



Town of Tiburon

STAFF REPORT

In addition to the expansion of the home and conversion of the garage, a partial second story is proposed at the center of the home, which would include a master bedroom and bathroom, terrace and an extra bedroom. The interior of the home would be slightly reconfigured with the proposed improvements. Expanded decking at the rear of the home and an additional terrace off the family room are also proposed.

The proposed structure would create a gross floor area of 3,428 square feet which is below the maximum permitted floor area for a parcel of this size (3,471 sq. ft.). The proposed structure would create a lot coverage of 3,332 square feet (22.6%) which exceeds the maximum permitted lot coverage in the RO-2 zoning district (15%). The applicant is requesting a variance for excess lot coverage.

The proposed expansion of the home would result in an approximately 21 foot front yard setback. The maximum front yard setback in the RO-2 zoning district is 30 feet. The applicant is requesting a variance for reduced front yard setback.

The façade of the home would include stucco siding, white trim and clay roof tiles. A color materials board will be available at the Board meeting for review.

ANALYSIS:

Design Issues

The existing home is designed to take advantage of views of San Francisco, Belvedere and the bay. The site is relatively flat but begins to slope downward to the south at the rear of the property. The project site is situated at the end of Burrell Court and above Reed Ranch Road. The surrounding homes are mostly single-story, with the exception of the residence at 7 Burrell Court.

Concerns have been raised by the adjacent neighbor at 7 Burrell Court regarding view obstructions and privacy impacts. The proposed second story would impede on views of the Tiburon Ridge from a second story master bedroom suite, as well as create privacy impacts for the master bathroom and outdoor pool/patio area. A detailed letter was received by the property owner of 7 Burrell Court explaining the potential impacts and is attached to this report.

Currently, mature landscaping exists between 7 Burrell Court and the subject residence; however there are pockets or slot views through the tree's over the existing structure. The proposed terrace on the second story on the north side of the home would appear to look directly into the master bathroom at 7 Burrell Court, as well as provide views of Mount Tamalpais to the north for the owner. It is recommended that the Board visit the property at 7 Burrell Court to better understand the potential impacts the proposal may have on this neighbor.

Exterior lighting can be a problematic component of any design proposal. The exterior lighting plan submitted, detailed on sheet A9.1, indicates an excessive amount of recessed light fixtures surrounding the exterior of the home. Too much exterior lighting can lead to unnecessary light pollution for adjacent residences and make the home stand out against the hillside from a



Town of Tiburon

STAFF REPORT

distance. It is recommended that the Board consider a reduction in the amount of exterior lighting.

The landscaping plan indicates a row of Magnolia "Samuel Sommer" trees at the rear of the property, along Reed Ranch Road. This type of tree is classified as an "undesirable tree" by the Tiburon Tree Ordinance because they are fast growing, and can reach a mature height of 35' + feet. In addition, Fern Pines are proposed adjacent to the neighbor at 7 Burrell Court, which can grow to a height of 60' if not maintained. Currently, Fern Pines exist in the same location. It is recommended that the Board evaluate whether or not these types of trees are acceptable for the locations proposed.

An application for Site Plan and Architectural Review for the placement of the stucco wall at the front of the property was approved on October 30, 2002, which included a condition of approval requiring the installation of low shrubs or climbing vegetation in front of the wall. The property owner planted palm trees after receiving the approval, the species of which were considered an undesirable tree. Several of the adjacent neighbors complained about the palm trees, and Town Staff advised the property owner that they needed to be removed because they were undesirable and also because they were located within the public right of way without an encroachment permit. The property owner removed the palm trees after receiving the letter from staff. A copy of the notice of action and letter sent to the property owner are attached for reference.

The landscape plan indicates Mexican Fan Palm trees proposed at the front of the property, adjacent to the existing stucco wall. The proposed species of palm trees would have the potential to grow to a height of twenty feet tall, which is not considered a low shrub. A condition of approval has been included with this application requiring the substitution of the palm trees for low shrubs or climbing vegetation, to coincide with the previous fence approval condition of approval.

The southeast elevation depicts a door and window below the main level, which may be used as storage area or crawl space. Staff advised the applicant to provide more information regarding this area to determine whether or not this would be additional floor area. The drawings indicate enclosed crawl space. Staff was unable to gain entrance to the home to determine if this area is used as crawl space or habitable space.

Tiburon Hillside Design Guidelines

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

- *Goal 1, Principle 1 of the Hillside Design Guidelines states that a building should be cut into the hillside to reduce effective visual bulk.* From below the property at Reed Ranch Road, the home would appear massive, even though it is slightly stepped with the incorporation of the second story balcony. When viewing the story poles from further away along Tiburon Boulevard, the home would appear to stick out amongst the other hillside homes, creating a bulk issue.



