



STAFF REPORT

To: Members of the Design Review Board
From: Community Development Department
Subject: 2304 Mar East Street; File Nos. DR2016012 and VAR2016003;
Site Plan and Architectural Review for Construction of Additions to an
Existing Single-Family Dwelling, with a Variance for Reduced Front
Setback

PROJECT DATA

ADDRESS: 2304 MAR EAST STREET
OWNER: MARK AND RECIA BLUMENKRANZ
APPLICANT: HANK BRUCE ARCHITECTS
ASSESSOR'S PARCEL: 059-400-10
FILE NUMBERS: DR2016012 AND VAR2016003
LOT SIZE: 5,668 SQUARE FEET
ZONING: R-2 (TWO-FAMILY RESIDENTIAL)
GENERAL PLAN: H (HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: VE (SPECIAL HAZARD FLOOD AREA)
DATE COMPLETE: MARCH 2, 2016

PROJECT DESCRIPTION

The applicant is requesting design review approval for construction of additions to an existing single-family dwelling, with a variance for reduced front setback on property located at 2304 Mar East Street. The property is currently developed with a 3,226 square foot three level, single-family dwelling with an attached garage.

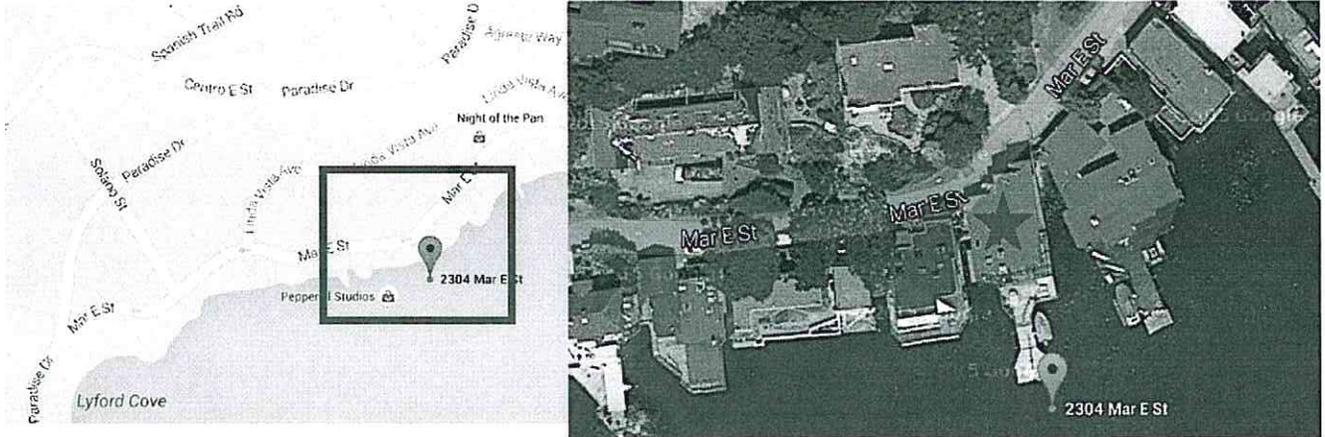
As part of an interior remodel and addition to the existing home, the proposal would add a 28 square foot addition, which would include an interior stairway to the third level. Other proposed additions would include modified windows and doors for the existing home and add one new skylight above the stairway. The exterior stairway to the third level would be removed.

The proposed addition would be within the existing building footprint and would not change the lot coverage of 1,696 square feet (28 %). Interior stairways are only counted once towards the floor area ratio; therefore, there would be no increase in the existing floor area and the result of the floor area would remain the same.

The existing non-conforming single-family house currently is situated adjacent to the front property line. The proposed addition would be within the same footprint as the existing house and also be adjacent to the front property. As the minimum front setback in R-2 zone is 15 feet, the applicant has request a variance for reduced front setback.

The exterior of the proposed addition would match the colors and materials of the existing house.

Project Setting



The subject property is located on the waterfront of Mar East Street, which has views of Angel Island, the bay, San Francisco cityscape and the Golden Gate Bridge.

ANALYSIS

Design Issues

The property has an overall lot size of 12,277 square feet, but only 5,668 square feet is land area above the mean high tide line. The relatively small usable lot sizes of the properties along the waterfront portion in this neighborhood have resulted in most of the homes being located within required setbacks.

