



**TOWN OF TIBURON**  
Tiburon Town Hall  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Regular Meeting  
Design Review Board  
August 18, 2016  
7:00 p.m.

**AGENDA**  
**TIBURON DESIGN REVIEW BOARD**

**CALL TO ORDER AND ROLL CALL**

**Chair Kricensky, Vice Chair Emberson, Boardmembers Chong,  
Cousins And Tollini**

**ORAL COMMUNICATIONS**

Persons wishing to address the Design Review Board on any subject not on the agenda may do so under this portion of the agenda. Please note that the Design Review Board is not able to undertake extended discussion, or take action on, items that do not appear on this agenda. Matters requiring action will be referred to Town Staff for consideration and/or placed on a future Design Review Board agenda. Please limit your comments to no more than three (3) minutes. Any communications regarding an item not on the agenda will not be considered part of the administrative record for that item.

**STAFF BRIEFING (If Any)**

**OLD BUSINESS**

**1. 173 STEWART DRIVE**

File No. DR2016036; Afie Royo, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling. The applicant proposes to construct a new two-story, 2,723 square foot house with a 510 square foot garage. Assessor's Parcel No. 055-101 -21. [DW] **CONTINUED TO  
SEPTEMBER 1, 2016**

Documents:

[173 STEWART DRIVE CONTINUANCE.PDF](#)

**2. 4 CORTE LAS CASAS**

File Nos. DR2016063, VAR2016016 & FAE2016006; Ben and Kristine Dollard, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for reduced front setback and a Floor Area Exception. The floor area of the house would be 3,355 square feet,

which is 320 square feet greater than the 3,035 square foot floor area ratio for this site. The addition would extend to within 28 feet of the front property line, which is less than the 30 foot front setback required in the RO-2 zone. Assessor's Parcel No. 038-301 -14. [DW]

Documents:

[4 CORTE LAS CASAS.PDF](#)

## **PUBLIC HEARINGS & NEW BUSINESS**

### **3. 8 APOLLO ROAD**

File Nos. DR2016080 & VAR2016021; Cedric Barringer, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for excess lot coverage. The floor area and the lot coverage of the house would be increased by 726 square feet for a lot coverage of 35.3%, which is greater than the 30.0% maximum lot coverage allowed in the R-1 zone. Assessor's Parcel No. 038-301 -14. [DW]

Documents:

[8 APOLLO ROAD.PDF](#)

### **4. 143 GILMARTIN DRIVE**

File Nos. DR2016081 & FAE2016008; Lynn Pieper and David Lewis, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Floor Area Exception. The project would add to both floors of a two-story home. The floor area of the house would be increased by 1,467 square feet to a total of 6,040 square feet, which is 322 square feet greater than the floor area ratio for this site. Assessor's Parcel No. 039-290 -35. [KO]

Documents:

[143 GILMARTIN DRIVE.PDF](#)

## **MINUTES**

### **5. Regular Meeting Of August 4, 2016**

## **ADJOURNMENT**

## **GENERAL PUBLIC INFORMATION**

### **ASSISTANCE FOR PEOPLE WITH DISABILITIES**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division Secretary at (415) 435-7390. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

### **AVAILABILITY OF INFORMATION**

Copies of Design Review Board Agendas, Staff Reports, project files and other supporting data are available for viewing and inspection at Town Hall during business hours. Agendas and Staff Reports are also available at the Belvedere-Tiburon Public Library and on the Town of Tiburon website ([www.ci.tiburon.ca.us](http://www.ci.tiburon.ca.us)) after 5:00 PM on the Friday prior to the regularly scheduled meeting.

Any documents produced by the Town and distributed to a majority of the Design Review Board regarding any item on this agenda, including agenda-related documents produced by the Town after distribution of the agenda packet at least 72 hours in advance of the Board meeting, will be available for public inspection at Town Hall, 1505 Tiburon Boulevard, Tiburon, CA 94920.

Upon request, the Town will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please deliver or cause to be delivered a written request (including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service) at least five (5) days before the meeting to the Planning Division Secretary at the above address.

### **PUBLIC HEARING ITEMS AND BUSINESS ITEMS**

Public Hearing items and Business items provide the general public and interested parties an opportunity to speak regarding items that typically involve an action or decision made by the Board. If you challenge any decision in court, you may be limited to raising only those issues you or someone else raised at the meeting, or in written correspondence delivered to the Board at, or prior to, the meeting.

### **GENERAL PROCEDURE ON ITEMS AND TIME LIMIT GUIDELINES FOR SPEAKERS**

The Design Review Board's general procedure on items and time limit guidelines for speakers are:

- ❖ Staff Update on Item (if any)
- ❖ Applicant Presentation – 5 to 20 minutes
- ❖ Design Review Board questions of staff and/or applicant
- ❖ Public Testimony (depending on the number of speakers) – 3 to 5 minutes for each speaker; members of the audience may not allocate their testimony time to other speakers
- ❖ Applicant may respond to public comments – 3 minutes
- ❖ Design Review Board closes the public testimony period, deliberates and votes (as warranted)
- ❖ Time limits and procedures may be modified in the reasonable discretion of the Chairman

Interested members of the public may address the Design Review Board on any item on the agenda.

