



Town of Tiburon

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The proposed structure would create a gross floor area of 3,652 square feet, which is under the maximum permitted floor area for a parcel of this size (3,653 sq. ft.). The proposed structure would create a lot coverage of 3,777 square feet (22.86%) which is 7.86% over the maximum permitted lot coverage in the RO-2 zoning district (15%). The applicant is requesting a variance for excess lot coverage.

The proposed garage addition would result in a seven foot (7') side yard setback. The minimum side yard setback in the RO-2 zoning district is fifteen feet (15'). Therefore a variance has been requested for a reduced side yard setback.

The façade of the home would contain cedar shingle siding, off-white trim, and composition shingle roofing. A color/material palette will be available at the Board meeting for review.

ANALYSIS:

Design Issues

The existing dwelling is designed to take advantages of views from Mt. Tamalpais to the Golden Gate Bridge. The home is single story, with a small lower level beneath the main floor on the west (right) side of the structure. The proposal does not intend to substantially change the size of the home, but rather slightly modify the layout and add some additional living space where the garage currently exists.

The proposal includes the incorporation of a new single car garage to be located adjacent to the existing two car garage, due to a partial garage conversion into an extra bedroom. With the addition of this garage space, new roofing would result, and would create a seven foot (7') setback at this side of the property. A new front entry porch is also proposed over the existing entry, which would also result in additional roofing to the structure. The overall height of the structure would not change; however, the existing roof would be reconstructed and the eaves would be shortened. The major change would be to the inside of the structure. By increasing the wall height and adding new trusses, the ceiling height would increase within, but not on the exterior.

The existing double sided wood-burning fireplace, located within the great room, currently utilizes a single vent chimney. The proposal seeks to replace the fireplace with a gas fireplace, and expand the chimney by doubling it in size. This would result in a view obstruction of the Golden Gate Bridge from the residents at 3 Bartel Court, and would also result in a minor view obstruction of the Belvedere lagoon from 2 Bartel Court. Since the fireplace is gas, and the chimney is for aesthetic purposes only, it is recommended that the chimney be eliminated to maintain these views.

The proposed master bathroom would have a large window above the bathtub, adjacent to a smaller window for the master bedroom. A condition of approval has been included requiring this window to be opaque glass to maintain privacy between this home and the residence at 2 Bartel Court.



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It should also be noted that the proposed landscaping plan indicates five Goldenrain trees at the front of the property, which can grow to a height of twenty-five feet (25'). If approved, these would result in view blockages from 2 Bartel Court, 3 Bartel Court, 2 Santa Ana Court and possibly other homes in the vicinity. A condition of approval has been included requiring an alternative tree species for the proposed front yard trees, to be reviewed and approved by Staff.

Additionally, existing outdoor decking at the rear of the dwelling would be replaced in the same location with new material, and the swimming pool would be eliminated from the rear yard. An outdoor entertainment area would replace the swimming pool with the incorporation of an outdoor fireplace, kitchen and countertops.

The landscaping plan also indicates a series of retaining walls surrounding the property. Portions of the proposed retaining walls are shown at a height over six feet (6'). According to the Tiburon Zoning Ordinance, fences and walls can have a maximum height of six feet (6'). A condition of approval has been included requiring the proposed retaining walls to have a maximum height of six feet (6'). A condition of approval has also been included requiring the final landscaping plan to be reviewed and approved by Staff.

The Design Review Board is encouraged to visit the site and surrounding neighbors' homes to view the story poles to better understand the extent of this proposal.

Zoning

Besides the requested variances for reduced side yard setback and excess lot coverage, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.

Tiburon Hillside Design Guidelines

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) of the Hillside Design Guidelines states that "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)." A view of the Golden Gate Bridge is present from the living and dining area of 3 Bartel Court. The existing chimney creates a view blockage of part of the bridge. If the proposed expanded chimney is approved, this would ultimately block the entire Golden Gate Bridge view from this residence.*
- *Goal 3, Principle 7 (D) of the Guidelines states 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." The proposed chimney would result in a minor view blockage of the Belvedere lagoon from 2 Bartel Court, and would result in a major view blockage of the Golden Gate Bridge from 3 Bartel Court.*



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Variances

In order to grant the requested variances, the Board must make all of the following findings required by Section 16-4.3 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.**

Lot Coverage:

The site is steeply sloped from east to west. The existing dwelling is single story with a small lower level on the right side of the structure, which is the steepest portion of the site. The homes on Bartel Court are designed in a similar fashion, so that views are not obstructed for the residents located above. Due to the steep topography of the site, there would not be an alternative way to construct the additional garage space without ultimately increasing the lot coverage. However; if the existing garage were not converted, there would not be a need for an additional garage space. Also, if the additional living space were proposed as a second story, it would ultimately block major views from the residences located above.

