



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
July 21, 2016
Agenda Item: **6**

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 4 Corte Las Casas; File Nos. DR2016063, VAR2016016 & FAE2016006;
Site Plan and Architectural Review for the Construction of Additions to
an Existing Single-Family Dwelling, with a Variance for Reduced Front
Setback and a Floor Area Exception

Reviewed By: _____

PROJECT DATA

ADDRESS: 4 CORTE LAS CASAS
OWNER: BEN AND KRISTINE DOLLARD
APPLICANT: CHRISTIE TYREUS (DESIGNER)
ASSESSOR'S PARCEL: 038-301-14
FILE NUMBERS: DR2016063/VAR2016016/FAE2016006
LOT SIZE: 10,346 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN: M (MEDIUM HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: JUNE 28, 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 two-story single-family dwelling on property located at 4 Corte Las Casas. Three bedrooms, two bathrooms and a master bedroom closet would be added to the second floor of the house. On the first floor, a portion of the front porch would be enclosed, a breakfast nook and bay window would be eliminated and a new trellis would be added to the rear. Six new skylights would be installed.

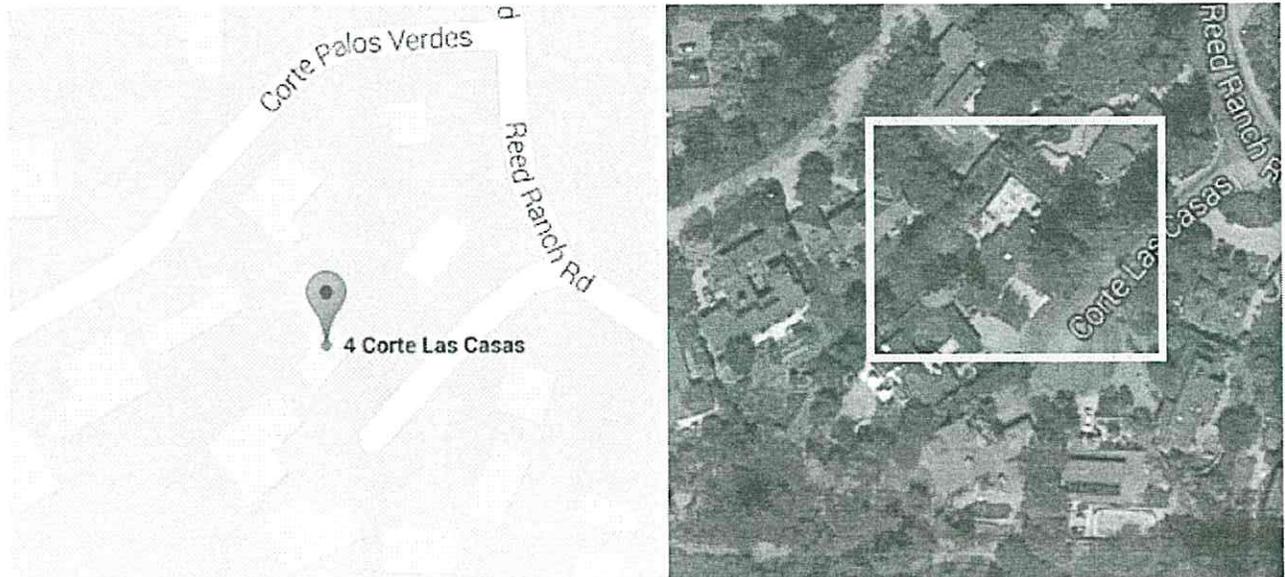
The proposal would increase the lot coverage on the site by 74 square feet to a total of 2,788 square feet (26.9%), which is greater than the 15.0 % maximum lot coverage permitted in the RO-2 zone. However, as less than 1.0% is being added to the existing lot coverage, which already exceeds the 15.0% maximum, a variance is not required for excess lot coverage

The floor area of the house would be increased by 916 square feet to a total of 3,640 square feet, which is 605 square feet greater than the 3,035 square foot floor area ratio for this site. The applicant has therefore requested a floor area exception.

