



Town of Tiburon

STAFF REPORT

The proposed additions would increase the lot coverage by 1,389 square feet to 4,005 square feet (11%), 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 1,984 square feet, and would result in a total floor area of 4,879 square feet, which is less than the maximum floor area permitted for a lot of this size.

The exterior façade of the residence would not be altered. The materials for the addition would match the existing painted colors, trim, and roof of the existing residence.

ANALYSIS

Design Issues

The subject property is situated on the downhill side of Geldert Drive. Due to the unique topography of the site, the additions would be minimally visible from the uphill and downhill properties.

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. The property is on a steep slope with numerous mature trees that help screen the property from below.

The lower level addition would include a recreation room and crawl space with a few small windows. The main level addition would include a living room, master suite and small wrap-around deck. Stairs from the wrap-around deck would provide access down to the rear yard. The upper level roof deck would be accessed through the existing sunroom. 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 proposed addition would fill in the space below the sunroom, eliminating the existing tall posts currently supporting the patio sunroom. The proposed addition would be lower than the existing ridge height; however, since the structure would be built out over the slope, it would have a new maximum height of 26 feet.

The Board may want to consider whether the additional floor area represents an overall size and scale that is not compatible with a hillside property of this size.

Floor Area Considerations

The subject property includes an area that until recently was a separate parcel, and has recently been purchased by the applicant. This land was originally a separate parcel created by the Del Miramar subdivision, and was designated at that time for "Park" use, as clearly indicated on the subdivision and assessor's maps for the property. The recently adopted Tiburon General Plan incorrectly designates this land as "Open Space;" the Town is in the process of changing that designation to the more appropriate "Parks & Recreation" designation, and rezoning the lot to the newly established Parks & Recreation zone. The applicant purchased this land and has received an approved lot line adjustment from the Town that combines the Park area and the lot



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at 120 Geldert Drive into one parcel.

In other instances in which land designated for parks, open space or conservation uses was added to residential lots, the Town has not allowed this additional land area to count toward the total lot size in calculating the floor area ratio for the property. In particular, several years ago a number of property owners along Karen Way in the Bel Aire neighborhood purchased portions of the old railroad right-of-way upon which an open space and conservation easement exists. The Town Council determined that it would be inappropriate for property owners to use land restricted by such easements (and therefore not to be developed) to increase the size of homes on adjacent land to amounts larger than would otherwise be allowed on lots of their original size. The Town therefore required that the area covered by the easement could not be used to increase the potential floor area for these lots.

Prior to purchasing the Park area, the applicant was clearly informed by Staff of the Town's previous policy toward the use of such land, that such restrictions would likely apply to the Park area if it was purchased, and that the Town would not likely allow this land area to be used to permit additional floor area to be built on the adjacent lot. After receiving this information, the applicant purchased the Park area anyway, and subsequently submitted applications for the lot line adjustment and the subject additions.

The floor area requested as part of this application is only possible without a floor area exception if the land area added as part of the lot line adjustment is counted toward the size of the property as a whole. Without this additional land area, the requested application would be 938 square feet over the floor area ratio for the original lot at 120 Geldert Drive.

The current RO-2 zoning of the Park area establishes a floor area ratio for the Park area portion of the property identical to other residential properties in Tiburon. However, both the current Open Space and proposed Parks & Recreation designations contained in the General Plan for the Park area have a maximum floor area of 0.10; the proposed rezoning of the property is intended to make the zoning for this area consistent with the General Plan, as required by State law. If this 0.10 ratio is applied to the Park area, the requested additions would still be 781 square feet over the expected F.A.R. for the total property.

As indicated in the attached table (House and Lot Sizes and F.A.R. in the Vicinity of 120 Geldert Drive), the requested floor area of 4,879 square feet would not only be larger than any other home in the surrounding neighborhood, but would be larger than the *floor area ratio* of all but three lots in the vicinity. Only two of these nearby homes have floor area in excess of the F.A.R. for its lot (70 Geldert Drive, 623 square feet over, and 4 Malvino Court, 17 square feet over), neither of which is close to the 938 square foot exception that would be needed for the subject property if the Park land area is not included.

As noted above, the Town does not believe that it would be appropriate to essentially take advantage of land area that was clearly never intended to be developed to allow an adjacent residential lot to be overdeveloped in a manner inconsistent with the intent of the Zoning Ordinance. Section 4.02.07 (a & c) of the Zoning Ordinance (Guiding Principles in the Review of Applications) states that the Design Review Board shall consider "the proper relation of a



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project to its site,” and whether “the height, size, and/or bulk of the proposed project bear a reasonable relationship to the character of existing buildings in the vicinity.” Section 4.02.08 of the Zoning Ordinance (Floor Area Ratio Guidelines) also states that “the Town may approve less than the maximum square footage indicated by the floor area ratio guideline when necessary to achieve compatibility with surrounding development, to maintain the neighborhood character, or for other good cause.” The Design Review Board should strongly consider whether the floor area requested by the subject application is consistent with these principles and the character of the surrounding neighborhood.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone.

Public Comment

To date, no public comment has been received regarding this project.

RECOMMENDATION

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles for Design Review) 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. Table summarizing Floor Area Ratios in the vicinity
3. Application and supplemental materials
4. Submitted plans

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CONDITIONS OF APPROVAL

120 GELDERT DRIVE

FILE #705175

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 September 26, 2005 or as amended by these conditions of approval. Any modifications to the plans of November 21, 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 shielded, 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.