



Town of Tiburon

STAFF REPORT

The proposed additions would also increase the lot coverage of this property by 107 square feet to a total of 3,782 square feet (17.5%); although this figure is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone, a variance is not required as Town policy does not require such a variance for lot coverage increases less than 1.0%.

The existing house extends to within 13 feet of the northern side property line, which is less than the 15 foot minimum side yard setback required in the RO-2 zone. The proposed upper and lower level floor space would increase the building area within the required side yard setback. Therefore, a variance is requested for reduced side yard setback.

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

ANALYSIS

Design Issues

The subject property slopes down from the front of the property. The area to the rear of the house slopes down further, leaving the house at an elevation well above homes below the site. There are no other residences directly above the site with views over the house; as a result, the proposed additions should not result in view impacts for any residences uphill from the property.

The proposed upper level master bedroom expansion would extend into the area currently occupied by an exterior deck. The location of this deck would appear to intrude into the viewline from the adjacent home to the north at 500 Ridge Road. An analysis of the floor plans for this neighboring residence indicates that an upper level living room and dining room face the area of this proposed addition, with views of the Golden Gate Bridge that would appear to be blocked by the addition.

The following portions of the Tiburon Hillside Design Guidelines should be used to evaluate the potential view impacts of the proposed upper level addition on the adjacent home at 500 Ridge Road:

- 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... than for the less actively used areas of a dwelling.” The proposed upper level addition house would block views from the living room and dining room of the adjacent home.
- 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 proposed upper level addition would intrude into the far right side view from the adjacent home.
- Goal 3, Principle 7 (D) of the Guidelines states that “blockage of important objects in the view (Golden Gate Bridge, Belvedere Lagoon, Sausalito, Angel



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Island) is more difficult to accept than blockage of other, less well known landmarks.” The proposed upper level addition would block views of the Golden Gate Bridge from the adjacent home.

- 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 adjacent home has a wide panoramic view extending from the East Bay to the Golden Gate Bridge.

Although the proposed upper level addition would intrude only slightly into the far right side of a wide panoramic view for the adjacent home at 500 Ridge Road, this particular addition would completely block prized Golden Gate Bridge views from the primary living areas of this residence. The owner of the adjacent home lives out of town and his tenants are on vacation at this time; as a result, the Design Review Board may have difficulty attempting to view the story poles for the upper level addition from this neighboring dwelling. The owner has indicated that he will be present at the meeting to comment on the subject application. In the meantime, the Board is encouraged to view the potential impacts of the proposed upper level addition by standing on the deck in its location and assessing the line of sight between the adjacent upper level living areas and the Golden Gate Bridge.

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 reduced side yard setback.

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 existing house is situated within the required northern side yard setback. This physical condition 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 same or similar zones have received variances for reduced side yard setbacks to extend an addition along the line of an existing building legally constructed within the side yard setbacks. Therefore, the granting of

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this variance would be consistent with the limitations upon other properties in the vicinity and 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 side yard setback would force the proposed additions to be set back from the line of the existing house. The Design Review Board has on other occasions found this forced setback to be a practical difficulty or 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.*

As described above, the proposed upper level addition could result in an undesired view blockage for the adjacent home at 500 Ridge Road. The proposed lower level addition would not appear to create any significant visual or privacy impacts on neighboring homes.

From the evidence provided, Staff believes that there is insufficient evidence to support the findings for the requested variance for the proposed upper level addition.

Public Comment

As of the date of this report, no letters have been received regarding the subject application. As noted above, Staff has spoken to the owner of the adjacent home at 500 Ridge Road regarding concerns over potential view impacts, who has submitted a letter indicating that he will attend the Board meeting to address his concerns.

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 agrees with Staff's conclusions, it is recommended that the upper level addition be modified to avoid impacts on the Golden Gate Bridge views from the primary living areas of the adjacent home at 500 Ridge Road. If the Board wishes to approve the application, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Letter from Richard Dwyer, dated June 29, 2006
4. Submitted plans

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CONDITIONS OF APPROVAL

490 RIDGE ROAD

FILE #20615

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 May 11, 2006, or as amended by these conditions of approval. Any modifications to the plans of May 11, 2006, 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 skylights shall be bronzed or tinted and no lights shall be placed in the wells.
8. The upper level master bedroom and study additions shall be scaled back to avoid intrusion into the Golden Gate Bridge views for the adjacent home at 500 Ridge Road, as determined by Planning Division staff.