A portion of one proposed second floor bedroom would extend to within 28 feet of the front property line. As a 30 foot front setback is required in the RO-2 zone, a variance is requested 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 midway up Corte Las Casas. Homes to the rear along Corte Palos Verde are situated at generally higher elevations. Mature vegetation extends along the rear and sides of the house.

ANALYSIS

Design Issues

The proposed additions would not likely create any view or privacy issues for other homes in the vicinity. Homes above the site on Corte Palos Verde sit at higher elevations and views of the addition would be screened by the dense vegetation to the rear of the house.

Most other homes along Corte Las Casas and Corte Palos Verde have two-story designs. Although some, like the existing subject residence, have smaller, partial second floors, some of the homes have much more substantial space on the second story.

Most homes in the immediate vicinity comply with the floor area ratio for their lots. Of the 16 homes along Corte Las Casas and Corte Palos Verde, only 2 homes exceed the FAR. The adjacent home at 6 Corte Las Casas has 4,729 square feet of floor area on a 12,600 square foot lot, which is 1,469 square feet over the FAR for that lot, and is the largest home on these two streets. The home at 3 Corte Palos Verde contains 3,592 square feet of floor area on a 12,312 square foot lot, which is 361 square feet above the FAR for that lot, and is currently the second largest home in the vicinity. All other homes along these two streets range in size from 2,397 to 3,367 square feet, on lots ranging from 10,346 square feet (the size of the subject property at 4 Corte Las Casas) to 25,200 square feet. The proposed additions would result in the subject house having the second largest floor area of the homes along Corte Las Casas and Corte Palos Verde on the smallest lot in the vicinity.

The existing house has three bedrooms on the first floor and a master bedroom suite upstairs. One of the existing first floor bedrooms would become part of the expanded family room, one bedroom would be converted into an office and the third bedroom is now shown as a guest room. As a practical matter, however, the additions would result in a six-bedroom house. The Design Review Board should consider the necessity of this number of bedrooms in light of the requested floor area exception.

The existing house has 7 skylights. The proposed project would add 6 more skylights, bringing the total number of skylights on this house to 13. Although the topography of the site and mature vegetation in the vicinity would likely limit the visibility of these skylights, the Design Review Board should consider whether this number of skylights is excessive.

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 variance for reduced front setback and the floor area exception.

In order to grant the requested variance, 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 10,346 square foot size of the lot is much smaller than the 20,000 square foot minimum lot size required in the RO-2 zone, and is the smallest lot in the immediate vicinity. Portions of the existing house are situated within the required

front setback. However, the design of the portion of the second story that would extend into the required front setback is not dependent on the location of the existing house and there is adequate space on a lot of this size to support an addition which would comply with the required setbacks. Therefore staff does not believe that 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 minimum front setback requirement is 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-2 and similar zones have been granted variances for reduced front setback. However, in most instances such variances are granted to align with an existing house footprint or due to topographical constraints on the location of future additions. Therefore, the requested variance would appear to 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.***

Staff therefore does not believe that the strict application of the minimum front setback requirement would result in practical difficulty or unnecessary physical hardship. As noted above, the existing house is developed to near its maximum floor area and over the maximum lot coverage. It would not be a practical difficulty or an unnecessary hardship to preclude the applicants from essentially adding a sixth bedroom to this dwelling.

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 view and other visual impacts for other homes in the vicinity.

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 second story addition would be consistent with the predominant pattern of substantial two-story 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, shape and steepness of the lot, ease of access, and the presence of natural features worthy of retention, such as trees, rock outcroppings, stream courses and landforms.***

The proposed additions would result in a house design that is more vertical on the lot and less compatible with the generally level terrain of the subject property.

