



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
February 3, 2011
Agenda Item: **1**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 2431 Spanish Trail; File #21020
Site Plan and Architectural Review for the Construction of Additions to an Existing Single-Family Dwelling with Variances for Reduced Front, Side and Rear Yard Setbacks

Reviewed By: _____

PROJECT DATA

ADDRESS: 2431 SPANISH TRAIL
ASSESSOR'S PARCEL: 059-091-31
FILE NUMBER: 21020
PROPERTY OWNERS: PAUL AND JANNETTE MUSSCHE
APPLICANT: MOHAMAD SADRIEH (ARCHITECT)
LOT SIZE: 7,624 SQUARE FEET
ZONING: RO-2 (TWO-FAMILY RESIDENTIAL)
GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE: X
DATE COMPLETE: JANUARY 11, 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.

PROPOSAL

The applicant is requesting Design Review approval for the construction of additions to an existing two-story single-family dwelling on property located at 2431 Spanish Trail. The existing attached garage would be demolished and replaced with a new attached two-car garage. A new master bedroom suite would be added on top of the proposed garage. The existing first floor living and dining room would be expanded to the side.

The proposed additions would not change the existing lot coverage on the site. The proposed project would increase the calculated floor area of the house by 620 square feet to a total of 2,300 square feet, which is less than the 2,762 square foot floor area ratio for a lot of this size.

The proposed garage and master bedroom addition would extend to within 26 feet, 6 inches of the front property line and within 5 feet, 6 inches of the left (northern) side property line. The living/dining room addition would extend to within 17 feet, 6 inches of the rear property line. As a 30 foot front yard setback, a 15 foot side yard setback and a 25 foot rear yard setback are required in the RO-2 zone, variances are requested for reduced front, side and rear yard setbacks.

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

ANALYSIS

Design Issues

The subject property is situated on a shared private driveway leading up from Spanish Trail. The rear of the property is actually situated above the extension of Spanish Trail. The existing house and the adjacent homes on either side at 2375 & 2441 Spanish Trail are oriented to the east, with views toward Keil Cove, Angel Island and the East Bay.

The proposed additions would be most visible from the neighboring homes on either side, and closest to the residence at 2441 Spanish Trail. From that side, the proposed master bedroom suite would be visible above the property line fence, but would be screened by a line of mature trees on the adjacent lot. The second story addition would also be visible above the opposite property line fence from the dwelling at 2375 Spanish Trail, but from a greater distance away. As both neighboring homes are oriented toward the view to the east, the proposed addition would not appear to interfere with any important views. The visual mass and bulk of the addition when viewed from the home at 2441 Spanish Trail would be buffered by the trees under control of the adjacent property owner.

The existing house extends into the required front, left side and rear setbacks for this lot. Much of the available space on the site that complies with the required setbacks is occupied by the existing driveway and turnaround area on the site. The on-site turnaround is necessary due to the narrow width of the shared driveway leading to the site.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-2 zone, with the exception of the requested variances for reduced front, side and rear yard setbacks.

Variances

In order to grant the requested variances, the Board must make all of the following findings required by Section 16-52.030 (E) 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 location of the existing house within the required setbacks on the lot and the need for an on-site driveway turnaround due to the narrowness of the shared driveway serving the site are special circumstances applicable to the property. Because of these circumstances, the strict application of the required front, side and rear yard setbacks would deprive the applicants the privilege of expanding this residence within the constraints of the floor area ratio of the lot, as enjoyed by other properties in the vicinity and in the same or similar zones.

- 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 RO-2 and similar zones have been granted variances for reduced setbacks or have nonconforming setbacks.

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

The strict application of the required front, side and rear yard setbacks would force any additions to the existing house to into the area currently occupied by the on-site driveway turnaround. As noted above, this turnaround area is necessary due to the narrowness of the shared driveway that provides access to the site. As a result, the strict application of the setback requirements would result in a practical access difficulty for 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 project into the views of or create privacy impacts for any neighboring residences.

