



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
February 17, 2011
Agenda Item: **1**

STAFF REPORT

To: Members of the Design Review Board
From: Associate Planner Tyler
Subject: 2097 Centro East Street; File No. 710145; Site Plan and Architectural Review for Construction of a Roof-Top Deck
Reviewed By: _____

PROJECT DATA

OWNER: MICHEAL LAFAYETTE & HEATHER CAIRNS
APPLICANT/ARCHITECT: PATRICK LEPELCH
ADDRESS: 2097 CENTRO EAST STREET
ASSESSOR'S PARCEL NUMBER: 059-132-27
FILE NUMBER: 710145
LOT SIZE: 9,500 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: MH (MEDIUM-HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: JANUARY 21, 2011

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.

BACKGROUND

On December 23, 2010 the Town received a minor alteration application to construct a rooftop deck on the dwelling located at 2097 Centro East Street. Currently the property is improved with a single-family dwelling that is undergoing an addition/remodel project.

During the ten-day notice period, Staff received four letters from adjacent neighbors expressing concerns with the rooftop deck proposal. It has been the policy of the Town that when a minor alteration application results in two or more complaints/concerns by residents, the application is referred to the Design Review Board. Staff is therefore referring this application to the Board for review and determination.

PROJECT DESCRIPTION

The applicant is requesting to construct a rooftop deck on the dwelling located at 2097 Centro East Street. Currently the property is improved with a two-story dwelling that is undergoing an addition and remodel project.

The lower level of the existing home consists of a bedroom, bathroom, and garage. The upper level consists of the living room, kitchen, dining room, master bedroom suite, laundry room, two bedrooms and a bathroom. A deck extends off the main living areas at the front of the upper level of the home.

The addition/remodel project that is currently under construction aims to expand the lower level of the home for a larger bedroom/office area, a larger bathroom area, a laundry room and a new deck above the existing garage. The floor area of the upper level of the home remains similar, with the exception of expanding the existing decks at the front of the home and adding deck/walkways surrounding the home. A new gable roofline and colors/materials were also incorporated into the project. A site plan and floor plans of the addition/remodel project are attached.

The proposed 345 square foot rooftop deck and would be located over a portion of the dwelling roof. A ramp/walkway access would also be constructed that would lead up from the rear of the site to the deck. Wooden guardrails would be installed surrounding the deck and ramp, at a height of 3'6".

Decks are not counted towards gross floor area of a home. However, half of the area of decks which extend higher than 3' above grade is counted towards the lot coverage of a property. The construction of the ramp/walkway access would increase the lot coverage for this property by 41.5 square feet, for total lot coverage of 2,599.5 square feet (27.3%), which is below the maximum permitted lot coverage in the R-1 zoning district (30.0%).

ANALYSIS

Design Issues

The existing dwelling is undergoing an extensive remodel and addition, which includes expansion of the existing decks at the upper level of the home, as well as the incorporation of a rooftop deck above the existing garage. Staff reviewed these modifications through a minor alteration application, as part of an addition/remodel project. During the ten day public notice period, no comments were received regarding the proposed deck expansions or rooftop deck above the garage. As these deck modifications would not appear to result in any privacy, noise or view impacts, Staff approved the project on March 24, 2010.

Now that construction of the addition/remodel is underway, the applicant is requesting to construct a rooftop deck, with access through a ramp/walkway that would lead up from the rear of the site. Staff has received several letters from adjacent neighbors expressing concerns regarding privacy, noise and view impacts that would be associated with the proposed rooftop deck. Staff made site visits to both 260 and 280 Loma Avenue, which are located above the subject site, and

determined that the proposed rooftop deck would not appear to block views for these neighbors, but would infringe upon their viewsheds. The larger concern would appear to be the potential for privacy and noise impacts if the rooftop deck were constructed.

Rooftop decks have historically been reviewed on a case by case basis. In general, both Staff and the Board have only approved them only when it was clearly evident that the subject site was in a location where the rooftop deck would not infringe on the privacy of adjacent properties. Within the surrounding Lyford Cove/Old Tiburon neighborhood, there are many decks and balconies located adjacent to living areas of dwellings, but there do not appear to be rooftop decks.