### **ORDER AND TIMING OF ITEMS**

No set times are assigned to items appearing on the Design Review Board agenda. While the Design Review Board attempts to hear all items in order as stated on the agenda, it reserves the right to take items out of order without notice.

*NOTE: ALL DESIGN REVIEW BOARD MEETINGS ARE AUDIO RECORDED*

## **TOWN OF TIBURON LATE MAIL POLICY (Adopted and Effective 11/7/2007)**

The following policy shall be used by the Town Council and its standing boards and commissions, and by staff of the Town of Tiburon, in the identification, distribution and consideration of late mail.

### **DEFINITION**

“Late Mail” is defined as correspondence or other materials that are received by the Town after completion of the written staff report on an agenda item, in such a manner as to preclude such correspondence or other materials from being addressed in or attached to the staff report as an exhibit.

### **IDENTIFICATION OF LATE MAIL**

All late mail received by Town Staff in advance of a meeting shall be marked “Late Mail” and shall be date-stamped or marked with the date of receipt by the Town. Late mail received at a meeting shall be marked as “Received at Meeting” with a date-stamp or handwritten note.

### **POLICY**

For regular meetings of the Town Council and its standing boards and commissions:

(1) All late mail that is received on an agenda item prior to distribution of the agenda packet to the reviewing authority shall be stamped or marked as “Late Mail” and shall be distributed to the reviewing authority with the agenda packet.

(2) All late mail received on an agenda item before 5:00 PM on the Monday prior to the meeting shall be date-stamped and marked as “Late Mail” and distributed to the reviewing authority as soon as practicable. Such mail shall be read and considered by the reviewing authority whenever possible. If the Monday, or Monday and Tuesday, prior to the meeting are a Town-recognized holiday, the deadline shall be extended to the following day at Noon.

(3) Any late mail received on an agenda item after the deadline established in paragraph (2) above shall be date-stamped, marked as “Late Mail” and distributed to the reviewing authority as soon as reasonably possible, but may not be read or considered by the reviewing authority. There should be no expectation of, nor shall the reviewing authority have any obligation to, read or consider any such late mail, and therefore such late mail may not become part of the administrative record for the item before the reviewing authority.

These provisions shall also apply to special and adjourned meetings when sufficient lead time exists to implement these provisions. If sufficient lead time does not exist, the Town Manager shall exercise discretion in establishing a reasonable cut-off time for late mail. For controversial items or at any meeting where a high volume of correspondence is anticipated, Town staff shall have the option to require an earlier late mail deadline, provided that the written public notice for any such item clearly communicates the specifics of the early late mail deadline, and the deadline corresponds appropriately to any earlier availability of the agenda packet.

Pursuant to state law, copies of all late mail shall be available in a timely fashion for public



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
August 18, 2016  
Agenda Item: **1**

## **STAFF REPORT**

**To:** Members of the Design Review Board

**From:** Community Development Department

**Subject:** NOTICE OF CONTINUANCE  
**173 Stewart Drive; File No. DR2016036; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling (Continued from May 19, 2016)**

Staff recommends that this item be continued for the following reason(s):

- No story poles have been erected/no certification received
- Requested information has not been received
- Item not properly advertised
- The applicant has requested a continuance to September 1, 2016
- Other:**

The application will be continued to the September 1, 2016 Design Review Board meeting.



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
August 18, 2016  
Agenda Item: **2**

## STAFF REPORT

**To:** Members of the Design Review Board

**From:** Planning Manager Watrous

**Subject:** 4 Corte Las Casas; File Nos. DR2016063, VAR2016016 & FAE2016006; Site Plan and Architectural Review for the Construction of Additions to an Existing Single-Family Dwelling, with a Variance for Reduced Front Setback and a Floor Area Exception (Continued from July 21, 2016)

**Reviewed By:** \_\_\_\_\_

### BACKGROUND

The applicant is requesting Design Review approval for the construction of additions to an existing two-story single-family dwelling on property located at 4 Corte Las Casas. The project involves a request for a variance for excess lot coverage and a floor area exception.

The application was first reviewed at the July 21, 2016 Design Review Board meeting. At that meeting, the Board was split on supporting the application. The majority of the Board felt that the project would be too large for this lot and suggested reducing the size of the additions substantially to bring the request as close as possible to the floor area ratio for this lot. Two Boardmembers disagreed, noting the sizes and designs of other homes in the vicinity. The application was continued to the August 18, 2016 meeting to allow the applicant to address these issues.

Revised plans have now been submitted for this project. The upper level has been reduced in size by 133 square feet by reducing the depth of the addition. The existing family room and guest bedroom on the lower level would be pulled back closer to the rear setback line and a portion of the existing living room would be pulled out of the side setback and converted into a covered porch, resulting in a size reduction of 152 square feet on the lower level.