Town of Tiburon

STAFF REPORT

- *Goal 1, Principle 9 of the Hillside Design Guidelines states that to reduce effective bulk and provide energy efficient and environmentally desirable spaces, underground or below grade spaces should be excavated into the hillside.* If the proposed second story living areas were relocated beneath the home, this would preserve existing viewsheds and reduce the mass and bulk of the home from below and further away. The subject home currently has views from the existing decking to the south, and while they would not have the additional decking above on the proposed second story to obtain a larger view, they would not lose all of their views without the additional higher elevation decking.
- *Goal 2, Principle 6 (c) of the Hillside Design Guidelines states that to control window placement for sun, privacy and view, avoid placing windows where they will “look right into” someone else’s home.* The proposed partial second story would be at the same elevation as the second story at 7 Burrell Court. The proposed terrace would face the master bathroom window at 7 Burrell Court. Additionally, the proposed second story master bathroom window would face the master bedroom window at 7 Burrell Court.
- *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 (i.e. living room, dining room, family room, great room, kitchen, and decks associated with these rooms) than for less actively used areas of a dwelling (i.e. bedroom, bathroom, study, office, den).* The residence at 7 Burrell Court would only have potential view blockages from the master bedroom suite which faces south.

Zoning

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

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.**

Front Yard Setback:

The proposed expansion of the home would push the entry area into the 30 foot front yard setback, resulting in a 21 foot front yard setback at this location. The home is situated towards the end of a cul-de-sac and has a circular front yard, which results in a curvilinear front yard setback line. This is a special circumstance applicable to the property.

Town of Tiburon

STAFF REPORT



Lot Coverage:

The home is situated on a lot that is below the minimum lot size for the RO-2 zoning district. Combined with the topography of the lot, this creates a difficult site in which to work with. It is not unusual to see lot coverage requests on substandard parcels.

- 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.**

Front Yard Setback:

Other homes located within cul-de-sacs commonly run into front yard setback issues because the setback line is curvilinear.

Lot Coverage:

Properties in the vicinity of the subject property, specifically on Burrell Court and along Reed Ranch Road, have previously been granted variances for excess lot coverage. 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.**

Front Yard Setback:

The existing home is already located within the front yard setback, so it would be an unnecessary hardship to allow a small section of the entry porch to encroach additionally into the setback.

Lot Coverage:

Due to the existing topography and orientation of the home and surrounding homes, adding floor area as a full second story to the house to gain additional living space would impede on possible viewsheds from 7 Burrell Court, and would also increase the mass and bulk of the structure. The applicant has opted to convert the existing garage into usable space at the lower level at the front of the property where it is concealed.

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

Front Yard Setback:

Granting the front yard setback would not be detrimental or injurious to other properties because most of the homes along Burrell Court appear to be located within the front yard setback.

Lot Coverage:

The proposal indicates a partial second story. If the home was proposed with a full second story and the existing garage was left unconverted, this may result in additional view blockages for the neighboring residence.



Town of Tiburon

STAFF REPORT

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance for excess lot coverage. However, the proposal would appear to be inconsistent with the Tiburon Hillside Design Guidelines. If the partial second story were relocated below the existing structure on the south side of the site, there would be a reduction in the mass and bulk of the home, while maintaining existing viewsheds for both the owner and adjacent neighbors.

Public Comment

To date, several letters have been received from the surrounding neighbors in opposition to the project.

RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles), 16-4.3 (Variances) and the Tiburon Hillside Design 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, the application should be continued with the applicant encouraged to return with a revised project design consistent with the Hillside Design Guidelines. If the Board wishes to approve the project, findings should be articulated for the requested approval, and Staff would recommend that the attached conditions of approval be applied.

EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials
3. Staff level Notice of Action dated October 30, 2002
4. Letter from Staff to Firuze Hariri dated November 3, 2003 re: removal of trees
5. Goal 1, Principle 1, Goal 1, Principle 9, Goal 2, Principle 6(c), and Goal 3, Principle 7(a) of the Hillside Design Guidelines
6. Letter dated February 6, 2007 from Mike and Phillipa Beaumont
7. Letter dated February 12, 2007 from Ramon and Benita Truman
8. Letter dated February 13, 2007 from Eric and Barbara Roberts
9. Letter dated February 14, 2007 from Spencer and Judy Bloch
10. Letter dated February 26, 2007 from several adjacent neighbors
11. Letter dated March 9, 2007 from Christopher Wand
12. Submitted plans

Town of Tiburon

STAFF REPORT



EXHIBIT 1

CONDITIONS OF APPROVAL

9 BURRELL COURT

FILE #20633

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 November 15, 2006, or as amended by these conditions of approval. Any modifications to the plans of March 23, 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. The proposed Mexican Fan Palm trees shown on the landscape plan shall be substituted with low shrubs or climbing vegetation, to be reviewed and approved by Planning Division staff prior to issuance of building permits.