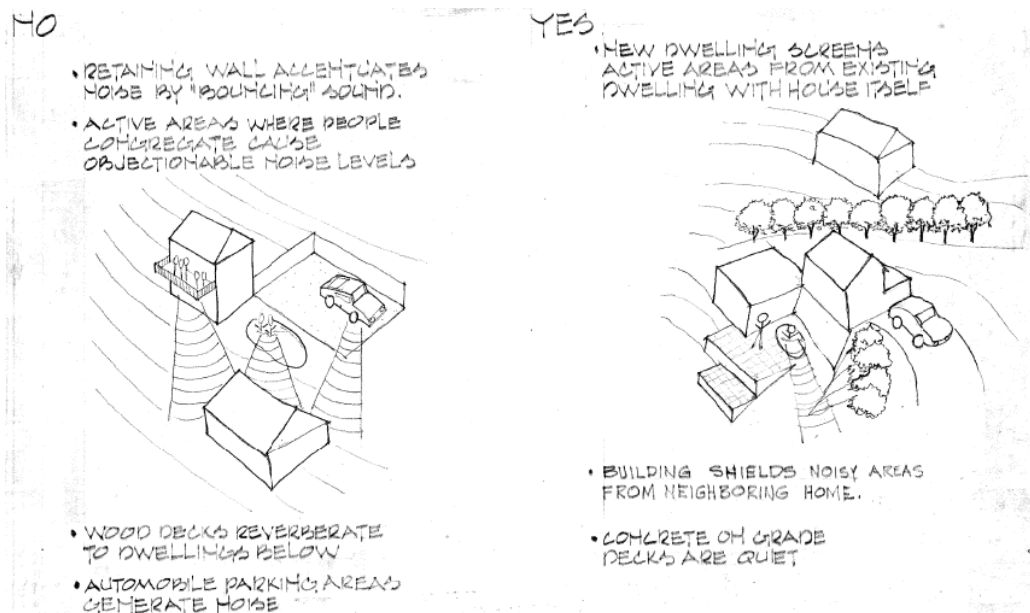
One of the Guiding Principles for Site Plan and Architectural Review that both Staff and the Board use in reviewing applications discusses site layout in relation to adjoining sites (Section 16-52.020[H2] of the Tiburon Zoning Ordinance). The principle states that particular attention to view considerations and privacy, among other constraints, should be considered in reviewing the location of proposed improvements in relation to improvements on adjoining sites. In this case, the location of the rooftop deck would most certainly result in privacy, noise and view infringements on adjacent properties.

Staff recommends that the Board visit the site and surrounding properties to get a better understanding of the concerns expressed by the adjacent neighbors.

Hillside Design Guidelines

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

- *Goal 2, Principle 9 states that acoustical privacy is important to all residents and that dwellings should be planned with active spaces and possible noise pollution sources screened or controlled to prevent nuisance to neighbors.*



The existing decks on the upper level of the home and rooftop deck over the existing garage are located off main living areas of the dwelling, and are shielded by the dwelling for noise and privacy. The proposed rooftop deck would not be shielded from the uphill neighbors, but instead exposed to neighboring properties, potentially resulting in privacy, noise and view infringements.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the remaining development standards for the R-1 zone.

CONCLUSION

The proposed rooftop deck would not appear to result in view obstructions; however, privacy, noise and view infringements would impact adjacent properties. Once a rooftop deck is constructed, the Town has no control over patio furniture and plants that may be placed on the deck. The Town also has no control over noise that would emanate from use of the deck. As there do not appear to be any rooftop decks within the Lyford Cove/Old Tiburon neighborhood, it would seem inappropriate to permit the construction of this rooftop deck, especially when there would clearly be privacy, noise and view infringements on neighboring properties, and there is such a large opposition from the surrounding neighborhood.

The subject house already includes substantial deck space off the main living areas at the front of the house, along with a new rooftop deck over the garage. The proposed rooftop deck is excessive and unnecessary to provide adequate private deck area for this residence.

PUBLIC COMMENT

As of the date of this report, seven letters have been received in opposition to the proposal, as well as a petition signed by nineteen residents in the project vicinity.

RECOMMENDATION

Staff recommends that the Board:

1. Review the project with respect to Zoning Ordinance Section 16-4.2.7 (Guiding Principles) and the Hillside Design Guidelines; and
2. Deny the application and direct Staff to return with a resolution of denial, for review at the next meeting.
3. If the Board disagrees with Staff's recommendation, then findings should be articulated to permit the requested rooftop deck. Staff would then recommend that the Board determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, and would recommend that the application be approved, subject to the attached conditions of approval.

Exhibits:	1.	Conditions of Approval
	2.	Application and Supplemental Materials
	3.	Design Review Drawings approved March 24, 2010
	4.	Photographs taken from 260 and 280 Loma Avenue - January 14, 2011

5. Letters and Petition of opposition from adjacent neighbors
6. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner

Exhibit 1

CONDITIONS OF APPROVAL 2097 CENTRO EAST STREET FILE NO. 710145

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 23, 2010, or as amended by these conditions of approval and plans of December 23, 2010. 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. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
6. 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.
7. 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.