The proposal would now decrease the existing lot coverage on the site by 62 square feet to a total of 2,652 square feet (25.6%), which is greater than the 15.0 % maximum lot coverage permitted in the RO-2 zone. The floor area of the house would now be increased by 621 square feet to a total of 3,355 square feet, which is 320 square feet greater than the 3,035 square foot floor area ratio for this site, but 285 square feet less than the previous proposal. A floor area exception is still therefore required for this application.

A portion of one proposed upper level bedroom would still extend to within 28 feet of the front property line. A variance is therefore still requested for reduced front.

## **ANALYSIS**

### **Design Issues**

The revised project design appears to be generally responsive to the direction from the Design Review Board. Portions of the existing and proposed floor area have been removed from the rear of the site in response to a concern about the visual massiveness of the project when viewed from the rear of the site. The reductions in area on the lower level also eliminate an existing intrusion into the side setback and almost completely eliminate a similar existing intrusion into the rear setback. Staff would note that the eliminating more area from the lower floor than from the proposed upper floor has the potential for making the house appear more top heavy than before.

The proposed size reduction would bring the project into closer conformity with the sizes of other homes in the vicinity. The proposed house size would now be less than that of the 3,592 square feet home at 3 Corte Palos Verde, which is 361 square feet above the FAR for that lot.

### **Zoning**

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-2 zone, with the exception of the requested variance for reduced front setback and the floor area exception. As noted in the previous staff report, Staff believes that there is insufficient evidence to support the findings for the requested variance and floor area exception.

### **Public Comment**

As of the date of this report, no letters have been received regarding the subject application since the July 21, 2016 meeting.

## **RECOMMENDATION**

The Design Review Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) 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, it is recommended that the application be continued, with specific direction regarding substantial project design changes to be made. If the Board wishes to approve the application and can make the findings required for the requested variance and floor area exception, it is recommended that the attached conditions of approval be applied.

## **ATTACHMENTS**

1. Conditions of approval
2. Design Review Board staff report date July 21, 2016

3. Minutes of the July 21, 2016 Design Review Board meeting
4. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

## CONDITIONS OF APPROVAL

### 4 CORTE LAS CASAS

#### FILE #DR2016063/VAR2016016/FAE2016006

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 with the application dated by the Town of Tiburon on May 25, 2016, or as amended by these conditions of approval. Any modifications to the plans of August 8, 2016 must be reviewed and approved by the Design Review Board.
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 unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
6. 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.
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. 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.
9. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
  - a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
  - b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.
  - c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.
10. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.
11. The project shall comply with the requirements of the California Fire Code and the Southern Marin Fire Protection District, including, but not limited to, the following:
  - a. A vertical overhead clearance of 13'6" shall be maintained free of obstructions above any roadbed (trees, brush, etc.)
  - b. A fire sprinkler system shall be required for this project, including the following:
    - i. If the combination of the addition, alteration or remodeling exceeds 50% of the floor area of the existing structure, the project is considered a "substantial remodel".
    - ii. Fire sprinkler coverage shall be provided throughout the entire structure according to Chapter 9 of the California Fire Code.
    - iii. Fire sprinkler system shall be installed according to NFPA 13D and Southern Marin Fire Standard 401.
    - iv. Plans for fire sprinkler design and hydraulic calculations shall be completed by a licensed C-16 sprinkler contractor and submitted to the Southern Marin Fire District, Fire Prevention Bureau for approval prior to

installation. Fire sprinkler design and installation shall conform to the provisions of the Southern Marin Fire District Standard 401 and NFPA standard(s) 13, 13D or 13R.

- c. All new exterior vents, eaves, siding and windows shall comply with CBC Chapter 7A, Ordinance 11-20.
  - d. Smoke and carbon monoxide detectors shall be installed in accordance with the California Building Code.
  - e. Noncombustible roofing is required and shall be provided as follows;
    - i. All new roofs shall be non-combustible.
    - ii. Roof repairs or replacement of less than 25% shall have no requirement. Repairs or replacement of 25% to 50% shall use Class C minimum roofing. Repairs of 50% or more shall use non-combustible roofing (Class A roof [for other than Group R Occupancies, a Class A or Class A assembly] as defined by the California Building Code).
    - iii. In no case shall the roofing material used be less fire resistive than the existing roof.
  - f. The applicant shall comply with California Fire Code and Public Resource Code 4291 requirements relating to the clearance of flammable brush and weeds. A minimum clearance of 30 feet from structures and 10 feet from roads and property lines shall be maintained.
  - g. This project shall comply with California Fire Code Chapter 33 – *Fire Safety During Construction and Demolition*. These requirements include but are not limited to Temporary Heating Equipment, Precautions Against Fire, Flammable and Combustible Liquids, Flammable Gases, Owners Responsibility for Fire Protection, Fire Reporting, Access for Fire Fighting, Means of Egress, Water Supply for Fire Protection, Standpipes, Automatic Fire Sprinkler Systems, Portable Fire Extinguishers, Motorized Construction Equipment, and Safeguarding Roofing Operations.
  - h. Fire access to the project as well as other surrounding properties shall be maintained at all times. Unapproved restrictions in roadway access shall result in citations and vehicles being towed at the owner's expense.
12. The project shall comply with all requirements of the Richardson Bay Sanitary District.