Side Yard Setback:

The existing two car garage is located on the left side of the structure. Since one of the garage spaces is proposed to be converted into additional living area, a single car garage is required to make up for the on-site parking deficiency. This results in a special circumstance because the additional garage space is required, but it also would not likely be located at another location without the possibility of impacting neighbors' views. It should be noted that the new garage would be located in close proximity to the side yard property line, adjacent to the residence at 2 Bartel Court.

- 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.**

Lot Coverage:

The existing dwelling exceeds the maximum permitted lot coverage by approximately five percent (5%). The proposed covered entry way in combination with the new garage space would increase the lot coverage by approximately two percent (2%). It should be noted that many properties within the RO-2 zoning district have been granted variances for excess lot coverage.

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Side Yard Setback:

Properties in the vicinity of the subject site have previously been granted variances for reduced setbacks, specifically on Bartel Court. Therefore, it is not uncommon for this type of variance request.

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

Lot Coverage:

Due to the configuration of Bartel Court, a second story addition would likely create view obstructions for the residents located above. However, if the garage were not converted, there would be no need for an additional garage space, and therefore there would not be an increase in lot coverage, with the exception of the small covered entryway.

Side Yard Setback:

The existing garage is proposed to be converted into an extra bedroom for the dwelling, which results in the addition of a single car garage to make up for the on-site parking deficiency. Again, if the existing garage was not converted as proposed, then the additional garage space would not be required and therefore would not encroach into the side yard setback. This is a self-created hardship, which has also raised concerns by the adjacent neighbors at 2 Bartel Court.

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

Lot Coverage:

The existing home and surrounding dwellings are designed to take advantage of views of Mt. Tamalpais, Richardson Bay and the Golden Gate Bridge. Properties on Bartel Court are steeply sloped so that the homes appear to be single story from the street. Lower levels of these homes are not seen due to their locations below the main floor. The homes located above 4 Bartel Court along Santa Ana look over the existing dwelling at a similar viewshed. The proposal to construct a one car garage adjacent to the existing garage and add a covered entryway would not appear to obstruct any of the surrounding neighbors' views.

Side Yard Setback:

The proposed improvements would not add a major amount of mass and bulk to the existing structure, and the garage and entryway additions would not appear to block any views from the surrounding neighbors; however, the neighbors at 2 Bartel Court have



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raised concerns over the visual mass of the garage due to its close proximity to the shared boundary line.

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

Public Comment

To date, one letter has been received from the neighbors at 2 Bartel Court, regarding the subject application.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles) and 16-4.3 (Variances), and the Design Guidelines for Hillside Dwellings 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 concurs with the conclusions of Staff, the applicant should be directed to modify the proposed house design to address the issues noted above. If the Board finds the design to be acceptable and in conformance with the Town's Design Guidelines, and can articulate the findings required to be made to approve the requested variances, Staff recommends that the attached conditions of approval be applied.

EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials
3. Goal 3, Principles 7 (A&D) of the Hillside Design Guidelines
4. Letter from Don & Elona Baum dated November 29, 2006
5. Submitted plans

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EXHIBIT 1

CONDITIONS OF APPROVAL

4 Bartel Court

FILE #20632

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 October 3, 2006, or as amended by these conditions of approval. Any modifications to the plans of December 7, 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 skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
8. Prior to the issuance of building permits, the applicant shall submit verification from a licensed landscape architect that the proposed landscape plan conforms to M.M.W.D. landscape regulations, as required by Town Council Ordinance.



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9. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
10. Prior to underfloor inspection, a certified survey of the structure foundation will be required. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference points as appropriate, and elevations relative to sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.
11. The project shall comply with the following requirements of the Tiburon Fire Protection District:
 - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA standard 13-D. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (UFC 1003).
 - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (UBC 310).
 - c. Approved spark arresters shall be installed on chimneys (UFC 1109).
 - d. All vegetation, existing and new, shall comply with the recommendations of Fire Safe Marin, and the requirements of UFC 1103.
12. The following requirements of the Marin Municipal Water District shall be met:
 - a. A High Water Pressure Water Service application shall be completed.
 - b. A copy of the building permit shall be submitted.
 - c. Appropriate fees shall be paid.
 - d. The structure's foundation shall be completed within 120 days of the date of application.
 - e. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
13. All requirements of the Town Engineer shall be met.
14. The master bathroom window shall be opaque glass instead of clear glass.

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15. All proposed walls, fences and retaining walls shall have a maximum height of six feet (6').
16. The proposed Goldenrain trees shall be replaced with an alternative tree species, to be reviewed and approved by Staff.
17. The final landscaping plan shall be reviewed and approved by Staff prior to issuance of building permits.