Guidelines.

Zoning

In order to grant the requested variance for excess lot coverage, 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 subject site can be considered a substandard sized parcel, as the minimum lot size in the RO-2 zone is 20,000 square feet. The subject site is only 11,618 square feet. 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.**

Many properties within the vicinity of Reed Ranch Road exceed their lot coverage maximums due to substandard lot sizes.

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

The slope of the proposed lot leaves little area available for outdoor recreational space without the construction of tall retaining walls or the construction of exterior decks. The previous house design attempted to create such outdoor space in the front yard and resulted in excessive wall and fence heights that created objectionable visual mass and bulk when viewed from neighboring properties. The strict application of the lot coverage requirement would therefore result in the elimination of deck areas and severely limit the usable outdoor space on the property, resulting in an unnecessary hardship on the applicant.

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

The excess lot coverage caused by the addition to the home could be injurious to the neighbor at 41 Reed Ranch Road as the addition would block a minor slot view of Blackie's Pasture. However, this slot view can be considered minor in relation to the panoramic view that this neighbor has of the Bay Bridge to Sausalito.

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

Floor Area Exception

In order to grant the requested floor area exception, the Design Review 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.**

Most of the homes in the immediate vicinity of the subject site and within the Reed Heights subdivision are constructed in a similar fashion as the existing dwelling and proposed addition. This is largely due to the steep topography of the site. The two-story addition to the home as proposed would be adequately integrated into the larger dwelling, and would not appear overly massive from the street. In addition, the rear of the home with the incorporation of the proposed addition would also be similar to many of the homes along Reed Ranch Road which have downward sloping parcels from the street. The colors and materials chosen for the remodel and addition would be mostly similar to what currently exists, with only a few changes. Overall, the visual size and scale of the home would be compatible with the predominant pattern established by the existing structures within the surrounding neighborhood.

- 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 proposed addition would be adequately integrated into the existing dwelling and the overall dwelling would remain in the same location on the site, with the additional living area added to the right side of the home. The site is steeply sloped from north to south, resulting in a difficult site to build upon; however, the proposed addition would cut into the hillside in a similar fashion as the existing structure. With the amount of vegetation existing and proposed on the site, the physical characteristics of the site would not noticeably change.

From the evidence provided, Staff believes there is sufficient evidence to support the findings for the requested floor area exception.

Public Comment

As of the date of this report, one letter has been received from the neighbor at 49 Reed Ranch Road regarding the subject application.

RECOMMENDATION

Staff recommends that the Design Review Board:

1. Review the project with respect to Zoning Ordinance Section 16-4.2.7 (Guiding Principles), Section 16-4.3 (Variances), Section 16-4.2.8 (Floor Area Ratio Guidelines) and the Hillside Design Guidelines; and
2. Determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301; and
3. Approve the project subject to the attached conditions of approval.

Exhibits:

1. Conditions of Approval
2. Application and Supplemental Materials
3. Design Review Board Staff Report dated February 5, 2009
4. Minutes of the February 5, 2009 Design Review Board Meeting
5. Letter dated February 25, 2009 from Virginia Royo-White
3. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner

EXHIBIT 1

CONDITIONS OF APPROVAL
42 REED RANCH ROAD
FILE NO. 20816

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. Construction shall conform with the application and plans dated by the Town of Tiburon on December 16, 2008 and February 19, 2009, or as amended by these conditions of approval. Any modifications to the plans must receive Design Review approval.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and 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 skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) 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. 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.
9. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made of durable, weather-resistant materials intended to survive the life of the

construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site.

10. All requirements of the Director of Public Works/Town Engineer shall be met. An encroachment permit shall be filed and issued with the Town of Tiburon Public Works Department, for all work to be conducted within Town right-of-way, or Town-owned land, as defined in Chapter 19 of the Tiburon Municipal Code.
11. The project shall comply with the applicable green building standard for compliance as set forth by resolution of the Town Council. Failure to explicitly impose the condition on an approval shall not release a project from otherwise meeting applicable requirements of section 16-8 et seq. of this article.



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Design Review Board Meeting
March 5, 2009

Agenda Item: **E3**

STAFF REPORT

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

From: **Assistant Planner Phillips**

Subject: **NOTICE OF CONTINUANCE**
30 Pamela Court; File #708197
Site Plan and Architectural Review to Construct Additions to an Existing Single-Family Dwelling

Reviewed By: _____

Staff recommends that this item be continued for the following reason(s):

- No story poles have been erected/no certification received
- Requested information has not been received
- Item not properly advertised
- This item has been continued to **April 2, 2009** Design Review Board meeting
- Other:

Prepared By: **Scott Phillips, Assistant Planner**