**TOWN OF TIBURON**  
 1505 Tiburon Boulevard  
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Design Review Board Meeting  
 July 21, 2016  
 Agenda Item: **6**

**STAFF REPORT**

**To:** Members of the Design Review Board

**From:** Planning Manager Watrous

**Subject:** 4 Corte Las Casas; File Nos. DR2016063, VAR2016016 & FAE2016006; Site Plan and Architectural Review for the Construction of Additions to an Existing Single-Family Dwelling, with a Variance for Reduced Front Setback and a Floor Area Exception

**Reviewed By:** \_\_\_\_\_

**PROJECT DATA**

**ADDRESS:** 4 CORTE LAS CASAS  
**OWNER:** BEN AND KRISTINE DOLLARD  
**APPLICANT:** CHRISTIE TYREUS (DESIGNER)  
**ASSESSOR'S PARCEL:** 038-301-14  
**FILE NUMBERS:** DR2016063/VAR2016016/FAE2016006  
**LOT SIZE:** 10,346 SQUARE FEET  
**ZONING:** RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)  
**GENERAL PLAN:** M (MEDIUM HIGH DENSITY RESIDENTIAL)  
**FLOOD ZONE:** X  
**DATE COMPLETE:** JUNE 28, 2016

**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 15303.

**PROJECT DESCRIPTION**

The applicant is requesting Design Review approval for the construction of additions to an existing two-story single-family dwelling on property located at 4 Corte Las Casas. Three bedrooms, two bathrooms and a master bedroom closet would be added to the second floor of the house. On the first floor, a portion of the front porch would be enclosed, a breakfast nook and bay window would be eliminated and a new trellis would be added to the rear. Six new skylights would be installed.

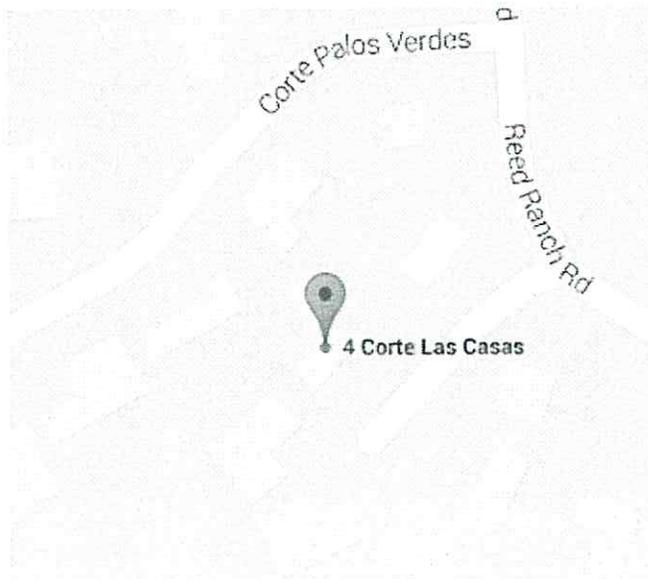
The proposal would increase the lot coverage on the site by 74 square feet to a total of 2,788 square feet (26.9%), which is greater than the 15.0 % maximum lot coverage permitted in the RO-2 zone. However, as less than 1.0% is being added to the existing lot coverage, which already exceeds the 15.0% maximum, a variance is not required for excess lot coverage

The floor area of the house would be increased by 916 square feet to a total of 3,640 square feet, which is 605 square feet greater than the 3,035 square foot floor area ratio for this site. The applicant has therefore requested a floor area exception.

A portion of one proposed second floor bedroom would extend to within 28 feet of the front property line. As a 30 foot front setback is required in the RO-2 zone, a variance is requested for reduced front setback.

A color and materials board has not been submitted, as the exterior of the proposed addition would match the colors and materials of the existing house.

## PROJECT SETTING



The subject property is situated on a relatively level site midway up Corte Las Casas. Homes to the rear along Corte Palos Verde are situated at generally higher elevations. Mature vegetation extends along the rear and sides of the house.

## ANALYSIS

### Design Issues

The proposed additions would not likely create any view or privacy issues for other homes in the vicinity. Homes above the site on Corte Palos Verde sit at higher elevations and views of the addition would be screened by the dense vegetation to the rear of the house.

Most other homes along Corte Las Casas and Corte Palos Verde have two-story designs. Although some, like the existing subject residence, have smaller, partial second floors, some of the homes have much more substantial space on the second story.

