





# Town of Tiburon

## STAFF REPORT

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The size of the proposed addition has been reduced from 1,497 square feet to 1,447 square feet, which would result in a total floor area of 3,857 square feet. As previously noted, the floor area ratio for a lot of this size is 3,388 square feet; therefore, a floor area exception is still requested.

The additional lot coverage that would be created by the proposed project has been decreased from 442 square feet to 202 square feet, resulting in a total lot coverage of 3,009 square feet (21.7%). As the maximum lot coverage permitted in the RO-2 zone is 15.0%, a variance is again requested for excess lot coverage.

The proposed second story addition would continue to follow the existing line of the northern side of the house, which has a side yard setback of 11 feet. As a 15 foot side yard setback is required in the RO-2 zone, a variance is still requested for reduced side yard setback. The removal of the proposed garage expansion eliminates the previously requested variance for reduced front yard setback.

### ANALYSIS

#### Design Issues

The applicant has indicated that he has met with several surrounding property owners since the previous Design Review Board meeting. Although Staff has not yet received any communication from these neighbors, the applicant has indicated that several of the downhill property owners have indicated support for the revised plans.

The removal of the previously proposed garage addition would address the concerns raised regarding the visual impacts of this addition. Similarly, issues related to the driveway connection to Noche Vista Lane have also been eliminated.

The revised landscaping plan indicates that six 24 inch box trees would be planted along the northern side of the property. These trees are intended to provide a landscaping screen for the proposed second story addition from the adjacent property at 116 Hacienda Drive. The applicant has indicated that additional landscaping is also proposed to be installed in the rear of the property to provide similar screening for neighboring downhill property owners; this revised landscaping plan had not been submitted as of the date of this report.

The floor area of the proposed additions has been reduced by only 50 square feet, and no changes have been made to the design of the proposed second story addition. The Design Review Board should determine whether the proposed landscaping improvements are enough to substantially address the concerns previously raised by the Board and neighboring property owners regarding the potential impacts of the proposed project on its surroundings. In particular, the Board should carefully evaluate the proposed landscaping plans to determine if the suggested trees would adequately mitigate the additional mass and bulk of the proposed second story addition.



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### Zoning

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

The findings for the requested variances were reviewed in detail in the previous Staff report for this application. It appears that all the required findings could be made to justify the requested variance for reduced side yard setback. However, the strict application of the maximum allowable lot coverage, prohibiting additional lot coverage on the site, would still allow the property owner to construct additional floor area on the site without exceeding the floor area ratio for this property. Therefore the strict application of this ordinance would not result in a practical difficulty or unnecessary hardship on the applicant, and Staff cannot make the findings required to support the requested variance for excess lot coverage.

The necessary findings could also be made to support the requested floor area exception. However, the 50 square foot reduction in floor area proposed by the revised plans does not substantively address the previously raised concerns regarding the overall size of the project.

The requested 3,857 square foot floor area for the subject house would be 469 square feet above the maximum floor area permitted for a lot of this size. The previously presented table that compares the lot size, floor area ratio and proposed floor area of the proposed project with other properties in the vicinity shows that the size of the subject house with the proposed additions would exceed the floor area of 19 of the 23 other homes in the vicinity, and that the lot size of the subject property is smaller than 18 of the 23 other lots in the vicinity.

The requested floor area exception, the relationship of the size of the house as proposed to the size of other homes and properties in the vicinity, and the requested lot coverage variance still seem to indicate that the proposed project appears to represent an overbuilding of this property. As noted in the recent review of the proposed additions at 730 Hilary Drive (File #20307) and during the review of this application at the July 3, 2003 meeting, the Design Review Board has often granted lot coverage variances for single-story additions to allow applicants to maximize their floor area without resorting to two-story building designs. However, the proposed project involves both a second story addition and a lot coverage variance request, and would exceed the floor area ratio for this property as well.

The Design Review Board should carefully consider whether the revised application, that would still exceed the zoning requirements for both floor area and lot coverage, would also result in an overbuilt property and an inappropriate level of development for a single-family neighborhood.

### Public Comment

As of the date of this report, no additional letters have been received regarding the subject application. Staff has spoken with the owner of the neighboring residence at 18 Noche Vista Lane, who requested that the Design Review Board review the proposed additions for consistency with the character of the surrounding neighborhood.

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### 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.

### RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (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 Board agrees with Staff's conclusions, it is recommended that the Board deny the subject application or direct the applicant to make additional modifications to address the concerns described above. If the Board wishes to approve the project, the necessary findings should be made, and Staff would recommend that the attached conditions of approval be applied.

### ATTACHMENTS

1. Conditions of approval
2. Supplemental materials for revised application
3. Table Comparing Lot Sizes, Floor Area Ratios and Floor Areas in the Vicinity of 118 Hacienda Drive
4. Design Review Board Staff report, dated July 3, 2003
5. Minutes of the July 3, 2003 Design Review Board meeting
6. Submitted plans

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### CONDITIONS OF APPROVAL

#### 118 HACIENDA DRIVE

#### FILE #20311

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 August 25, 2003, or as amended by these conditions of approval. Any modifications to the plans of August 25, 2003, 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. 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 and no lights shall be placed in the wells.
6. All exterior lighting fixtures must be down light type fixtures.

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**COMPARISON OF LOT SIZES, FLOOR AREA RATIOS AND FLOOR AREAS IN THE VICINITY OF 118 HACIENDA DRIVE**

<b><u>Address</u></b>	<b>Lot Size (S.F.)</b>	<b>Floor Area Ratio (S.F.)</b>	<b>Floor Area (S.F.)</b>
111 Hacienda Drive	43,400	6,340	3,217
116 Hacienda Drive	11,200	3,120	2,659
117 Hacienda Drive	43,400	6,340	6,323
120 Hacienda Drive	10,800	3,080	3,067
123 Hacienda Drive	47,800	6,780	3,070
130 Hacienda Drive	22,000	4,200	2,950
132 Hacienda Drive	28,000	4,800	3,671
134 Hacienda Drive	12,800	3,280	3,699
136 Hacienda Drive	28,000	4,800	1,873
137 Hacienda Drive	41,800	6,180	3,179
139 Hacienda Drive	44,770	6,477	4,021
142 Hacienda Drive	21,600	4,160	2,551
144 Hacienda Drive	22,400	4,240	2,373
146 Hacienda Drive	22,400	4,240	2,903
150 Hacienda Drive	18,400	3,840	4,569
152 Hacienda Drive	21,600	3,160	5,635
17 Noche Vista Lane	10,800	3,080	3,113
18 Noche Vista Lane	14,800	3,480	2,537
19 Noche Vista Lane	13,600	3,360	2,767
20 Noche Vista Lane	17,000	3,700	2,449
24 Noche Vista Lane	14,500	3,450	2,147
30 Noche Vista Lane	17,000	3,700	2,817
34 Noche Vista Lane	17,500	3,750	1,643
118 Hacienda Drive (Proposed)	13,880	3,388	3,857