



STAFF REPORT

To: Members of the Design Review Board

From: Community Development Department

Subject: 132 Hacienda Drive; File Nos. DR2016110 and VAR2016037;
Site Plan and Architectural Review for the Construction of Additions to
an Existing Single-Family Dwelling, with a Variance for Excess Building
Height

PROJECT DATA

ADDRESS: 132 HACIENDA DRIVE
ASSESSOR'S PARCEL: 039-070-28
FILE NUMBERS: DR2016110 AND VAR2016037
PROPERTY OWNERS: ROGER MILANO
APPLICANT: MICHAEL HECKMANN
LOT SIZE: 28,436 SQUARE FEET
ZONING: RO-2 (RESIDENTIAL-OPEN)
GENERAL PLAN: M (MEDIUM DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: SEPTEMBER 14, 2016

PROJECT DESCRIPTION

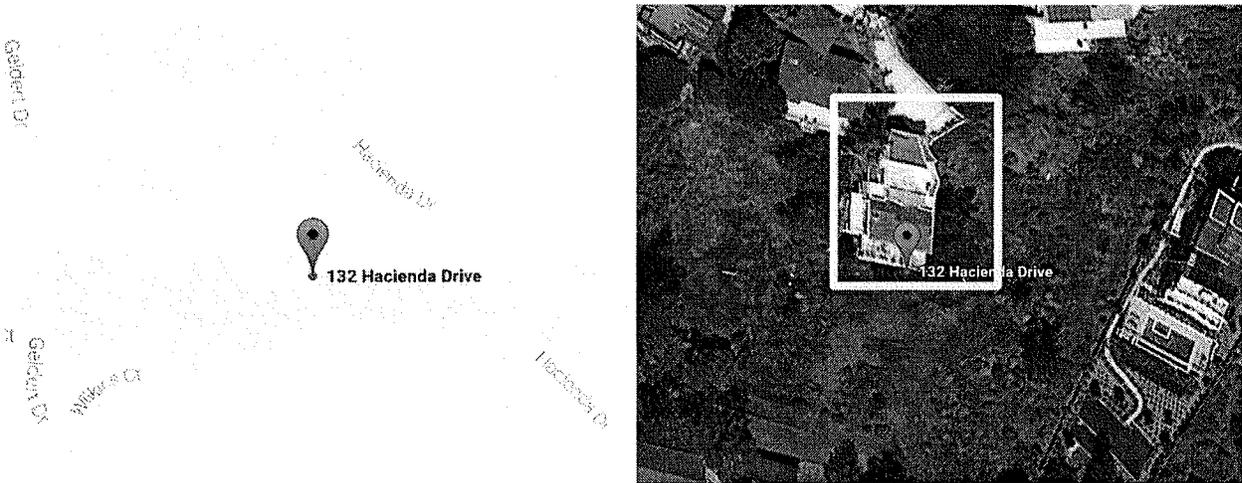
The applicant is requesting design review approval for the construction of additions to an existing single-family dwelling, with a variance for excess building height, on property located at 132 Hacienda Drive. The property is currently developed with a single-family dwelling.

The addition would modify the existing sloped roof over an entry foyer to a flat roof, which would increase the roof height and ceiling height on the upper level portion of the home. The existing ceiling height is 9 feet, 6 inches and would increase to 11 feet, 4 inches in the existing foyer. Other improvements include modifying windows on the upper level and new roofing material for the flat roof portion.

The maximum height of the existing home is 31 feet. The new roof would extend the height of the home to a maximum height of 36 feet. As the maximum building height for the RO-2 zone is 30 feet, a variance is requested for excess building height.

The modification includes a new roofing material, which consists of new standing seam metal roofing. The other portions of the home would remain with no modifications.

PROJECT SETTING



The subject property slopes downwards from Hacienda Drive towards other homes downhill with views of San Francisco cityscape, the bay, other parts of Tiburon, Belvedere, Sausalito, and Golden Gate Bridge.

ANALYSIS

Design Issues

The existing single-family dwelling is at the end of a driveway that slopes downwards from Hacienda Drive and connects to two other homes. Both of the adjacent neighbors are at a higher elevation than the subject residence. The residence steps down the hillside with each level at different elevations. The majority of the roofs on this house are flat, except for the existing upper level foyer section that is a sloped roof. The proposed flat roof would be architecturally consistent with the other portions. In addition, the new raised roof would not appear to create any visual impacts for any of the adjacent neighbors.

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 excess building height.

In order to grant the requested variance for excess building height, the Board must make all of the following findings required by Section 16-52.030 (E) of the Tiburon Zoning Ordinance:

Variance Findings

- 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 substantially the same zones.**

The subject site is a steep hillside and the existing house is built to step down and follow the topography of the hillside. The proposed addition would maintain the same footprint as the existing house. Some of the existing house is already over the height limit.

