





# Town of Tiburon

## STAFF REPORT

---

The proposed additions would increase the lot coverage by 462 square feet to 3,506 square feet (17.9%), which is more than the 15.0% maximum permitted lot coverage in the RO-2 zoning district. A variance for excess lot coverage is therefore requested (17.9% in lieu of the maximum 15%). The proposed addition would also increase the floor area of the house by 1,034 square feet, and would result in a total floor area of 3,954 square feet, which is exactly the maximum floor area permitted for a lot of this size.

### ANALYSIS

#### Design Issues

The proposed main level addition above the garage would be elevated two feet higher than the existing main level. The proposed upper level master suite would be located over the lower portion of the main level, and would have a 3:12 roof pitch.

The garage and main level addition would be located 21'6" from the left side property line. No new decks are proposed as part of the project. The south elevation would have new windows facing towards Richardson Bay, and there would also be new windows on the south elevation facing uphill. No new windows are proposed on the east elevation; however, the proposed addition over the garage would have new windows on the west elevation.

The uphill property owners at 144 Avenida Miraflores 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 in relation to the Tiburon Hillside design Guidelines:

- 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)." The currently proposed addition would partially block the views from the upstairs master bedroom of the home at 144 Avenida Miraflores, which is not the primary living area for the residence.
- Goal 3, Principle 7 (C) of the Guidelines states that "blockage of [the] center of view [is] more damaging than blockage of [the] side of view." The currently proposed addition would obstruct the center of the master bedroom view at 144 Avenida Miraflores.
- Goal 3, Principle 7 (D) of the Guidelines states that "blockage of important objects in the view (Golden Gate Bridge, Belvedere Lagoon, Sausalito, Angel Island) is more difficult to accept than blockage of other, less well known landmarks." The currently proposed addition would partially obstruct the view of Strawberry and Marin Headlands; however the slot view of Richardson Bay would remain.



# Town of Tiburon

## STAFF REPORT

---

- Goal 3, Principle 7 (E) of the Guidelines states that “a wide panoramic view can accept more view blockage than the smaller slot view.” The currently proposed addition would block a portion of the slot view from the master bedroom at 144 Avenida Miraflores.

The potential view impacts would likely not be judged to be significant according to the Hillside Design Guidelines; the addition would not impact a view from a primary living area, but the center of the Strawberry/Marin Headland Ridge view would be blocked from the master bedroom. However, the Design Review Board should determine whether the requested master bedroom second story addition justifies this potential view impact. The Board is encouraged to view the story poles for the project from the home at 144 Avenida Miraflores.

The Board may want to consider whether the request for excess lot coverage combined with the maximum amount of floor area allowance for this lot represents an overall size and scale that is not compatible with a property of this size.

### 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 variance for excess lot coverage.

### Variance

In order to grant the requested variance, 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 subject property is located in a shallow terraced area where the subject lot is situated at an elevation not dramatically below the property above. This shallow terracing is different from most other hillside developments in Tiburon, in which there are either greater elevation changes between terraced areas or little elevation change at all. These physical characteristics are special circumstances that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity if the subject variance is not granted.

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.***

# Town of Tiburon

## STAFF REPORT

---



Numerous other properties in the vicinity and in the RO-2 zone and similar zones in Tiburon have received variances for excess lot coverage, particularly for projects in situations where a larger second story addition could result in substantial view and privacy impacts on neighboring homes.

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

Compliance with the lot coverage requirement could require construction of larger upper level additions which would further impact views across the site. Compliance with these requirements would therefore result in a practical difficulty or unnecessary hardship on the applicant.

**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 granting of the lot coverage variance would not result in significant view or visual impacts on other homes in the vicinity.

### Public Comment

To date, one letter was received from the property owners at 144 Avenida Miraflores concerning the potential view impact from the proposed project. No other correspondence has been received.

### RECOMMENDATION

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07 and 4.02.08 (Guiding Principles for Design Review and Floor Area Ratio Guidelines) 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 wishes to approve the project, Staff would recommend that the attached conditions of approval be applied.

### ATTACHMENTS

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

# Town of Tiburon

## STAFF REPORT

---



### CONDITIONS OF APPROVAL

#### 12 FRANCISCO VISTA COURT

#### FILE #20543

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 October 20, 2005, or as amended by these conditions of approval. Any modifications to the plans of October 20, 2005, 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.
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.