



## STAFF REPORT

**To:** Members of the Design Review Board  
**From:** Community Development Department  
**Subject:** 143 Gilmartin Drive; File Nos. DR2016081 and FAE2016008;  
Site Plan and Architecture Review for Construction of Additions to  
Existing Single-Family Dwelling, with a Floor Area Exception

### PROJECT DATA

**ADDRESS:** 143 GILMARTIN DRIVE  
**OWNER:** LYNN PIEPER AND DAVID LEWIS  
**APPLICANT:** OXB STUDIO ARCHITECTS  
**ASSESSOR'S PARCEL:** 039-290-35  
**FILE NUMBERS:** DR2016081 AND FAE2016008  
**LOT SIZE:** 37,181 SQUARE FEET  
**ZONING:** RPD (RESIDENTIAL PLANNED DEVELOPMENT)  
**PRECISE PLAN:** DEL MADERA (#23)  
**GENERAL PLAN:** ML (MEDIUM LOW DENSITY RESIDENTIAL)  
**FLOOD ZONE:** X  
**DATE COMPLETE:** AUGUST 9, 2016

### PROJECT DESCRIPTION

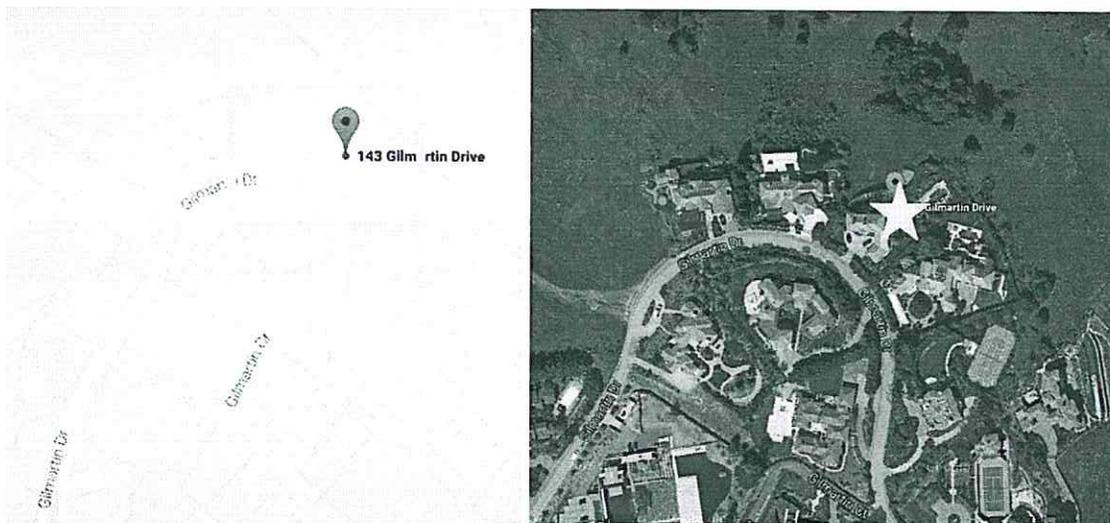
The applicant is requesting design review approval for construction of additions to an existing single-family dwelling, with a floor area exception, on property located at 143 Gilmartin Drive. The property is currently developed with a 4,544 square foot two level, single-family dwelling with an attached 629 square foot two-car garage.

As part of an interior remodel and additions to the existing home, the proposal would add a 437 square foot addition to the main level, which would include an expansion to the kitchen, add a breakfast nook, family room, powder room, mud room, guest room, a bathroom and expand the garage to a three-car garage. A 988 square foot addition on the second level would include three bathrooms, two bedrooms, exercise room, office/au pair room, and laundry room. Other proposed improvements would include modified windows and doors on all sides of the existing home, one (1) new skylight on the roof above the hallway, three new roof decks, a 42 square foot cabana with bathroom and storage, pool, spa, trellises, BBQ island, outdoor shower, new landscaping, and stucco walls with a variety of heights.

The floor area of the property would be increased by 1,467 square feet to a total of 6,040 square feet, which is 322 square feet greater than the 5,718 square foot floor area ratio for this site. The application has therefore requested a floor area exception. The proposed additions would be within the established building envelope, and the precise plan does not include any lot coverage requirements.