Most homes in the immediate vicinity comply with the floor area ratio for their lots. Of the 16 homes along Corte Las Casas and Corte Palos Verde, only 2 homes exceed the FAR. The adjacent home at 6 Corte Las Casas has 4,729 square feet of floor area on a 12,600 square foot lot, which is 1,469 square feet over the FAR for that lot, and is the largest home on these two streets. The home at 3 Corte Palos Verde contains 3,592 square feet of floor area on a 12,312 square foot lot, which is 361 square feet above the FAR for that lot, and is currently the second largest home in the vicinity. All other homes along these two streets range in size from 2,397 to 3,367 square feet, on lots ranging from 10,346 square feet (the size of the subject property at 4 Corte Las Casas) to 25,200 square feet. The proposed additions would result in the subject house having the second largest floor area of the homes along Corte Las Casas and Corte Palos Verde on the smallest lot in the vicinity.

The existing house has three bedrooms on the first floor and a master bedroom suite upstairs. One of the existing first floor bedrooms would become part of the expanded family room, one bedroom would be converted into an office and the third bedroom is now shown as a guest room. As a practical matter, however, the additions would result in a six-bedroom house. The Design Review Board should consider the necessity of this number of bedrooms in light of the requested floor area exception.

The existing house has 7 skylights. The proposed project would add 6 more skylights, bringing the total number of skylights on this house to 13. Although the topography of the site and mature vegetation in the vicinity would likely limit the visibility of these skylights, the Design Review Board should consider whether this number of skylights is excessive.

## **Zoning**

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-2 zone, with the exception of the requested variance for reduced front setback and the floor area exception.

In order to grant the requested variance, the Board must make all of the following findings required by Section 16-52.030 (E) 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.***

The 10,346 square foot size of the lot is much smaller than the 20,000 square foot minimum lot size required in the RO-2 zone, and is the smallest lot in the immediate vicinity. Portions of the existing house are situated within the required

front setback. However, the design of the portion of the second story that would extend into the required front setback is not dependent on the location of the existing house and there is adequate space on a lot of this size to support an addition which would comply with the required setbacks. Therefore staff does not believe that these physical characteristics would create special circumstances that would deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones if the minimum front setback requirement is strictly applied.

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.***

Numerous other properties in the RO-2 and similar zones have been granted variances for reduced front setback. However, in most instances such variances are granted to align with an existing house footprint or due to topographical constraints on the location of future additions. Therefore, the requested variance would appear to be a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.

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 therefore does not believe that the strict application of the minimum front setback requirement would result in practical difficulty or unnecessary physical hardship. As noted above, the existing house is developed to near its maximum floor area and over the maximum lot coverage. It would not be a practical difficulty or an unnecessary hardship to preclude the applicants from essentially adding a sixth bedroom to this dwelling.

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

As noted above, the proposed project would not create view and other visual impacts for other homes in the vicinity.

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:

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 proposed second story addition would be consistent with the predominant pattern of substantial two-story structures in the surrounding neighborhood.

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 proposed additions would result in a house design that is more vertical on the lot and less compatible with the generally level terrain of the subject property.

From the evidence provided, Staff believes that there is insufficient evidence to support the findings for the requested variance and floor area exception. It should also be noted that the Design Review Board has generally not supported floor area exceptions in connection with a house that so far exceeds the maximum lot coverage requirement.

### **Public Comment**

As of the date of this report, no letters have been received regarding the subject application. Staff notes that the story poles were not erected 10 days prior to the meeting, which may have limited the public input on this application.

### **RECOMMENDATION**

The Design Review Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) 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, it is recommended that the application be continued to the August 18, 2016 meeting, with specific direction regarding substantial project design changes to be made. If the Board wishes to approve the application, it is recommended that the attached conditions of approval be applied.

### **ATTACHMENTS**

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

Prepared By: Daniel M. Watrous, Planning Manager

Vice Chair Emberson noted that a 4,900 square foot house was being proposed and she questioned whether the DRB would approve a new house of that size. She said that she was bothered by the incremental increase in size and said that she could not make the findings to grant the floor area exception and would not usually approve a house so far over the FAR and lot coverage. She felt that the glazing on the stairwell was too large and suggested that some of the glazing on the east side could be reduced and screening landscaping be installed.

Boardmember Cousins agreed that if this proposal came to the Board as a new house they would not approve it, but noted that the addition would be excavated beneath the house. He said that he was not as concerned about the windows because there is a huge difference in elevation between the properties and a lot of screening. He said that the size of the stairway window should be reduced and the closet window eliminated.

Boardmember Chong stated that he would like to see a skylight replace the closet window and a landscape plan that would keep the existing screening in place. He said that he would also like to see about a 25% reduction in the size of the stairway window.

Chair Kricensky said that he has seen too much incremental building in Tiburon and the lot is already overbuilt, and he did not think more was needed. He said that the window in the stairway should mainly let in light and could be designed to frame the view of the hillside and not of the neighbor's house and therefore reduce its intrusiveness.

