



REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 686 Hilary Drive; File Nos. DR2016028, VAR2016008 & VAR2016012; Site Plan and Architectural Review for the Construction of Additions to an Existing Single-Family Dwelling, with Variances for Reduced Front Setback and Excess Lot Coverage

Reviewed By: _____

PROJECT DATA

ADDRESS: 686 HILARY DRIVE
OWNER: KENNETH WEIL
APPLICANT: MATTHEW WAITKUS (DESIGNER)
ASSESSOR'S PARCEL: 055-182-15
FILE NUMBERS: DR2016028/VAR2016008/VAR2016012
LOT SIZE: 7,600 SQUARE FEET
ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: M (MEDIUM HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: APRIL 27, 2016

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 15303.

PROJECT DESCRIPTION

The applicant is requesting Design Review approval for the construction of additions to an existing one-story, single-family dwelling on property located at 686 Hilary Drive. The project would add a master bedroom suite to the front of the house. Two new skylights would be installed.

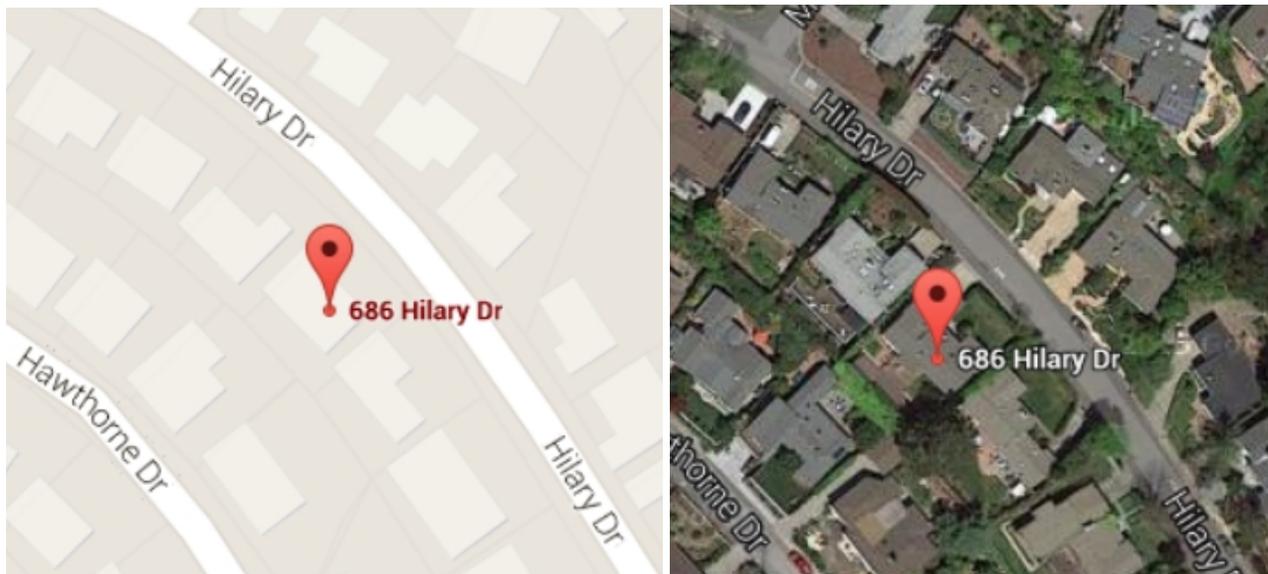
The floor area of the property would be increased by 226 square feet to a total of 2,034 square feet, which is 726 square feet less than the 2,760 square foot floor area ratio for this site. The

proposal would increase the lot coverage on the site by 226 square feet to a total of 2,623 square feet (34.5%), which is greater than the 30.0 % maximum lot coverage permitted in the R-1 zone. As a result, a variance is requested for excess lot coverage.

The proposed addition would extend to within 11 feet, 7 inches of the front property line. As a 15 foot front setback is required in the R-1 zone, a variance is required for reduced front setback.

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

PROJECT SETTING



The subject property is situated on a relatively level site on the lower side of Hilary Drive, across the street from homes at higher elevations on Hilary Drive and above the homes along Hawthorne Drive.

ANALYSIS

Design Issues

The location of the proposed addition would be visible from the street and other homes across Hilary Drive. Although the roofline of the addition would not exceed the height of the existing roof, the story poles indicate that the addition could intrude slightly into views of Richardson Bay and/or Sausalito from the home across the street at 683 Hilary Drive, but not enough to result in substantial view impacts on this nearby residence. The Design Review Board is encouraged to view the story poles from the home at 683 Hilary Drive.

The side of the addition would be screened from view from the adjacent home at 688 Hilary Drive. The addition would be only marginally visible from any other home in the vicinity and should not create any additional privacy or view impacts.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-1 zone, with the exception of the requested variances for reduced front setback and excess lot coverage.

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 7,600 square foot size of the lot is smaller than the 10,000 square foot minimum lot size required in the R-1 zone, but is similar in size to many of the lots in the surrounding Hawthorne Terrace subdivision. These physical characteristics would create special circumstances that would deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones if the front setback and maximum lot coverage requirements are strictly applied.

- 2. The Variance will not constitute a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.***

Numerous other properties in the RO-1 and similar zones have been granted variances for reduced front setback and excess lot coverage, particularly to support additions that maintain a one-story house design. Therefore, the requested variances would not be a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.

- 3. The strict application of this Zoning Ordinance would result in practical difficulty or unnecessary physical hardship. Self-created hardships may not be considered among the factors that might constitute special circumstances. A self-created hardship results from actions taken by present or prior owners of the property that consciously create the very difficulties or hardships claimed as the basis for an application for a Variance.***

The strict application of the front setback and maximum lot coverage requirements would result in practical difficulty or unnecessary physical hardship, as additions

to the existing house would otherwise require construction of a second story, which would result in substantial view or privacy issues for other homes in the vicinity.

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

As noted above, the proposed project would not create substantial view and other visual impacts for other 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, two letters have been received supporting the subject application.

RECOMMENDATION

The Design Review 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 15303. If the 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. Letter from Carol Weiss, dated April 21, 2016
4. Letter from Gary and Marybeth Sheppard, dated May 3, 2016
5. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

686 HILARY DRIVE

FILE #DR2016028/VAR2016008/VAR2016012

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 dated by the Town of Tiburon on March 9, 2016, or as amended by these conditions of approval. Any modifications to the plans of April 26, 2016 must be reviewed and approved by the Design Review Board.
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. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
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. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
10. 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. 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.
 - b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.
 - c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.
11. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
12. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:
 - a. Approved carbon monoxide and smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
13. The project shall comply with all requirements of the Richardson Bay Sanitary District.