





# Town of Tiburon

## STAFF REPORT

---

area is 3,485 square feet. The proposed total square footage does not exceed the maximum allowed therefore, a floor area exception is not required.

The proposed addition would extend to within 7 feet 4 inches of the side property line, in lieu of the 15 foot side yard setback required in the RO-2 zone. The proposed deck extension and circular staircase would extend to within 16 feet of the rear property line in lieu of the 25-foot rear yard setback required in the RO-2 zone. Therefore, variances are requested for reduced side and rear yard setbacks.

### ANALYSIS

#### Design Issues

The subject home is located towards the end and on the downhill side of Southridge East. The lot was graded in a convex manner with the home situated within the depression and towards the rear. Mature landscaping exists between the subject home and the adjacent properties.

The home at 18 Southridge East would have the most direct view of the proposed additions to the upper floor and the expansion of the bedroom on the main floor in the front of the existing home. The story poles indicate that the proposed addition would intrude into the lower portion of the Richardson Bay water views of a much larger panoramic view of San Francisco, the Golden Gate Bridge and the bay from the primary living areas of this neighboring residence. Potential view impacts exist from other portions of this residence as well. The homeowner at 18 Southridge East encourages the Board members to visit his home in order to consider the potential view impact concerns.

Two neighbors below the subject home at 13 and 18 Read Ranch Road have raised concerns of potential privacy impacts by the proposed addition. Both neighbors have submitted letters. The privacy impact concerns are limited to the proposed additions to the rear of the property.

The applicant has submitted a letter suggesting that the Board contact the property owners to arrange a convenient time and day for a site visit.

The following portions of the Tiburon Hillside Design Guidelines should be used to evaluate the hillside design of the house as proposed:

- Goal 3, Principle 7 (A) that the “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 proposed upper level additions would potentially affect views from bedrooms of the home at 18 Southridge East. It should be noted that the Design Review Board has often discouraged projects that would gain views for a secondary portion of a house, such as a bedroom or study, at the expense of views from bedrooms of other neighboring homes.



# Town of Tiburon

## STAFF REPORT

---

- Goal 3, Principle 7 (B) that the “horizon line is [the] most sensitive part of [a] view, then foreground, then middleground.” The proposed house would be situated generally in the foreground views for these two homes.
- Goal 3, Principle 7 (C) of the Hillside Design Guidelines that “blockage of [the] center of [a] view is more damaging than blockage of [the] side of [a] view.” The proposed house would intrude into the lower portion of the center of the views for these two neighboring homes.
- Goal 3, Principle 7 (D) 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.” No views of important objects would be blocked by the proposed house.
- Goal 3, Principle 7 (E) of the Hillside Design Guidelines that “a wide panoramic view can accept more view blockage than the smaller slot view.” The proposed house would intrude into a relatively small portion of the panoramic views currently enjoyed by these two nearby homes.

### 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 variances for excess lot coverage and reduced side and rear yard setbacks.

### Variances (Setbacks)

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.***

The original structure and deck do not conform to the prescribed setbacks and the house addition matches the existing condition while the deck addition would only add a modest amount. The significant property slope is a special circumstance applicable to this property.

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 same or similar zones with similar slope characteristics have been granted variances for reduced setbacks and excess lot coverage when no issues of proximity, privacy, or view blockage have affected adjacent residences.

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

The upper level side yard encroachment, if not granted, shifts the master bedroom inward from the existing wall below creating issues of structural support and odd room shape. The rear yard encroachment, if not allowed, eliminates practical stair access to the lower level.

**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 proposed upper level addition does not appear to result in substantial view or privacy impacts on neighboring homes. The rear yard deck improvements are separated from adjacent neighbors by dense vegetation and vertical and horizontal distances that decrease the potential impact.

### Variance (Lot Coverage)

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 has an unusual slope configuration that places the most appropriate location for the home towards the rear of the lot. This home location is a special circumstance that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity. In addition, the deck additions are a modest change to an existing oddly shaped deck that is the only accessible exterior area from the main living level.

**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 RO-2 or similar zones with similar site characteristics have been granted variances excess lot coverage in order to accommodate the most appropriate house design on the property.

# Town of Tiburon

## STAFF REPORT

---



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

The strict application of the lot coverage requirement would force the design of the addition to be more vertical, possibly resulting in increased view impacts for uphill neighbors. Without the deck increases, the existing odd-shaped deck is a poor solution and makes for an outdoor area difficult to furnish and utilize functionally.

**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 proposed house design does not appear to result in substantial view or privacy impacts on neighboring homes.

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, two letters have been submitted to Staff from 13 and 18 Read Ranch Road in regard to impacts concerning noise and privacy issues. As noted above, these concerns are related to proposed additions to the rear of the home. One letter has been submitted from 18 Southridge East in regard to potential view impacts from the proposed addition. The applicant has submitted a letter suggesting that the Board contact the property owners to arrange a convenient time and day for a site visit.

### **RECOMMENDATION**

The Board should review this project with respect to Zoning Ordinance Section 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 finds the design to be acceptable and in conformance with the Town's Design Guidelines, Staff recommends that the attached conditions of approval be applied.

### **ATTACHMENTS:**

1. Conditions of approval
2. Application and supplemental materials
3. Letter from Diane and Robert Marotta, dated March 28, 2007
4. Letter from Didi Maillard and Ernest L. Murdock, dated March 29, 2007
5. Letter from Andrew Thompson, dated March 29, 2007

# Town of Tiburon STAFF REPORT

---



6. Submitted plans

# Town of Tiburon

## STAFF REPORT

---



### CONDITIONS OF APPROVAL

#### 16 SOUTHRIDGE EAST

#### FILE #20706

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 February 13, 2007, or as amended by these conditions of approval. Any modifications to the plans of February 13, 2007, 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 skylights shall be bronzed or tinted and no lights shall be placed in the wells.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
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.