





# Town of Tiburon

## STAFF REPORT

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demolishing more than 50% of the structure, the project is therefore classified as “new construction”.

The project as proposed would maintain a two-story structure. The floor plan of the proposed home would remain mostly similar to the existing layout, with the exception of conversion of 1,171 square feet of the existing underfloor area into additional living space.

The proposed structure would create a lot coverage of 4,444 square feet (27%) which is over the maximum permitted lot coverage in the RO-2 zoning district (15%). The home currently has lot coverage of 4,313 square feet (26.1%). The proposed increase in coverage would result in less than one percent (.9%); therefore, a variance is not required.

The proposed structure would create a gross floor area of 4,824 square feet, which exceeds the maximum permitted floor area for a parcel of this size (3,653 sq. ft.). A floor area exception has been requested.

The original project design included the conversion of an existing garage into living space and the construction of a new garage within the required side yard setback, necessitating a variance for reduced side yard setback. The applicant has modified the plans to eliminate the garage changes, and the variance is no longer requested.

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 two-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 1,171 square feet of living space at the lower level, beneath the existing structure.

A new front entry porch is proposed over the existing entry, as well as a new gable over the existing garage which would 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 the house, 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 remove the chimney altogether. This would aid in enhancing views of the Golden Gate Bridge for the neighbor at 3 Bartel Court.



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Landscaping improvements would include upgraded patios at the rear and to the west (right) side of the dwelling; removal of the existing pool and expansion of the existing rear patio; an outdoor fireplace with corresponding countertops for an outdoor kitchen/entertaining area at the rear of the property; and a new lawn area at the west (right) side of the structure. It should be noted that the outdoor fireplace would be approximately twelve feet in height. Staff does not foresee any potential view obstructions from its proposed location.

The new lawn area at the west (right) side of the dwelling would be bordered by six foot high retaining walls, creating a private yard area. Due to the steep slope of the property at this location, a certain amount of fill would be needed to even out the lawn area for use.

Additionally, new six foot high deer fencing would encompass a portion of the yard at the west (right) side, as well as new six foot high wood fencing at the rear of the property and on the east (left) side.

### **Zoning**

Besides the requested floor area exception, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.

### **Floor Area Exception**

As previously mentioned, the proposed dwelling would not comply with the floor area regulations for a lot of this size. In order to grant the requested floor area exception, the Board must make the following findings as required by Section 16-4.2.8 of the Tiburon Zoning Ordinance:

- 1. The applicant has demonstrated that the visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood.**

The site is steeply sloped from east to west. The existing dwelling is single story with a small lower level on the west (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. The size of the dwelling would not noticeably change based on the proposed improvements. The exterior would be enhanced and the added living area proposed would be buried underneath the home, so it would not be seen from the street level, or the uphill neighbors.

- 2. The applicant has demonstrated that the proposed structure is compatible with the physical characteristics of the site. The characteristics include, but are not limited to, the scale of trees, rock outcroppings, stream courses, land forms, and the dimensions of the lot.**

The proposed dwelling would be reconstructed in the same size, location and overall style as the existing structure (two-story). The proposed additional living space would be buried underneath the dwelling and would not alter the appearance of the home and

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would not be noticeable from the adjacent residences. By utilizing the space beneath the home, the physical characteristics of the site would not noticeably change.

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

### **Public Comment**

To date, no letters have been received regarding the subject application.

### **RECOMMENDATION:**

The Board should review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles) and 16-4.2.8 (Floor Area Ratio Guidelines), 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 agrees with Staff's conclusions, Staff would recommend that the attached conditions of approval be applied.

### **EXHIBITS:**

1. Conditions of Approval
2. Application and supplemental materials
3. 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 January 18, 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. 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.