The proposed colors and materials include dark grey composition shingle roofing, a mixture of white stucco with a wrought iron color for a transitional area between the stucco and brick, and painted white brick for siding and a dark bronze for trim. A colors and materials board has been submitted and will be present at the meeting for the Board to review.

## Project Setting



The subject property is located near the upper end of Gilmartin Drive. The property has panoramic views of the San Rafael-Richmond Bridge, San Quentin State Prison, Paradise Cay, and the bay, which most of the homes on this side of Gilmartin do as well. The majority of the property is flat with the adjacent neighbors uphill on the east side or downhill on the west side of the property. The other neighboring properties are oriented towards the San Francisco Bay.

## ANALYSIS

### Design Issues

The proposed additions would follow the similar footprint as the existing house with the majority of the improvements on the second level over the existing garage. Even though most of the additions would be hidden by existing vegetation and elevation from the adjacent neighbors; the vertical nature of the project design would make the home appear to be larger in scale on a mostly flat lot, in addition to exceeding the allowed floor area limit for the property. The proposed modifications would change the house from a five bedroom home to an eight bedroom home.

The majority of the mass and bulk would increase on the east side and result in a more vertical two-story home. Three new roof decks on the east and north sides of the home would also add to the mass and bulk. Two of the proposed decks would be smaller and in a similar location as the

existing deck. But a third proposed deck would be on top of a new guest room, have a separate set of stairs, and be oriented towards vegetation, neighboring property, and not towards the views. This third deck could be removed or reduced in size to lessen any potential impacts on the neighbors and reduce the mass and bulk of the house.

Many of the homes on Gilmartin Drive are large in scale on large properties and each has a unique and individual architectural design and character. The current design for this property has a unique architectural design with brick and white trim, while the two nearest homes are designed with stucco with a California design style. As part of the modifications, the applicant proposed to modify the materials and colors with new paint colors for the entire home and new stucco material for the addition and glass guardrails, which would modify a traditional architectural design to a more modern/contemporary design. The Design Review Board should consider whether this change to the architectural design would be appropriate for this house.

The majority of the homes on this portion of Gilmartin Drive are governed by a residential development plan and all structures must be within the established building envelope to not impact any views or privacy for adjacent neighbors. The property is part of the Del Madera Precise Plan. The precise plan established building envelopes for each parcel and states that “no building or structure (including roof overhangs, decks, trash enclosures and the like) shall be constructed or erected which does not comply with the Building Envelope and Lot Restrictions.” This restriction prohibits the extension of residential structures over three feet in height and fences over forty-two inches in height outside the envelope. The submitted plans show a roof-overhang, exterior stairway taller than three feet, and proposed walls taller than forty-two inches outside the building envelope. Staff has added a condition of approval to limit the height of the structures outside the established building envelope.

## **Zoning**

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the Del Madera Precise Plan and RPD zone with the exception of the previously noted floor area exception.

In order to grant the requested floor area exception, the Design Review Board must make the following findings as required by Section 16-52.020(I [4]) of the Tiburon Zoning Ordinance:

### Floor Area Exception Findings

- 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 majority of the proposed addition would add to the second level of the house and would follow the same footprint as the existing house, but the addition would add mass and bulk vertically. Even though most of the homes in the neighborhood are large in size, they follow the hillside and do not appear large in scale from street view.

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, shape and steepness of the lot, ease of access, and the presence of natural features worthy of retention, such as trees, rock outcroppings, stream courses and landforms.**

The property is mostly flat with a slope downwards towards the bay. The proposed addition would be within the same footprint of the house, which is located on the flat portion of the property. The majority of the property and house is screened by heavy vegetation. The proposed addition would be screened by vegetation, but due to the vertical design, some of the addition could be seen from the street and possibly from adjacent neighboring properties.

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

### **PUBLIC COMMENT**

As of the date of this report, no correspondence has been received regarding the subject application. An adjacent neighbor reviewed the proposed plans with the applicant and is aware of the proposed additions.