- 2. The Variance will not constitute a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.**

Many properties located on lots with a steep slope have been granted variances for excess building height in situations where the existing home currently exceeds the building height and the proposed home would maintain the same footprint as the existing house.

- 3. The strict application of this Zoning Ordinance would result in practical difficulty or unnecessary physical hardship. Self-created hardships may not be considered among the factors that might constitute special circumstances. A self-created hardship results from actions taken by present or prior owners of the property that consciously create the very difficulties or hardships claimed as the basis for an application for a Variance.**

Staff is unable to make the hardship finding as there is no practical difficulty for maintaining the existing roof/ceiling height for a non-primary room. The existing ceiling height for the foyer is 9 feet, 6 inches, which is a normal ceiling height for any home.

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

Granting a variance for excess building height would not be detrimental or injurious to neighboring properties, as the proposed addition would maintain the same general location as the existing structure, which would not create view impacts on the adjacent neighbors.

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

PUBLIC COMMENT

As of the date of this report, no letters have been received regarding the subject application.

PRELIMINARY ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Sections 15301 and 15303.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) [Guiding Principles], Section 16-52.030 (E) Variance, and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Sections 15301 and 15303. If the Board agrees with Staff's conclusion, it is recommended that the Board direct Staff to prepare a resolution of denial, to be adopted at the next meeting. If the Board wishes to approve the project and can make the findings necessary to approve the requested variance, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted Plans

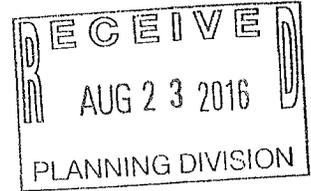
ATTACHMENT 1

CONDITIONS OF APPROVAL 132 HACIENDA DRIVE FILE NOS. DR2016110 AND VAR2016037

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 August 23, 2016, or as amended by these conditions of approval. Any modifications to the plans of September 26, 2016 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, with defense counsel subject to the Town’s approval. 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 other than those approved by the Design Review Board must be down light type fixtures.
7. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24” x 24” in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the

commencement of work and shall remain posted until the contractor has vacated the site.

8. The project shall comply with the requirements of the California Fire Code to the satisfaction of the Building Official. The Tiburon Fire Protection District (TFPD):
 - a. The automatic fire sprinkler system shall be modified to properly protect the new and remodeled areas. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2
9. All requirements of the Marin Municipal Water District shall be met.
10. All requirements of the Richardson Bay Sanitary District shall be met.



TOWN OF TIBURON LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

- Conditional Use Permit
- Precise Development Plan
- Secondary Dwelling Unit
- Zoning Text Amendment
- Rezoning or Prezoning
- General Plan Amendment
- Change of Address
- Design Review (DRB)
- Design Review (Staff Level)
- Variance(s) 1 #
- Floor Area Exception
- Tidelands Permit
- Sign Permit
- Tree Permit
- Tentative Subdivision Map
- Final Subdivision Map
- Parcel Map
- Lot Line Adjustment
- Condominium Use Permit
- Certificate of Compliance
- Other _____

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 132 HACIENDA DRIVE PROPERTY SIZE: 28,436 SF
 PARCEL NUMBER: 39.070.28 ZONING: RO-2

PROPERTY OWNER: ROGER MILANO
 MAILING ADDRESS: 132 HACIENDA DR / TIBURON CA 94920
 PHONE/FAX NUMBER: 415.407.8101 E-MAIL: ruggeml@aol.com

APPLICANT (Other than Property Owner): _____
 MAILING ADDRESS: _____
 PHONE/FAX NUMBER: _____ E-MAIL: _____

ARCHITECT/~~DESIGNER~~/ENGINEER MICHAEL HECKMANN
 MAILING ADDRESS: 1680 TIBURON BLVD. #7
 PHONE/FAX NUMBER: 415.435.2446 / 435.2876 E-MAIL: heckmannarchitects@earthlink.net

Please indicate with an asterisk () persons to whom Town correspondence should be sent.*

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):
RAISE ROOF OVER EXISTING FOYER

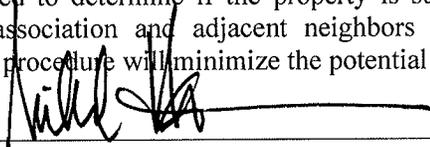
I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature:* _____ Date: _____

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature:*  _____ Date: _____

**If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application*

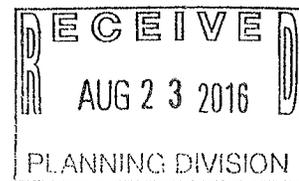
NOTICE TO APPLICANTS

Pursuant to California Government Code Section 65945, applicants may request to receive notice from the Town of Tiburon of any general (non-parcel-specific), proposals to adopt or amend the General Plan, Zoning Ordinance, Specific Plans, or an ordinance affecting building or grading permits.

