



Town of Tiburon

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with an additional 600 square feet for garage and associated storage area. As a result, the proposed construction would comply with the floor area ratio for this lot.

The lot coverage resulting from the proposed project would be 377 square feet (49.6%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. Therefore a variance is requested for excess lot coverage.

The proposed parking deck would be situated within 1 foot of the front property line, within 3 feet, 6 inches of the eastern (right) side property line and within 8 inches of the western (left) side property line. As a 15 foot front yard setback and an 8 foot side yard setback are required in the R-1 zone, variances are requested for reduced front and side yard setbacks.

A color and materials board has been submitted, and will present at the meeting for the Board to review. The structure would be finished with cedar shingle siding and white trim, with gray shingle roofing.

ANALYSIS

Design Issues

This application was originally scheduled for review at the November 3, 2005 Design Review Board meeting. Shortly before that meeting, the applicant requested a continuance to allow time to meet with some of the neighboring property owners regarding their concerns about the project. No changes have been made to the proposed plans for the project since that time.

The proposed building would be situated in approximately the same location as the existing garage and storage structure on the site. The proposed building would replace the trapezoidal shape of the existing structure with a more rectangular, stepped design.

The original plans submitted with this application included a request to construct a single-family dwelling beneath the garage. Staff advised the applicant that such a request would likely be viewed as an excessive intensification of the development of this lot. The applicant subsequently submitted revised plans indicating that the area beneath the garage would be used for storage purposes only.

The existing garage has a flat roof and provides parking spaces for two vehicles. The proposed building would have a peaked roof intended to accommodate two interior auto lifts, thereby increasing the parking capacity of the structure to four spaces. The proposed peaked roof design would increase the height of the building by 4 to 5 feet above the height of the existing garage on the site, but would not exceed the 30 foot height requirement for the main structure on this property.

The increased roof height of the proposed garage would block views and sunlight from several nearby residences. The roofline would block most of the sunlight into the kitchen of the adjacent home at 90 East View Drive. Section 4.02.07 (b) of the Tiburon Zoning Ordinance (Guiding Principles in the Review of Site Plan and Architectural Review Applications) states that the Design Review Board should consider "the location of proposed improvements on the site in



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relation to the location of improvements on adjoining sites, with particular attention to view considerations, privacy, adequacy of light and air, and topographic or other constraints on development imposed by particular site conditions.” The potential sunlight blockage into this kitchen would not occur without the additional peaked roofline and building height requested for the proposed garage.

The roofline would also block the lower portion of the view of Belvedere Lagoon from the living room and deck of the nearby home at 97 East View Drive. The potential view impacts would likely not be judged to be significant according to the Hillside Design Guidelines; the roofline would impact only a small portion of the center foreground view of the Belvedere Lagoon from several windows, but would leave most of the water view and views of Mt. Tamalpais intact. However, the Design Review Board should determine whether the requested additional garage height justifies this potential view impact. The Board is encouraged to view the story poles for the project from the homes at 87 & 90 East View Avenue.

Several alternatives are available to eliminate the additional roof height of the proposed garage. The new structure could be redesigned with a flat roof similar to that of the existing garage, or with a lower roof height, either of which would eliminate the interior auto lifts and make this only a two-car garage. The structure could also be modified to have the auto lifts lower vehicles to a lower elevation, preserving the four-car capacity of the garage but limiting the storage space in the building. The construction of the new storage area would also raise the possibility that a future owner of this building might request to convert this space into a dwelling unit.

Corinthian Island clearly lacks locations for parking spaces for the homes in this neighborhood. However, Staff is unaware of other properties upon which four-car garages have been constructed without connection to a residence. The applicant has not submitted any rationale for the need for these four garage spaces or information on whose vehicles would be parked in this garage; however, the applicants own two residences nearby on Alcatraz Avenue in Belvedere.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 zone with the exception of the previously noted variances for reduced front and side yard setbacks and excess lot coverage.

Variance

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.***



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The subject property slopes sharply down from East View Avenue and has an exceptionally small lot size of 760 square feet. These physical characteristics are special circumstances that would deprive the owners of this property of privileges enjoyed by other properties in the vicinity if the subject variances are 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.***

Numerous other properties in the vicinity on Corinthian Island have received variances for reduced front and side yard setbacks and excess lot coverage, due to the small lot sizes and steep topography similar to the characteristics of the subject property.

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

The strict application of the setback requirements would force a structure to be pushed back from the street, down the slope and away from the side property lines. The strict application of the lot coverage requirements for a lot of this size would limit any structure to a footprint of only 228 square feet (roughly the size of a one-car garage). The imposition of these requirements would severely limit the size and placement of a structure on the site, creating a practical difficulty and an unnecessary hardship on the applicants.

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

Although the increased height of the proposed building above that of the existing garage on the site could result in unwanted view and sunlight impacts on several neighboring homes, the reduced setbacks and excess lot coverage requested would not create the conditions that would be detrimental to other homes in the vicinity.

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

Public Comment

As of the date of this report, one letter has been received from the owners of the home at 90 East View Avenue, objecting to the light blockage for their kitchen and the reduced setback from their dwelling. Staff has also spoken to the owner of the home at 87 East View Avenue, who has raised concerns about the potential view impacts described above.

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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 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. Letter from Chris and Celine Ellison, received October 27, 2005
4. Letter from Carter and Barbara Smith, dated October 29, 2005
5. Submitted plans (previously distributed)

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CONDITIONS OF APPROVAL

96 EAST VIEW AVENUE

FILE #20523

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 July 26, 2005, or as amended by these conditions of approval. Any modifications to the plans of September 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. 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.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All exterior lighting fixtures must be down light type fixtures.
7. All requirements of the Town Engineer shall be met.