**ACTION:** It was M/S (Chong/Emberson) that the request for 9 Audrey Court is exempt from the California Environmental Quality Act and to approve the request, subject to the attached conditions of approval, and the additional conditions of approval to submit a landscaping plan to be reviewed by staff with an emphasis on keeping screening from Lyford Drive in place; to reduce the stairway window by 50% and redesign it to frame the hillside view from the top of the stairs; and to replace the closet window with a skylight. Vote: 4-1 (Kricensky opposed).

6. **4 CORTE LAS CASAS:** File Nos. DR2016063, VAR2016016 & FAE2016006; Ben and Kristine Dollard, Owners; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Variance for reduced front setback and a Floor Area Exception. The floor area of the house would be 3,640 square feet, which is 605 square feet greater than the 3,035 square foot floor area ratio for this site of the site. The addition would extend to within 28 feet of the front property line, which is less than the 30 foot front setback required in the RO-2 zone. Assessor's Parcel No. 038-301-14.

The applicant is requesting Design Review approval for the construction of additions to an existing two-story single-family dwelling on property located at 4 Corte Las Casas. Three bedrooms, two bathrooms and a master bedroom closet would be added to the second floor of the house. On the first floor, a portion of the front porch would be enclosed, a breakfast nook and bay window would be eliminated and a new trellis would be added to the rear. Six new skylights would be installed.

The proposal would increase the lot coverage on the site by 74 square feet to a total of 2,788 square feet (26.9%), which is greater than the 15.0 % maximum lot coverage permitted in the

RO-2 zone. However, as less than 1.0% is being added to the existing lot coverage, which already exceeds the 15.0% maximum in the RO-2 zone, a variance is not required for excess lot coverage.

The floor area of the house would be increased by 916 square feet to a total of 3,640 square feet, which is 605 square feet greater than the 3,035 square foot floor area ratio for this site. The applicant has therefore requested a floor area exception. A portion of one proposed second floor bedroom would extend to within 28 feet of the front property line. As a 30 foot front setback is required in the RO-2 zone, a variance is requested for reduced front setback.

Christie Tyreus, designer, said that they plan to remodel the existing house and are requesting a floor area exception. She said that the 30 foot front setback would clip the front edge of the addition. She said that the owners have 3 small children and would like to have 3 bedrooms and the master bedroom upstairs. She said that the second story would be pulled back from the edges of the first story on all sides to reduce the effect of the massing from neighboring properties. She said that they designed the proposal to be very similar to other two-story houses across the street and next door and that the floor area would also be in line with neighboring houses. She said that they talked with neighbors on all sides and incorporated their input.

Boardmember Tollini asked why the third bedroom needed to come into the setback. Ms. Tyreus said that it was an aesthetic decision to keep the room in the same plane as below.

There were no public comments.

Boardmember Cousins said that he struggled with the variance and floor area exception because the house already exceeds the lot coverage and would be 20% over the FAR. He noted that usually variances are granted to keep a house to a single story, yet this is already two stories. He said that the additions would not affect anyone but would almost fill the site. He said that this would overdevelop the site and would be too big.

Vice Chair Emberson agreed with Boardmember Cousins and said that the house is too close to the street and covers too much of the lot. She felt that this would be overbuilt and she could not make the findings for the requested variance or floor area exception.

Boardmember Tollini said that the lot coverage was a non-issue. He agreed with staff's findings for the floor area exception that the project would be consistent with other two-story homes in the area. He said that the redwood trees are massive and the story poles do not make the house feel more vertical. He said that the current layout is impractical for a family with the master suite on the second floor. He believed that the proposal would look more complete and appropriate than what currently exists and look good from an architectural standpoint. He felt that it was a reasonable request to come 2 feet into the setback in order to have a reasonable sized bedroom on the same story as the others. He added that there is a significant buffer between the house and the curb and the house is already in the setback, so he could make the findings and support the project.

Boardmember Chong said that he liked the renderings and how the addition would tie the house together, but he struggled with the numbers provided by staff regarding houses of similar lot size. He said that this would be the second largest home in the area on the smallest lot. He noted that this would be 600 square feet over the floor area ratio and the house felt significantly larger than other homes in the area.

Chair Kricensky said that he went back and forth on this project. He noted that the lot is significantly smaller than others in the vicinity. He said that the proposed house size would be compatible with others in the area, but the lot is smaller and that makes it feel big. He noted that the house would have 27% lot coverage along with a second story.

Boardmember Chong noted that no objections were received from neighbors and said that he supported the project because the new design will be a tremendous improvement from what is existing.

Boardmember Cousins said that when he viewed the story poles he felt that the project would use up the entire lot coverage and it was too much as it is already over the lot coverage and would put a much larger house on a small lot. He believes that the house is already at its maximum size. Chair Kricensky agreed that the lot is overbuilt. The Board suggested reducing the size of the additions substantially so that it would be as close to the FAR as possible.

**ACTION:** It was M/S (Emberson/Cousins) to continue the application for 4 Corte Las Casas to the August 18, 2016 meeting. Vote: 5-0.

