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The proposed additions would increase the lot coverage of this property by 458 square feet to a total of 2,690 square feet (15.9%), which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Therefore, a variance is requested for excess lot coverage.

The proposed addition would extend to within 16 feet, 6 inches of the front property line. As a 30 foot front yard setback is required in the RO-2 zone, a variance is also requested for reduced front yard setback.

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

BACKGROUND

A previous Site Plan and Architectural Review application (File #20420) had been filed for a similar project in 2004. That proposed addition was 180 square feet larger than that of the currently proposed application. The previous application also included variances requests for a reduced side yard setback of 10 feet, a reduced front yard setback of 10 feet, 7 inches, and excess lot coverage of 17.7%.

The application was reviewed by the Design Review Board on June 17, 2004. At that time, the owners of the adjacent residence at 10 Audrey Court raised concerns about potential view impacts that would have been caused by the proposed project. It was the consensus of the Board that the project design represented an overbuilding of the property, and although the potential view impacts on the neighboring residence were not substantial, these impacts resulted in part from the variances requested for the project. Concerns were also raised about the accuracy of the submitted plans and erected story poles. The application was continued to allow the applicant time to address these concerns. The applicant ultimately withdrew the previous application, and has now submitted the subject application with the modified plans for the proposed addition.

ANALYSIS

Design Issues

The existing house is a two-story structure, although only one level of the residence is visible from the street. The proposed addition would result in a two-story portion of the house that would increase the visible mass when traveling up Audrey Court toward this site. However, the currently proposed plans have reduced the overall visual mass of the proposed addition.

In addition to the 180 square foot reduction in the proposed floor area of the addition, the depth of the proposed garage has been reduced from the previously proposed 23 feet, 2 inches, to a more normal 20 foot garage depth. The addition has been pulled 5 feet further from the side property line, eliminating the need for a variance for reduced side yard setback. Although there is some difficulty in comparing the heights of the addition on the current and previous plans due to apparent errors on the previously submitted drawings, the overall height of the proposed addition appears to be approximately 2 feet lower than that shown on the previous submittal.



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As mentioned in the previous Staff report for this property, the Design Review Board has often determined that applications that exceed both the lot coverage and floor area ratio requirements for a property generally reflect designs that would overbuild the lot. Although the subject request would not only exceed both of these development requirements, but would also extend into the required front yard setback, the proposed addition is smaller and set further from the street and the adjacent residence at 10 Audrey Court than the previous project design. The Design Review Board should determine whether these changes would still result in an overambitious building design that would be inconsistent with the intended development level of this property, or whether the design would be compatible with the subject lot and its surroundings.

The adjacent property owners at 10 Audrey Court have raised concerns about potential view impacts that would be caused by the proposed project. Staff has visited this neighboring site and offers the following evaluation of these concerns:

- A swimming pool and patio area is developed at the lower portion of the site, below the elevation of the house and closest to the shared property line with the applicants. A series of shrubs on the neighbors' property screen almost all views of the proposed addition from this pool area. From several vantage points at this level, the addition would appear to block a small, lower portion of a slot view toward Richardson Bay and Sausalito. Goal 3, Principle 7 (A) of the Hillside Design Guidelines states that "view protection is more important for the primary living areas of a dwelling (e.g. living room, dining room, family room, great room, kitchen, and decks associated with these rooms) than for less actively used areas of a dwelling (e.g. bedroom, bathroom, study, office, den)." Goal 3, Principle 7 (B) of the Hillside Design Guidelines states that the "horizon line is [the] most sensitive part of [the] view, then foreground, then middleground." Goal 3, Principle 7 (E) of the Hillside Design Guidelines states that "a wide panoramic view can accept more view blockage than the smaller slot view." The pool area is not considered to be a primary living area. The view obstruction visible would intrude into a portion of the horizon line view from this area, but would block only a small portion of an existing slot view.
- The lower level of the house contains a family room and several bedrooms, which have a panoramic view of Richardson Bay, Sausalito and Mt. Tamalpais. From the family room, the proposed addition would again appear to impact a portion of the view of Richardson Bay, which would be in the lower, center part of the overall view. Although this view is from a primary living area, the horizon line is not affected, and the intrusion into the overall panoramic view from this room would be minimal.
- The upper floor of the house contains the other primary living areas for the residence. A long deck facing the subject property currently has a much more panoramic view than found at the lower levels of the site. The elevation of this deck well above the height of the proposed addition indicates that the addition is



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unlikely to impact the water view, and would not significantly impact the more extensive views from this portion of the neighboring house.

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 front yard setback and excess lot coverage and the requested floor area exception.

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 16,871 square foot lot size is somewhat smaller than the 20,000 square foot minimum lot size for the RO-2 zone. The existing house is oriented at an angle to the front of the property, reducing the usable space available for construction of additions to the residence. These characteristics are unusual physical conditions on the subject property that create special circumstances that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity.

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 zone have received variances for excess lot coverage due to relatively small lot sizes. Similarly, variances for reduced front yard setbacks have been routinely granted in single-family residential zones due to site constraints such as the placement of the existing house on the site. Therefore, the granting of these variances would be consistent with the limitations upon other properties in the same or similar zones.

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

The strict interpretation of the required front yard setback would necessitate the elimination of the new garage, which would eliminate any lower floor additions to the house. The strict interpretation of the maximum lot coverage requirement would similarly force the owner to utilize the existing garage on the site and eliminate the proposed lower floor addition. These modifications would substantially limit the ability of the applicant to construct additions to the existing

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house, which could be a practical difficulty or an unnecessary hardship on the property owner.

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 addition would not appear to create any significant view impacts on neighboring homes. The visual mass of the property when viewed from the street would be increased by the proposed addition, but would not be substantially different than the street level mass and bulk of other homes in the vicinity.

Floor Area Exception

Section 4.02.08 of the Tiburon Zoning Code states that the Design Review Board may grant exceptions to the required floor area ratio requirements if it makes the following two findings:

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; and
2. The applicant has demonstrated that the proposed structure is compatible with the physical layout 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.

As described above, the visual size and scale of the proposed addition is similar to that of many other homes in the vicinity. The proposed additions would not change the relationship of the existing two-story portions of the subject residence to the terrain of the site.

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

Public Comment

As mentioned above, the owners of the adjacent property at 10 Audrey Court have expressed concerns over potential view impacts that could be caused by the proposed addition.

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 wishes to approve the application, the attached conditions of approval should be applied.

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ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Goal 3, Principle 7 (A) of the Hillside Design Guidelines
4. Goal 3, Principle 7 (B) of the Hillside Design Guidelines
5. Goal 3, Principle 7 (E) of the Hillside Design Guidelines
6. Staff report to the Design Review Board, dated June 17, 2004
7. Minutes of the June 17, 2004 Design Review Board meeting
8. Submitted plans

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CONDITIONS OF APPROVAL

6 AUDREY COURT

FILE #20446

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 December 20, 2004, or as amended by these conditions of approval. Any modifications to the plans of December 20, 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 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.