A previously approved porch was installed in 2000 in the rear property area. Since the original approval (File No. 700072), the porch was enclosed with windows and a sliding glass door without obtaining permits. The windows and door would be removed as part of this application.

The proposed windows and doors on the west and east side of the existing dwelling would be in similar location as the existing windows and doors. The proposed windows facing the south side towards the bay would be in similar location as the existing windows, but would follow the existing architectural details of the home. The amount of glazing from all the window and door modifications would appear to be similar as the glazing from the existing windows and doors with the exception of a south facing window that would have a small increase in glazing.

Flood Hazard Zone

According to current flood hazard maps, the subject property is located within flood hazard zone "VE," which is an area subject to inundation by the 1% annual chance of flood. However, the

scale and valuation of the proposed addition would be far below the threshold for triggering compliance with the Town's flood prevention regulations.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-2 zone, with the exception of the previously noted variance for a reduced front setback.

In order to grant the requested variance for reduced front setback, 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 zone.**

Even though the overall property size exceeds the minimum lot size of 7,500 square feet, only 5,668 square feet of the overall property size of 12,277 square feet is on land area above the mean high tide line, which limits the majority of future construction closer to Mar East Street. The location, size, and surroundings constitute a special circumstance not generally applicable to other properties in the zone.

- 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.**

A majority of the homes along the bay side of Mar East Street have similar unusual physical situation, where the homes are located adjacent to the street within the required front setback. The residence would still preserve the same front setback as the existing home and would have a similar front setback as other homes in the vicinity. Therefore, granting a variance for reduced front setback would not constitute a grant of special privilege.

- 3. The strict application of this 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.**

The strict application of this Ordinance would result in a practical hardship for this property in that a 15 foot front setback would require the interior stairway to be located in another location, which could create an unusual shape and architectural layout for the third level and could potentially block views for adjacent neighbors. The interior stairway

would be located under an existing roof overhang, which does not appear to block any views for adjacent neighbors.

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

The proposed addition would result in a front setback that would be similar to the existing home. By the standards of the zone and typical development pattern in this neighborhood, this distance is more than adequate and would not therefore be detrimental to the public or to other properties in the vicinity.

There would appear to sufficient evidence to support the findings for the variance requested for reduced front setback.

PUBLIC COMMENT

As of the date of this report, two correspondences have been received regarding the new south facing windows of 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 Section 15301[Existing Facilities].

RECOMMENDATION

Staff recommends that the Board:

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) [Guiding Principles], Section 16-52.030 [Variance], and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. If the Board can make the appropriate findings to approve the project as proposed, it is recommended that the attached draft conditions of approval be applied.

Attachments:

1. Draft Conditions of Approval
2. Application and Supplemental Materials
3. Email dated March 10, 2016 from Magdalena Yesil and Jim Wickett
4. Email dated March 10, 2016 from Mik Flynn
5. Submitted Plans

Prepared by: Kyra O'Malley, Associate Planner

ATTACHMENT 1

**DRAFT CONDITIONS OF APPROVAL
2304 MAR EAST STREET
FILE NOS. DR2016012 AND VAR2016003**

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. Construction shall conform to the application and plans dated by the Town of Tiburon on February 8, 2016, as amended by these conditions of approval. Any modifications to the plans dated March 7, 2016 must receive Design Review approval.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such un-approved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and 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. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
8. 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.
9. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
 10. All requirements of the Marin Municipal Water District shall be met.
 11. The project shall comply with the following requirements of the California Fire Code and the Tiburon Fire Protection District (TFPD):
 - a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. (CFC 903.2)
 - b. Approved smoke and carbon monoxide alarms shall be installed to provide protection to all sleeping areas. (CFC 907.2.10)
 12. The unpermitted sliding glass door and windows shall be removed from the rear yard porch prior to final building permit approval of this project.