From the evidence provided, Staff believes that there is insufficient evidence to support the findings for the requested variance and floor area exception. It should also be noted that the Design Review Board has generally not supported floor area exceptions in connection with a house that so far exceeds the maximum lot coverage requirement.

Public Comment

As of the date of this report, no letters have been received regarding the subject application. Staff notes that the story poles were not erected 10 days prior to the meeting, which may have limited the public input on this 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 application be continued to the August 18, 2016 meeting, with specific direction regarding substantial project design changes to be made. If the Board wishes to approve the application, it is recommended 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

4 CORTE LAS CASAS

FILE #DR2016063/VAR2016016/FAE2016006

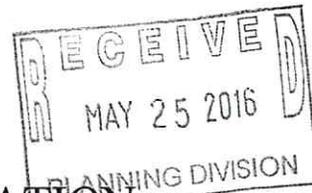
1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform with the application dated by the Town of Tiburon on May 25, 2016, or as amended by these conditions of approval. Any modifications to the plans of June 15, 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. 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

8. 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.
9. 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.
10. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
11. The project shall comply with the requirements of the California Fire Code and the Southern Marin Fire Protection District, including, but not limited to, the following:
 - a. A vertical overhead clearance of 13'6" shall be maintained free of obstructions above any roadbed (trees, brush, etc.)
 - b. A fire sprinkler system shall be required for this project, including the following:
 - i. If the combination of the addition, alteration or remodeling exceeds 50% of the floor area of the existing structure, the project is considered a "substantial remodel".
 - ii. Fire sprinkler coverage shall be provided throughout the entire structure according to Chapter 9 of the California Fire Code.
 - iii. Fire sprinkler system shall be installed according to NFPA 13D and Southern Marin Fire Standard 401.
 - iv. Plans for fire sprinkler design and hydraulic calculations shall be completed by a licensed C-16 sprinkler contractor and submitted to the Southern Marin Fire District, Fire Prevention Bureau for approval prior to

installation. Fire sprinkler design and installation shall conform to the provisions of the Southern Marin Fire District Standard 401 and NFPA standard(s) 13, 13D or 13R.

- c. All new exterior vents, eaves, siding and windows shall comply with CBC Chapter 7A, Ordinance 11-20.
 - d. Smoke and carbon monoxide detectors shall be installed in accordance with the California Building Code.
 - e. Noncombustible roofing is required and shall be provided as follows;
 - i. All new roofs shall be non-combustible.
 - ii. Roof repairs or replacement of less than 25% shall have no requirement. Repairs or replacement of 25% to 50% shall use Class C minimum roofing. Repairs of 50% or more shall use non-combustible roofing (Class A roof [for other than Group R Occupancies, a Class A or Class A assembly] as defined by the California Building Code).
 - iii. In no case shall the roofing material used be less fire resistive than the existing roof.
 - f. The applicant shall comply with California Fire Code and Public Resource Code 4291 requirements relating to the clearance of flammable brush and weeds. A minimum clearance of 30 feet from structures and 10 feet from roads and property lines shall be maintained.
 - g. This project shall comply with California Fire Code Chapter 33 – *Fire Safety During Construction and Demolition*. These requirements include but are not limited to Temporary Heating Equipment, Precautions Against Fire, Flammable and Combustible Liquids, Flammable Gases, Owners Responsibility for Fire Protection, Fire Reporting, Access for Fire Fighting, Means of Egress, Water Supply for Fire Protection, Standpipes, Automatic Fire Sprinkler Systems, Portable Fire Extinguishers, Motorized Construction Equipment, and Safeguarding Roofing Operations.
 - h. Fire access to the project as well as other surrounding properties shall be maintained at all times. Unapproved restrictions in roadway access shall result in citations and vehicles being towed at the owner's expense.
12. The project shall comply with all requirements of the Richardson Bay Sanitary District.