7. **480 IRVING COURT:** File Nos. DR2016066, VAR2016017 & VAR2016018; Junzhe Miao, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with Variances for reduced side setback and excess lot coverage. The floor area of the house would be 2,563 square feet and the lot coverage on the site would be 2,985 square feet (36.1%), which is greater than the 30.0 % maximum lot coverage permitted in the R-1 zone. The proposed addition would extend to within 7 feet, 8 inches of the right (west) side property line, which is less than the 8 foot side setback required in the R-1 zone. Assessor's Parcel No. 034-251-15.

The applicant is requesting Design Review approval for the construction of additions to an existing one-story, single-family dwelling on property located at 480 Irving Court. The project would expand the house to the front and rear. The project would add a master bedroom suite, one bathroom, a dining room, entry and den, and would expand the great room. A solarium at the rear of the house would be removed. The roofline would be reconfigured, with the maximum height increasing from 13 feet to 17 feet, 6 inches. Three new skylights would be installed.

The floor area of the house would be increased by 1,361 square feet to a total of 2,563 square feet, which is 264 square feet less than the 2,872 square foot floor area ratio for this site. The proposal would increase the lot coverage on the site by 1,281 square feet to a total of 2,985 square feet (36.1%), which is greater than the 30.0 % maximum lot coverage permitted in the R-1 zone. As a result, a variance is requested for excess lot coverage.



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
August 18, 2016  
Agenda Item: **3**

## **STAFF REPORT**

**To:** Members of the Design Review Board  
**From:** Planning Manager Watrous  
**Subject:** 8 Apollo Road; File Nos. DR2016080/VAR2016021; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling, with a Variance for Excess Lot Coverage  
**Reviewed By:** \_\_\_\_\_

### **PROJECT DATA**

**ADDRESS:** 8 APOLLO ROAD  
**OWNER:** CEDRIC BARRINGER  
**APPLICANT:** DAVUD ARMOUR ARCHITECTURE  
**ASSESSOR'S PARCEL:** 034-271-04  
**FILE NUMBERS:** DR2016080/VAR2016021  
**LOT SIZE:** 6,995 SQUARE FEET  
**ZONING:** R-1 (SINGLE-FAMILY RESIDENTIAL)  
**GENERAL PLAN:** MH (MEDIUM HIGH DENSITY RESIDENTIAL)  
**FLOOD ZONE:** X  
**DATE COMPLETE:** JULY 13, 2016

### **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 15303.

### **PROJECT DESCRIPTION**

The applicant is requesting Design Review approval for the construction of additions to an existing one-story single-family dwelling on property located at 8 Apollo Road. As more than 50% of the existing structure would be demolished as part of this application, the project has been deemed to be construction of a new single-family dwelling.

The existing house would be expanded to the front and rear. The new floor plan would include a master bedroom suite, three additional bedrooms and two more bathrooms, a living room, dining

room, kitchen and laundry room, along with a one-car garage. The roof would be changed from a flat roof to flat roof for the front portion of the building, with a raised, slightly sloped roof on the rear. Three skylights would be installed. A 6 foot tall wood fence would connect between the house and existing fencing along the side property lines. An existing cedar tree in the front would be removed and replaced with new trees and landscaping.

The floor area of the proposed house would be 2,075 square feet, with 396 square feet of garage space, which is 373 square feet less than the floor area ratio for a lot of this size. The proposed house would cover 2,471 square feet (35.3%) of the site, which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. A variance is therefore requested for excess lot coverage.

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The structure would be finished with grey colored stucco and brown wood and aluminum trim. The flat roof would have a light grey finish.

## PROJECT SETTING



The subject property is situated in the interior portion of the Belveron East neighborhood. The lot is generally flat, but is situated at an elevation slightly above the properties to the rear along Juno Road.

## ANALYSIS

### Design Issues

The front portion of the proposed home would be lower than the maximum height of the existing house, while the rear would be somewhat taller. The existing house has a pitched roof with a ridgeline height of 14 feet, 6 inches. The front portion of the house would have a flat roof with a height of 11 feet, 10 inches. The raised portion of the roof above the living room, dining room

and kitchen would be slightly sloped, with a height of 14 feet, 10 inches on the side and 16 feet toward the center.

The taller portion of the proposed house would be visible from the rear yard of the home at 13 Juno Road. The story poles indicate that much of this additional building height, including the upper living room windows, would be visually prominent when viewed from the neighboring back yard. Although the existing property line fence and landscaping along the shared property line would limit privacy impacts from the living room, the raised elevation of the subject property, combined with the taller building height and flat plane of the rear of the house, would make this structure appear more massive from this neighboring property. The Design Review Board is encouraged to view the story poles from the home at 13 Juno Road.

The contemporary building design of the proposed house is inconsistent with the architecture of the original homes in the Belveron East neighborhood and most of the remodeled homes in this subdivision. However, there have been other homes in the vicinity that have been remodeled in the recent past with similar updated designs. The Design Review Board should determine whether the proposed house design would be compatible with the prevailing architectural character of the surrounding neighborhood.

