

# Town of Tiburon STAFF REPORT

AGENDA ITEM F7



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TO: **DESIGN REVIEW BOARD**

FROM: **ASSISTANT PLANNER, KRISTIN KRASNOVE**

SUBJECT: **145 PORTO MARINO; FILE NO. 20432  
SITE PLAN AND ARCHITECTURAL REVIEW FOR CONSTRUCTION OF  
AN ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE, WITH A  
VARIANCE FOR REDUCED REAR YARD SETBACK**

MEETING DATE: **OCTPOBER 7, 2004** \_\_\_\_\_

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## **PROJECT DATA:**

<b>ADDRESS:</b>	<b>145 PORTO MARINO</b>
<b>ASSESSOR'S PARCEL:</b>	<b>39-221-07</b>
<b>PROPERTY OWNER:</b>	<b>STEVE SHAW</b>
<b>APPLICANT:</b>	<b>HOLSCHER ARCHITECTURE</b>
<b>LOT SIZE:</b>	<b>21,430 SQUARE FEET</b>
<b>ZONING:</b>	<b>RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)</b>
<b>GENERAL PLAN:</b>	<b>MEDIUM DENSITY RESIDENTIAL</b>
<b>FLOOD ZONE:</b>	<b>C</b>
<b>DATE COMPLETE:</b>	<b>SEPTEMBER 15, 2004</b>

## **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 to construct additions to an existing single-family dwelling located at 145 Porto Marino. A new master suite and two new bedrooms would be added on the main level to the rear of the existing house. The entry way would be renovated and extended toward the rear of the residence on the main level, and the existing kitchen would be extended toward the rear of the residence on the upper level. The applicant submitted a previous Design Review application for a master bedroom and bathroom addition that was approved on June 21, 2001. The applicant never constructed the previously approved addition and has now submitted a new design for the additions to the existing residence.

The applicant is requesting a variance for reduced rear yard setback (20'6" in lieu of the minimum 25 feet) for the master suite addition. The southeast corner of the master suite would extend 4'6" into the required rear yard, necessitating the variance.



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The proposed additions would increase the lot coverage by 130 square feet to 3,229 square feet (11.99%), which is less than the 15.0% maximum permitted lot coverage in the RO-2 zoning district. The proposed addition would also increase the floor area of the house by 984 square feet, and would result in a total floor area of 4,143 square feet, which is less than the maximum floor area permitted for a lot of this size.

A color and materials board has been submitted and will be available at the Design Review Board meeting.

### ANALYSIS

#### Zoning

Besides the requested variance for reduced rear yard setback, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.

#### Design Issues

The proposed additions would extend toward the rear of the property. The property generally slopes down to the left (west) side of the property, with a steeper slope uphill beyond the rear property line. The proposed additions would only be visible from the immediately adjacent homes to the east (155 Porto Marino) and west (135 Porto Marino). The home to the east is situated far enough uphill from the site that the proposed additions should not result in any blockage of views toward Mt. Tamalpais. The home to the west is situated downhill enough that the proposed addition should not have a view impact.

Staff does not foresee any other design issues with this project.

#### Variances

In order to grant the requested variances, the Board must make all of the following findings required by Section 4.03.05 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 improvements on the property are limited in scope because of the topographical constraints of the property. The variance results from a corner of the new master bedroom expanding into the rear yard setback. The property slopes up sharply along the east side, making it very difficult to expand that direction. The proposed location of the master bedroom is near the other bedroom in the residence and seems to be the only sensible siting for the room.

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- 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.**

Other properties in the vicinity have received variances for reduced setbacks; including the property directly behind 145 Porto Marino at 76 Hacienda who received a variance for a reduced front yard setback. Variances for reduced setbacks for properties with similar topography in the RO-2 zoning district have been granted on numerous occasions. Therefore, the granting of these variances would be consistent with the limitations upon other properties in the vicinity and in the same or similar zones.

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

It would be an unnecessary hardship to strictly apply the Ordinance in this case because of the expense and difficulty of expanding toward the hillside, which would be the alternative to expanding straight out.

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

As proposed, the project would not result in significant view, privacy or other impacts detrimental to the public welfare or injurious to other properties in the vicinity.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance.

### **Public Comment**

To date, no letters have been received regarding the subject application.

### **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, Staff would recommend that the attached conditions of approval be applied.

### **ATTACHMENTS**

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

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### CONDITIONS OF APPROVAL

#### 145 PORTO MARINO

#### FILE #20432

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 17, 2004, or as amended by these conditions of approval. Any modifications to the plans of August 17, 2004, 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 exterior lighting fixtures must be down light type fixtures.