### **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 and 15303.

### **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 16-52.020 (1[4]) [Floor Area Exception], 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 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. Submitted Plans

Prepared by: Kyra O'Malley, Associate Planner

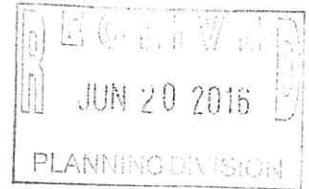
**ATTACHMENT 1**

**DRAFT CONDITIONS OF APPROVAL  
143 GILMARTIN DRIVE  
FILE NOS. DR2016081 AND FAE2016008**

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 June 20, 2016, as amended by these conditions of approval. Any modifications to the plans dated August 9, 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 these "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. The project shall comply with the following requirements of the California Fire Code and 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) Due to the size of the structure, the system shall be designed to NFPA 13R standards.
  - b. Approved smoke and carbon monoxide alarms shall be installed to provide protection to all sleeping areas. (CFC 907.2.10)
  - c. The vegetation on this parcel shall comply with the requirements of TFPD and the recommendations of Fire Safe Marin (CFC 304.1.2).
  - d. The fire pit shall comply with TFPD Policy 423.9
  - e. The access gate shall have a minimum unobstructed width of 12 feet. Gates shall be operable using the Fire District's "knox" key system. (CFC 503.6.2)
11. All requirements of the Marin Municipal Water District shall be met, prior to issuance of a building permit.
12. All requirements of the Sanitary District No. 5 shall be met, prior to issuance of a building permit.
13. All requirements of the Tiburon Public Works Department shall be met, prior to issuance of a building permit.
14. No building or structure shall be constructed or erected, which does not comply with the building envelope and lot restrictions of the Del Madera Precise Plan.



# TOWN OF TIBURON LAND DEVELOPMENT APPLICATION

## TYPE OF APPLICATION

- |  |  |   |
|--|--|---|
| <input type="radio"/> Conditional Use Permit   | <input checked="" type="checkbox"/> Design Review (DRB)  | <input type="radio"/> Tentative Subdivision Map   |
| <input type="radio"/> Precise Development Plan | <input type="radio"/> Design Review (Staff Level)        | <input type="radio"/> Final Subdivision Map       |
| <input type="radio"/> Secondary Dwelling Unit  | <input type="radio"/> Variance(s) _____ #                | <input type="radio"/> Parcel Map                  |
| <input type="radio"/> Zoning Text Amendment    | <input checked="" type="checkbox"/> Floor Area Exception | <input type="radio"/> Lot Line Adjustment         |
| <input type="radio"/> Rezoning or Prezoning    | <input type="radio"/> Tidelands Permit                   | <input type="radio"/> Condominium Use Permit      |
| <input type="radio"/> General Plan Amendment   | <input type="radio"/> Sign Permit                        | <input type="radio"/> Seasonal Rental Unit Permit |
| <input type="radio"/> Temporary Use Permit     | <input type="radio"/> Tree Permit                        | <input type="radio"/> Other _____                 |

## APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 143 GILMARTIN DRIVE PROPERTY SIZE: 37,181 SF  
 PARCEL NUMBER: 039-290-35 ZONING: RPD - Del Madera #23

PROPERTY OWNER: LYNN PIEPER AND DAVID LEWIS  
 MAILING ADDRESS: 143 GILMARTIN DRIVE, TIBURON, CA 94920

PHONE/FAX NUMBER: 415.576.2324 E-MAIL: david.r.lewis@morganstanley.co

APPLICANT (Other than Property Owner): \*HEATHER WRIGHT, OXB STUDIO ARCHITECTS  
 MAILING ADDRESS: 99 E. BUTHEDALE AVE, MILL VALLEY, CA 94941

PHONE/FAX NUMBER: P 415.383.9001 E-MAIL: heather@oxbstudio.com  
F 415.383.9007

ARCHITECT/DESIGNER/ENGINEER: OXB STUDIO ARCHITECTS, TED BANNERMAN & HEATHER WRIGHT  
 MAILING ADDRESS: 99 E. BUTHEDALE AVE MILL VALLEY, CA 94941

PHONE/FAX NUMBER: P 415.383.9001 E-MAIL: heather@oxbstudio.com  
F 415.383.9007

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

**BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):**  
REMODEL OF AND ADDITION TO (E) 2 STORY SINGLE FAMILY DWELLING INCLUDING;  
KITCHEN, GREAT ROOM, GUEST SUITE, HOME OFFICE, 2 BEDROOMS AND  
LANDSCAPING IMPROVEMENTS INCLUDING (N) POOL TO REPLACE (E) AND CABANA.