TOWN OF TIBURON LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

- Conditional Use Permit
- Precise Development Plan
- Secondary Dwelling Unit
- Zoning Text Amendment
- Rezoning or Prezoning
- General Plan Amendment
- Temporary Use Permit
- Design Review (DRB)
- Design Review (Staff Level)
- Variance(s) 1 #
- Floor Area Exception
- Tidelands Permit
- Sign Permit
- Tree Permit
- Tentative Subdivision Map
- Final Subdivision Map
- Parcel Map
- Lot Line Adjustment
- Condominium Use Permit
- Seasonal Rental Unit Permit
- Other _____

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 4 CORTE LAS CASAS PROPERTY SIZE: 10,346 S.
 PARCEL NUMBER: 038-301-14 ZONING: RO-2

PROPERTY OWNER: BEN and KRISTINE DOLLARD
 MAILING ADDRESS: 47 MERCURY AVENUE
TIBURON CA 94920
 PHONE/FAX NUMBER: 707-738-4655 E-MAIL: kristine.dollard@me.c

* APPLICANT (Other than Property Owner): CHRISTIE TYREUS
 MAILING ADDRESS: 369 B 3rd St #196
San Rafael, CA 94901
 PHONE/FAX NUMBER: 310-873-8448 E-MAIL: christie@christietyreus.com

ARCHITECT/DESIGNER/ENGINEER DESIGNER - Same info as Applicant
 MAILING ADDRESS: _____ ↑ _____
 PHONE/FAX NUMBER: _____ E-MAIL: _____

Please indicate with an asterisk () persons to whom Town correspondence should be sent.*

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):
Addition + Renovation to single family residence. Upper level
addition of 3 bedrooms and 2 bathrooms. Renovation
includes new pitched roof over existing family room, kitchen
remodel, new windows and doors throughout, new stucco
siding, and trellis in the back of house.

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge, with the defense counsel subject to the Town's approval. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature: * Kristine Dollard Ballard

Date: May 7, 2016

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature: * Kristine Dollard Ballard

Date: May 17, 2016

**If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application*

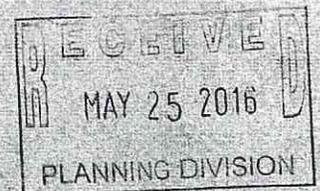
NOTICE TO APPLICANTS

Pursuant to California Government Code Section 65945, applicants may request to receive notice from the Town of Tiburon of any general (non-parcel-specific), proposals to adopt or amend the General Plan, Zoning Ordinance, Specific Plans, or an ordinance affecting building or grading permits.

If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438 (Fax)
www.townoftiburon.org



DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION

Application No.: DR2016-063/FAE2016-016 GP Designation: _____
Date Received: 5/25/2016 VAR2016-016 Received By: LS Fee Deposit: \$1625
Date Deemed Complete: 6/29/16 By: DW Receipt #: R1245
Acting Body: _____ Action: _____ Date: _____
Conditions of Approval or Comments: _____ Resolution or Ordinance # _____

RECEIVED
MAY 25 2016
PLANNING DIVISION

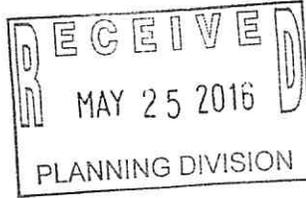
DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

Please fill in the information requested below (attach separate sheet as needed):

1. Briefly describe the proposed project: Addition + Renovation to single-family home. Upper level addition of 3 bedrooms and 2 bathrooms. Renovation includes new pitched roof over existing family room, kitchen renovation, new windows and doors throughout, new siding and exterior trellis in back.
2. Lot area in square feet (Section 16-100.020(L)): 10,346 SF
3. Square footage of Landscape Area: No change
4. Proposed use of site (example: single family residential, commercial, etc.):
 Existing Single family res
 Proposed SAME
5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.
NONE