**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
- Temporary Use Permit
- 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
- Seasonal Rental Unit Permit
- Other _____

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 2304 Mar East **PROPERTY SIZE:** 0.13 AC
PARCEL NUMBER: 059-400-10 **ZONING:** R-2

PROPERTY OWNER: Mark & Recia Blumenkranz
MAILING ADDRESS: 2304 Mar East

PHONE/FAX NUMBER: 650-222-2207 **E-MAIL:** mark.s.blumenkranz@gmail.com

APPLICANT (Other than Property Owner): Eugene Dvorak / Hank Bruce Architects
MAILING ADDRESS: 23-B Main Street, Tiburon

PHONE/FAX NUMBER: 415-435-9118 Ext.105 **E-MAIL:** gene@hankbrucearchitects.com

ARCHITECT/DESIGNER/ENGINEER Hank Bruce Architects
MAILING ADDRESS: 23-B Main Street, Tiburon

PHONE/FAX NUMBER: 415-435-9118 Ext.105 **E-MAIL:** gene@hankbrucearchitects.com

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

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):

Remove existing exterior stair, landing, and door; add interior stairway; modify existing windows; replace exterior lighting;
replace front door and side panels; replace front hardscape; remove glazing to bring prior owners modifications into complianc;
interior renovation.

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: * M. J. Jumentaux Date: 2-8-16

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: * M. J. Jumentaux Date: 2-8-16

**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.

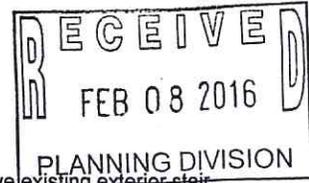
The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks 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

VAR2016-003 DEPARTMENTAL PROCESSING INFORMATION		
Application No.: DR2016-012	GP Designation:	Fee Deposit: \$255 / \$680 ⁰²
Date Received: 2/8/16	Received By: LS	Receipt #: R665 / R685
Date Deemed Complete: 3/2/16	Action:	By: KO
Acting Body:	Date:	
Conditions of Approval or Comments: _____	Resolution or Ordinance # _____	

MINOR ALTERATION SUPPLEMENT



Please fill in the information requested below:

1. Briefly describe the proposed project (attach separate sheet as needed): Remove existing exterior stair, landing, and door; add interior stairway; modify existing windows; replace exterior lighting; replace front door and side panels; replace front hardscape; remove glazing to bring prior owner's modifications into compliance; interior renovation.

2. Lot area in square feet (Section 16-100.020(L))*: 0.13 AC equals approximately 5,668 SF Zoning: R-2

3. Square footage of Landscape Area: zero

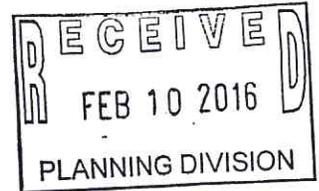
4. Proposed use of site (example: single family residential, commercial, etc.):
 Existing Single Family Residential
 Proposed Same

5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.
None

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
Yards (Setbacks from property line) (Section 16-100.020(Y))* Front	-4.25 ft.	No Change	ft.	ft.	ft.
Rear	66 ft.	No Change	ft.	ft.	ft.
Right Side	1.5 ft.	No Change	ft.	ft.	ft.
Left Side	3 ft.	No Change	ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	@ Street 22 ft.	No Change	ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B))*	1696 sq.ft.	No Change	sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	1696/6022 28 %	No Change	%	%	%
Gross Floor Area (Section 16-100.020(F))*	3226 sq.ft.	No Change	sq.ft.	sq.ft.	sq.ft.

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

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2304 MAR EAST

COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Division (415)-435-7390
www.ci.tiburon.ca.us

APPLICATION FOR VARIANCE

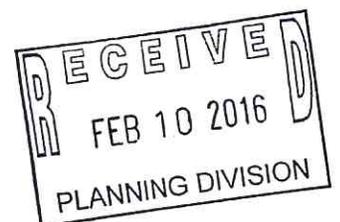
A Variance is a form of regulatory relief available when a strict or literal application of zoning development standards would result in practical difficulties or unnecessary physical hardships for an applicant. These difficulties and/or hardships must be caused by physical conditions on, or in the immediate 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?

