



Town of Tiburon

STAFF REPORT

The proposed additions would increase the lot coverage by 949 square feet to 3,031 square feet (20.8%), 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 (20.8% in lieu of the maximum 15%). The proposed addition would also increase the floor area of the house by 808 square feet, and would result in a total floor area of 3,865 square feet, which exceeds the maximum floor area permitted for a lot of this size by 407 square feet; therefore a floor area exception is also requested.

ANALYSIS

Design Issues

The proposed additions would be located at the rear of the existing structure. There would be no change to the existing roofline or to the front of the structure. Nearly half of the existing structure is located within the front yard setback due to the significant slope at the rear of the lot. The existing residence also encroaches into the right side yard setback; however, the addition would be located 15 from the right side property line, which complies with the side yard requirement.

The proposed additions would be dug into the slope at the rear of the residence. The new design would allow greater utilization of the views from this hillside property and increase the amount of light coming into the structure. Five new skylights are proposed on the southern slope of the existing roof.

The existing wood guardrails would be eliminated, and the proposed decks would contain decorative metal guardrails. The only changes in windows would be on the rear elevation where the existing upper and lower level windows would be replaced with glass doors and larger windows. The new living space on the basement level would contain a wood door and two new windows.

Due to the unique topography of the site, the additions would be minimally visible from surrounding properties except for the property to the west. The property sits in a bowl-like setting with numerous mature redwood and pine trees that help screen the property from below. One existing redwood tree and one pine tree would be removed from the rear yard to allow for the deck expansion.

Beyond the basement level, a new outdoor living space is also proposed. Retaining walls ranging in height from three to eight feet would be constructed in the rear yard to allow for a level patio and lawn area. The retaining walls would be finished with a stone veneer

Using the roof of the lower level addition as a deck for the upper level meets Goal 1, Principle 2 of the Hillside Design Guidelines. The Board may want to consider, however, whether the request for excess lot coverage combined with the floor area exception represents an overall size and scale that is not compatible with a property of this size.



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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 variance for excess lot coverage and floor area exception.

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 parcel is zoned RO-2, which has standards designed for lots that are 20,000 square feet or more. The subject parcel is only 14,581 square feet, which is 27% smaller than the minimum lot size required for this zone. The amount of property the structure would cover is consistent with properties in the RO-2 zoning district that are over 20,000 square feet in size.

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 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 upper level addition could result in adverse view and privacy impacts on neighboring homes.

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

The narrowness of the existing structure does not allow for sufficient access around the house. Due to the steep slope of the property, expanding the structure to the rear to increase the interior access would not be practical without extending the lower level. Due to this circumstance, any type of expansion would increase the lot coverage amount. Compliance with the lot coverage 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 excess lot coverage variance would not result in significant view or visual impacts on other homes in the vicinity.



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Floor Area Exception

- 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 excess floor area would not make the proposed residence out of scale with the surrounding neighborhood. The proposed additions would not alter the overall visual size of the residence, and many homes in the area exceed the floor area regulations. Creating additional living space by using the space below an upper level deck would not alter the overall visual size of the residence, but would instead break up the mass of one long wall on the rear elevation. The visual size and scale of the proposed residence would therefore remain compatible with the 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, the scale of trees, rock outcroppings, stream courses, land forms, and the dimensions of the lot.**

The applicant has stated the proposed project would be compatible with the physical characteristics of the site because the proposed new space would be built mostly into the slope of the site, therefore the additions would not be visible from surrounding properties or the street. The topography of the lot would reduce the visual impact of the additions on the property.

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

To date, no correspondence has been received regarding the subject project.

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. Applicants findings for the variance
4. Submitted plans

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CONDITIONS OF APPROVAL

130 GELDERT DRIVE

FILE #20546

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 November 10, 2005, or as amended by these conditions of approval. Any modifications to the plans of December 5, 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. No lighting shall be installed in the wells of the skylights, and the skylights shall be tinted in a non-reflective manner.
7. 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.