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 this application.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (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 Design Review Board

agrees with Staff's conclusions, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

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

CONDITIONS OF APPROVAL

2431 SPANISH TRAIL

FILE #21020

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 November 29, 2010, or as amended by these conditions of approval. Any modifications to the plans of December 23, 2010 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. The project shall comply with the following requirements of the Tiburon Fire Protection District:

- a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (CFC 903.2).
 - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (CFC 907.2.10).
9. All requirements of the Marin Municipal Water District shall be met.
10. The applicants shall obtain any necessary sewer permits from the Sanitary District No. 5 and pay all applicable fees prior to construction of a side sewer and connection to the sewer main. After connection to the sewer main but prior to commencement of discharge and prior to covering of the pipe, the District shall be contacted and allowed to inspect the connection for conformance to standards.
11. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
- a. A Public Works encroachment permit will be needed for construction movement to and from the private shared driveway and to control construction staging and parking.
 - b. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
February 3, 2011
Agenda Item: **2**

STAFF REPORT

To: Members of the Design Review Board
From: Associate Planner Tyler
Subject: 10 Seafirth Road; File No. 21021; Site Plan and Architectural Review Application for Construction of Additions to an Existing Single-Family Dwelling, with Variances for Reduced Rear Yard Setback and Excess Lot Coverage and a Floor Area Exception
Reviewed By: _____

PROJECT DATA

OWNER: DION & TRACEY COMINOS
APPLICANT/ARCHITECT: SUTTON SUZUKI ARCHITECTS
ADDRESS: 10 SEAFIRTH ROAD
ASSESSOR'S PARCEL NUMBER: 039-092-06
FILE NUMBER: 21021
LOT SIZE: 13,100 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN: M (MEDIUM DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: JANUARY 11, 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.

PROJECT DESCRIPTION

The applicant is proposing to construct an addition to an existing single-family dwelling with variances for reduced rear yard setback and excess lot coverage and a floor area exception, located at 10 Seafirth Road. Currently the property is improved with an existing two-story dwelling.

The main level of the home includes the kitchen, dining room, living room, laundry room, and two-car garage. The upper level of the home includes the master bedroom suite, family room, two bedrooms and a study/office area. The proposal would incorporate a small addition adjacent to the existing two-car garage at the lower level of the home for an office with a bathroom.

The proposed addition would increase the floor area of the home by 364 square feet, for a total gross floor area of 3,728 square feet. As the maximum gross floor area for the property is 3,310 square feet, a floor area exception has been requested. The addition would also increase the lot coverage by 364 square feet, for total lot coverage of 2,345 square feet (17.9%). As the maximum permitted lot coverage in the RO-2 zone is 15.0%, a variance for excess lot coverage has also been requested.

The location of the addition, adjacent to the existing two-car garage, would encroach 5 feet into the rear yard setback, for a reduced rear yard setback of 18' 6". As the minimum required rear yard setback is 23' 6" (20% of the depth of lot), a variance for reduced rear yard setback has also been requested.

ANALYSIS

Design Issues

The subject site is located on the corner of Paradise Drive and Seafirth Road, and is bordered by mostly mature vegetation as well as property line fencing. The area of addition would be screened from both Paradise Drive and Seafirth Road, as the addition would be located well below the street level of Paradise Drive, and would also be located behind the existing garage. The addition would not appear to result in any mass or bulk issues for the dwelling, nor would it block views for any of the adjacent neighbors. The closest neighbor would be 2 Seafirth Lane, which is located east of the subject site.

The property owner of 2 Seafirth Lane has expressed concerns regarding privacy impacts from the proposed addition on their rear yard. Conversations have taken place between the owner of 10 Seafirth Road and the owner of 2 Seafirth Lane, regarding the installation of denser shrubs along an area of the shared boundary line between the two properties, in order to create additional privacy where it currently lacks. The owner of 10 Seafirth Road has included a photograph depicting the area where they intend to plant a few screening shrubs along the area of the shared boundary to satisfy the neighbor's concern. Although the addition would not appear to result in significant privacy impacts, staff has included a condition of approval requiring the applicant to plant additional screening shrubs in this location to satisfy the neighbors concerns, as it would appear to be a minimal request.