Condition	Zoning Requirement	Existing Condition	This Application Proposes	Magnitude Of Variance Requested
Front Yard Setback	15'	0'	0'	15' @ "DORMER" ONLY
Rear Yard Setback	20% to 25'	NO CHANGE		
Left Side Yard Setback	8'			
Right Side Yard Setback	8'			
Lot Coverage	35%			
Height	30'			
Parcel Area Per Dwelling Unit	NA			
Usable Open Space	NA			
Parking	2			
Expansion of Nonconformity	-			15' @ "DORMER" ONLY
Other (Please describe):				

- VARIANCE APPLICATION; 2304 MAR EAST - 8 FEB 2016

1. THE RESIDENCE HAS EXISTED IN ITS PRESENT LOCATION SINCE 1946. THE WORK PROPOSED (RELOCATING A SPIRAL STAIR FROM THE EXTERIOR TO THE INTERIOR) LIES WITHIN THE (E) FOOTPRINT. TO DENY THIS REQUEST WOULD DEPRIVE THE APPLICANT OF PRIVILEGES ENJOYED BY OTHER PROPERTIES IN THE VICINITY (and TOWN), ... PROTECTED ACCESS TO AN ALREADY EXISTING UPPER FLOOR LIVING SPACE.
2. THE GRANTING OF THIS VARIANCE IS NOT A SPECIAL PRIVILEGE. ... ALL PROPERTIES IN THE TOWN HAVE THE RIGHT TO PROTECTED INTERIOR STAIRWAYS,
3. THE ^{STRICT} APPLICATION OF THE ZONING REGULATIONS WOULD, IN THIS INSTANCE, WOULD RESULT IN THE STATUS QUO; THE DIFFICULT and UNNECESSARY PHYSICAL HARDSHIP OF AN EXTERIOR, UNPROTECTED ACCESS TO THE UPPER FLOOR,
4. THE GRANTING OF THIS VARIANCE WILL HAVE NO EFFECT UPON THE PUBLIC WELFARE OTHER THAN ~~the~~ POSITIVE IMPACT UPON THE IMMEDIATE NEIGHBORHOOD CREATED BY THE REMOVAL OF THE EXISTING EXTERIOR STAIR.



Kyra O'Malley

From: Magdalena Yesil <magdalena.yesil@gmail.com>
Sent: Thursday, March 10, 2016 11:28 AM
To: Kyra O'Malley
Subject: 2304 mar east remodel

Hi Krya,

The proposed plan significantly increases the window glazing on the south elevation. This is of concern to us since the additional light pouring out of the increased square footage of windows will negatively impact our nighttime view of the Golden Gate Bridge which is our primary view.

Since these are over the water, reflection of the light at night off the water makes the light pollution much worse since the water can double the light. We met with the project's architect on January 2nd and communicated this concern. He said that he would just change the shape of the cathedral windows but keep the square footage consistent with what exists now. The plans we obtained from Planning a day ago showed significantly increased window sq footage. We reiterated our concern of increased windows to the owners last night in a phone conversation.

We respectfully ask that the southern facing window square footage remain consistent with what is there today to minimize negative impact to our night views of the Golden Gate Bridge.

Regards,
Magdalena Yesil and Jim Wickett
2306 Mar East

Kyra O'Malley

From: Mik P. Flynn <mik.flynn1@comcast.net>
Sent: Thursday, March 10, 2016 12:35 PM
To: Kyra O'Malley
Cc: 'Magdalena Yesil'; 'Jim Wickett'
Subject: 2304 Mar East Remodel

Kyra,

We met the with the project's architect on 01/02/2016. At that time we expressed our concerns over the increase in window size on the south elevation.

We continue to have concerns over the future electric plans including proposed lighting and finished exterior window and door plans.

Since our homes are over the water, the reflection of the lights at night from neighboring properties, deeply impacts our views and the peaceful enjoyment of our homes.

As you know, the views from our homes are cherished. These views are one of the main reasons we choose to live on Mar East and a feature in our homes that every resident strives to preserve and protect.

Finally, it is our understanding that the illegal, enclosed room on the southwest corner of the property, will, finally, be returned to its original purpose as a deck.

We so appreciate that the Town continues to protect all the residents and takes their concerns into consideration when reviewing future property modifications.

Our understanding is that we can express our concerns in writing to the Town by March14, 2016.

Again, thank you for your professionalism and courtesy to us as residents.

Kindest regards,
Mik P. Flynn
(415) 515-6446