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
Yards (Setbacks from property line) (Section 16-100.020(Y)* Front	28' ft.	28' ft.	28' ft.	ft.	30 ft.
Rear	20'-9" ft.	20'-9" ft.	20'-9" ft.	ft.	20'-25" ft.
Right Side	15' ft.	15' ft.	15' ft.	ft.	15 ft.
Left Side	15' ft.	15' ft.	15' ft.	ft.	15 ft.
Maximum Height (Section 16-30.050)*	24'-5" ft.	22'-6" ft.	25' ft.	ft.	30 ft.
Lot Coverage (Section 16-30.120(B))*	2714 sq.ft.	2788 74 sq.ft.	2788 sq.ft.	sq.ft.	1552 sq.ft.
Lot Coverage as Percent of Lot Area	26.2%	1 %	27 %	26.9 %	15 %
Gross Floor Area (Section 16-100.020(F))*	2734 sq.ft.	906 916 sq.ft.	3640 sq.ft.	3640 527 sq.ft.	3035 600 sq.ft.

*Section numbers refer to specific provisions or definitions in the Tiburon Municipal Code Chapter 16 (Zoning)



COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Division (415)-435-7390
www.ci.tiburon.ca.us

APPLICATION FOR VARIANCE

A Variance is a form of regulatory relief available when a strict or literal application of zoning development standards would result in practical difficulties or unnecessary physical hardships for an applicant. These difficulties and/or hardships must be caused by physical conditions on, or in the immediate vicinity of, a site. Please refer to Section 16.52.030 of Chapter 16 (Zoning) of the Tiburon Municipal Code for additional information regarding Variances.

WHAT VARIANCE(S) ARE YOU REQUESTING?

<u>Condition</u>	<u>Zoning Requirement</u>	<u>Existing Condition</u>	<u>This Application Proposes</u>	<u>Magnitude Of Variance Requested</u>
Front Setback	30'		28'	2'
Rear Setback				
Left Side Setback				
Right Side Setback				
Lot Coverage				
Height				
Parcel Area Per Dwelling Unit				
Usable Open Space				
Parking				
Expansion of Nonconformity				
Other (Please describe):				

tyreus design studio
369 - E Third St. #196
San Rafael, CA 94901
t 415-841-2724

June 04, 2016

Tiburon Planning Department
1505 Tiburon Blvd.
Tiburon, CA 94920

Attn: Kyra O'Malley



Re:4 Corte Las Casas, Variance Application

Required Findings:

A. Describe what special circumstances apply to the property so that strict application of the zoning regulations denies the property owner privileges enjoyed by other owners in the vicinity.

The property at 4 Corte Las Casas has the second smallest lot size when compared to lots on the same street, the adjacent street (Corte Palos Verde) and significantly smaller than the lots nearby on Reed Ranch Road and Via Capistrano. This creates a unique set of restrictions not imposed equally on the surrounding neighbors. The smaller lot makes it much more difficult to add a reasonable amount of square footage and still conform to setbacks, including the 30' front yard setback, which was originally a 25' yard front setback.

B. That granting the variance would not result in a special privilege that is inconsistent with limitations on other properties in the vicinity and in the same zone.

Because of the small lot size, allowing the second floor addition to be located within the existing building footprint, which encroaches 2' into the front yard setback, is proportionally consistent with surrounding properties that have larger lots. The proposed addition conforms to the side and rear yard setbacks, parking requirements, and height limit established for this parcel and is sited within the footprint so as to create a minimum impact on the neighbors.

C. How the strict application of the zoning regulations would result in practical difficulty or unnecessary hardship.

With a smaller than average lot size, it is more difficult for the property owners to meet the significant setbacks in this zone, while trying to build within the existing footprint to minimize lot coverage, impervious surface, and visual impact.

D. That granting the variance will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

The proposed architectural style of the addition and renovation is modest in scale in comparison to many of the adjacent properties, and is in harmony with the existing development pattern, density, and architectural style of the neighborhood, resulting in appropriate development.