If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

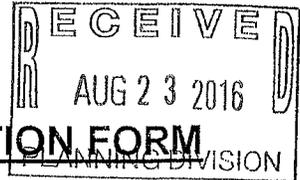
The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438(Fax)
www.townoftiburon.org



DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION		
VAR2016-037/ VAR2016-038	Application No.: DR2016-110	GP Designation: M
Date Received: 8/23/16	Date Deemed Complete: 9/14/16	Received By: LS
Acting Body:	Action:	Fee Deposit: \$1385
Conditions of Approval or Comments: _____	Resolution or Ordinance # _____	Receipt #: R1762
		By: KO
		Date:



DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

Please fill in the information requested below (attach separate sheet as needed):

1. Briefly describe the proposed project: RAISE ROOF OVER EXISTING PORCH

2. Lot area in square feet (Section 16-100.020(L)): 28,436

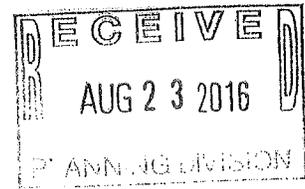
3. Square footage of Landscape Area: _____

4. Proposed use of site (example: single family residential, commercial, etc.):
 Existing SINGLE FAMILY RESIDENTIAL
 Proposed (NO CHANGE)

5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.
N.A.

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CAL- CULATED	PER ZONE <u>R0-2</u>
Yards (Setbacks from property line) (Section 16-100.020(Y))*					
Front	ft.	ft.	ft.	ft.	<u>30</u> ft.
Rear	ft.	ft.	ft.	ft.	<u>20' to 25'</u>
Right Side	ft.	ft.	ft.	ft.	<u>15</u> ft.
Left Side	ft.	ft.	ft.	ft.	<u>15</u> ft.
Maximum Height (Section 16-30.050)*	<u>31</u> ft.	<u>5</u> ft.	<u>36</u> ft.	ft.	<u>30</u> ft.
Lot Coverage (Section 16-30.120(B))*	sq.ft.	sq.ft.	sq.ft.	sq.ft.	<u>4265</u> sq.ft.
Lot Coverage as Percent of Lot Area	%	%	%	%	<u>15</u> %
Gross Floor Area (Section 16-100.020(F))*	sq.ft.	sq.ft.	sq.ft.	sq.ft.	<u>4873</u> sq.ft.

*Section numbers refer to specific provisions or definitions in the Tiburon Municipal Code Chapter 16 (Zoning)



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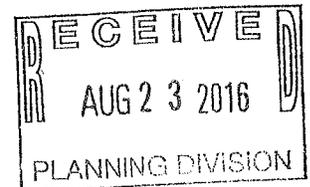
APPLICATION FOR VARIANCE

A Variance is a form of regulatory relief available when a strict or literal application of zoning regulation or standards would result in practical difficulties or unnecessary physical hardships for an applicant. These difficulties and/or hardships must be caused by physical conditions on or in the immediate vicinity of a site. Please refer to Section 16.52.030 of Chapter 16 (Zoning) of the Tiburon Municipal Code for additional information regarding Variances.

WHAT VARIANCE(S) ARE YOU REQUESTING?

<u>Condition</u>	<u>Zoning Requirement</u>	<u>Existing Condition</u>	<u>This Application Proposes</u>	<u>Magnitude Of Variance Requested</u>
Front Setback	_____	_____	_____	_____
Rear Setback	_____	_____	_____	_____
Left Side Setback	_____	_____	_____	_____
Right Side Setback	_____	_____	_____	_____
Lot Coverage	_____	_____	_____	_____
Height	30'	31'	36'	6'
Parcel Area Per Dwelling Unit	_____	_____	_____	_____
Usable Open Space	_____	_____	_____	_____
Parking	_____	_____	_____	_____
Expansion of Nonconformity	_____	_____	_____	_____
Other (Please describe):	_____			

Heckmann Architects



RE: 132 Hacienda Dr.

Findings to support Height Variance

23 Aug 16

1. This property is an extremely steep downslope lot which drops from the entry drive along the house at about 2:1 slope. The transition from entry landing to the interior rooms was originally built with radical drops in floor elevation. However, the roofs were not able to follow the interior floor level changes and created a very odd sloped ceiling unlike any other residences which are normally terraced down in horizontal steps.
2. Other properties in the RO-2 zone have been allowed minor height variances where no issues of view blockage or excessive scale occur.
3. The ordinances was strictly applied in the original construction. This resulted in an entry and foyer ceiling with a radical slope down right in the foreground at the interior landing which is very strange and uncomfortable.
4. The small area of roof to be raised is not visible from any public streets due to the secluded nature of the property and its isolated location. The higher roof will not affect the views or have a negative effect on any adjacent properties.