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, with the defense counsel subject to the Town's approval. 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:\* [Signature] Date: 6/20/16

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:\* [Signature] Date: 6/20/16

*\*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*

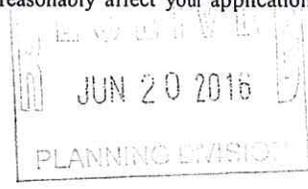
**NOTICE TO APPLICANTS**

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.

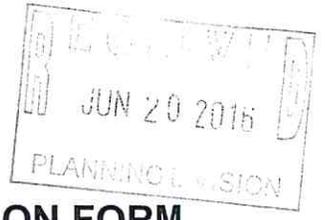
The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks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



**DO NOT WRITE BELOW THIS LINE**

<b>DEPARTMENTAL PROCESSING INFORMATION</b>		
Application No.: <u>DR2016-081</u>	GP Designation:	Fee Deposit: <u>\$1555<sup>00</sup></u>
Date Received: <u>6/20/16</u>	Received By: <u>[Signature]</u>	Receipt #: <u>R1416</u>
Date Deemed Complete: <u>8/9/16</u>	Action:	By: <u>[Signature]</u>
Acting Body:		Date:
Conditions of Approval or Comments: _____		Resolution or Ordinance # _____



## DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

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

1. Briefly describe the proposed project: REMODEL OF AND ADDITION TO (E) 2 STORY SINGLE FAMILY DWELLING INCLUDING ; KITCHEN, GREAT ROOM, GUEST SUITE, HOME OFFICE, 2 BEDROOMS AND LANDSCAPING IMPROVEMENTS INCLUDING (N) POOL TO REPLACE (E) AND CADAVER.
  
2. Lot area in square feet (Section 16-100.020(L)): 37,181 SF
3. Square footage of Landscape Area: 26,826 SF (37,181 SF - 10,355 SF IMPERVIOUS SURFACE)
4. Proposed use of site (example: single family residential, commercial, etc.):  
 Existing SINGLE FAMILY RESIDENTIAL  
 Proposed SINGLE FAMILY RESIDENTIAL
5. Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.  
(E) AUTO COURT AND (E) 2 CAR GARAGE TO REMAIN. PROPOSED ADDITIONAL 1 CAR GARAGE ADJACENT TO (E).

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY		
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE	
<b>Setbacks from property line</b> (Section 16-100.020(Y))* <b>Front</b>	28'-1" ft.	NO CHANGE ft.	28'-1" ft.	BE ↓ ft.	25 ft.	
	<b>Rear</b>	115'-3" ft.	5'-9" ft.		109'-6" ft.	25 ft.
	<b>Right Side</b>	25'-2" ft.	NO CHANGE ft.		25'-2" ft.	25 ft.
	<b>Left Side</b>	28'-6 1/2" ft.	NO CHANGE ft.		28'-6 1/2" ft.	25 ft.
<b>Maximum Height</b> (Section 16-30.050)*	30'-0" ft.	NO CHANGE ft.	30'-0" ft.	↓ ft.	30 ft.	
<b>Lot Coverage</b> (Section 16-30.120(B))*	3,279 sq.ft.	664 sq.ft.	3,943 sq.ft.	sq.ft.	BE sq.ft.	
<b>Lot Coverage as Percent of Lot Area</b>	9 %	1.6 %	10.6 %	%	↓ %	
<b>Gross Floor Area</b> (Section 16-100.020(F))*	4,573 sq.ft.	1,467 sq.ft.	6,040 sq.ft.	sq.ft.	5118 <sup>1</sup> / <sub>2</sub> 600 sq.ft. <span style="float: right;">FAE</span>	

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

over by 322 SF.