In this particular case the proposed addition is small, would not contribute mass and bulk to the home, or infringe on neighbors' viewsheds. However, the existing dwelling currently exceeds the maximum gross floor area and lot coverage permitted for the property. Dwellings which exceed FAR and lot coverage are generally considered a fundamental over-building of the lot.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-2 zone, with the exception of the previously noted variances for reduced rear yard setback, and excess lot coverage and a floor area exception.

Variance

In order to grant the requested variances for reduced rear yard setback and excess lot coverage, the Board must make all of the following findings required by Section 16-52.030(E) 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.**

Many of the properties located in the RO-2 zone have substandard lot sizes in that they do not meet the required minimum size. In this case the property is 13,100 square feet, which is well below the minimum lot size of 20,000 square feet. This results in a reduced amount of buildable area for the lot, as well as a reduced amount of permitted lot coverage for the property. These 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.**

Many properties in the RO-2 zoning district have been granted reduced rear yard setback variances in order to construct small encroachments, such as this request, into the rear setback. Many properties have also been granted excess lot coverage variances, in particular when the lot is substandard in size. Both the reduced rear yard setback and excess lot coverage variances would therefore not constitute a grant of special privileges.

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

Staff is unable to make the findings for both the reduced rear yard setback and excess lot coverage, as there is no practical difficulty or unnecessary hardship if the applicant is unable to construct the requested office and bathroom addition.

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

The area of addition would not be detrimental to the public welfare or injurious to other properties in the vicinity, as the addition would be located behind the existing garage, which is mostly screened from public view. The addition would also not appear to affect or infringe upon any of the adjacent neighbors viewsheds, nor result in significant privacy impacts.

There would appear to be insufficient evidence to support the findings for the variances requested, in particular the practical difficulty or unnecessary hardship finding.

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 16-52.020(I[4]) 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 proposed addition would not substantially alter the visual size and scale of the dwelling, as the addition is small and located behind the existing garage. A small portion of the addition would be noticeable from Seafirth Road, but would not result in any visual prominence. Therefore, the visual size and scale of the dwelling with the addition as proposed would be compatible with the existing structures in 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 area of addition is located behind the existing garage where currently an existing partial shed is located. The addition would therefore not alter the physical characteristics of the site and would remain compatible with the existing structure.

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

CONCLUSION

While the proposed addition would appear to be small and not visually prominent from adjacent properties or the public right of way, there is no practical difficulty or unnecessary hardship if the addition is not constructed. The upper level of the home already has a fairly large office/study area which this application is proposing to build at the lower level of the home.

PUBLIC COMMENT

As of the date of this report, seventeen (17) emails/letters of support have been received from a majority of the residents living on Seafirth and in the vicinity of the subject application.

RECOMMENDATION

Staff recommends that the Board:

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

3. Deny the application. If the Board disagrees with Staff's recommendation, then findings should be articulated for the requested variances, and Staff 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. Letters and emails in support of the application
4. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner

Exhibit 1

CONDITIONS OF APPROVAL
10 SEAFIRTH ROAD
FILE NO. 21021

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 22, 2010, 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. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
7. 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.
8. 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.

9. The project shall comply with the following requirements of the California Fire Code and the Tiburon Fire Protection District:
 - a) The existing automatic fire sprinkler system shall be extended to properly protect the new area. If the existing system still has “Omega” sprinkler heads installed, they must be replaced prior to the rough-in inspection. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2
 - b) The vegetation on this parcel shall comply with the requirements of the Tiburon Fire District and the recommendations of Fire Safe Marin. CFC 304.1.2
10. Additional screening shrubs (e.g. Podocarpus) shall be planted along the shared boundary line between 10 Seafirth Road and 2 Seafirth Lane, in the area as shown in the photograph provided by the applicant.