There is a small storage shed to the rear of the existing house that has not been calculated into the lot coverage of this property. To comply with the noticed variance for excess lot coverage, this shed shall be removed as part of the construction of the proposed house.

## **Zoning**

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-1 zone, with the exception of the requested variance for excess lot coverage.

In order to grant the requested variance, the Board must make all of the following findings required by Section 16-52.030 (E) 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.***

The subject property is substantially smaller than the 10,000 square foot minimum lot size required in the R-1 zone and is located in the interior of the Belveron East subdivision where two-story homes have been discouraged. These characteristics are special circumstances applicable to this property whereby the strict application of the maximum lot coverage requirement would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity.

- 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.***

Numerous other properties in the R-1 or similar zones have received variances for excess lot coverage, particularly in areas where a two-story home would be discouraged.

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.*

The strict application of the maximum lot coverage requirement for this property would force the proposed house to add an upper story of living area which would be incompatible with the character of this portion of the surrounding neighborhood, and therefore would create a practical difficulty for the applicant.

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

As noted above, the proposed project would not create substantial view or privacy impacts for other homes in the vicinity.

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

### **Public Comment**

As of the date of this report, one letter has been received regarding the subject application from the owners of 13 Juno Road.

### **RECOMMENDATION**

The Design Review Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) 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, it is recommended that the attached conditions of approval be applied.

### **ATTACHMENTS**

1. Conditions of approval
2. Application and supplemental materials
3. Letter from Felicia Wolford and Charles Cathey, dated August 7, 2016
4. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

## CONDITIONS OF APPROVAL

### 8 APOLLO ROAD

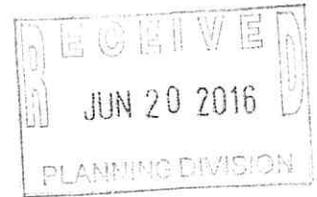
#### FILE #DR2016080/VAR2016021

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 with the application dated by the Town of Tiburon on November 17, 2015, or as amended by these conditions of approval. Any modifications to the plans of January 14, 2016 must be reviewed and approved by the Design Review Board.
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 unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
6. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
7. 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.
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. A photovoltaic energy system shall be installed in compliance with the requirements of Section 16-40.080 of the Tiburon Zoning Ordinance.
11. Prior to issuing a grading or building permit the applicant shall implement measures for site design, source control, run-off reduction and stormwater treatment as found in the Bay Area Stormwater Management Agency Association (BASMAA) Post-Construction Manual available at the Planning Division or online at the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) website at [www.mcstoppp.org](http://www.mcstoppp.org).
12. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
  - a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
  - b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.
  - c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.
  - d. A drainage plan shall be provided prior to issuance of building permits, showing existing and new drainage features and their location of dispersal. No lot-to-lot drainage is allowed except where easements for drainage are provided. No drainage shall discharge across sidewalks.
13. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD, including, but not limited to, the following:
  - a. A High Pressure Water Service application shall be completed.
  - b. A copy of the building permit for this project shall be submitted.

- c. Appropriate fees and charges shall be paid.
  - d. The structure's foundation shall be completed within 120 days of the application.
  - e. The project shall comply with all indoor and outdoor requirements of District Code Title 13 (Water Conservation). Plans shall be submitted and reviewed to confirm compliance. The following items are required:
    - 1. Verification of indoor fixtures compliance.
    - 2. Landscape plan.
    - 3. Irrigation plan.
    - 4. Grading plan.
  - f. Compliance with the backflow prevention requirements, if, upon the District's review backflow protection is warranted, including installation, testing and maintenance.
  - g. Compliance with District requirements for installation of gray water recycling systems.
14. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:
- 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 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 photovoltaic solar system shall comply with TFPD Policy 423.5, Alternate Power Supplies.
15. The project shall comply with all requirements of the Richardson Bay Sanitary District.
16. A construction staging plan shall be approved by the Building Official prior to issuance of a building permit for this project.
17. The existing shed to the rear of the house shall be removed as part 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: 8 APOLLO RD. PROPERTY SIZE: 6995 sf  
PARCEL NUMBER: 034-271-04 ZONING: RM-1

PROPERTY OWNER: CEDRIC BARRINGER  
MAILING ADDRESS: 17 GREENWOOD COVE DR.  
TIBURON, CA 94920

PHONE/FAX NUMBER: 415-971-7871 E-MAIL: \*cedric.barringer@gmail.com

APPLICANT (Other than Property Owner): Same as above.  
MAILING ADDRESS: \_\_\_\_\_

PHONE/FAX NUMBER: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

ARCHITECT/DESIGNER/ENGINEER DAVID ARMOUR ARCHITECTURE  
MAILING ADDRESS: 3350 STEINER ST.  
SAN FRANCISCO, CA 94123

PHONE/FAX NUMBER: 415-440-2880 E-MAIL: cedric@armourarchitecture.com

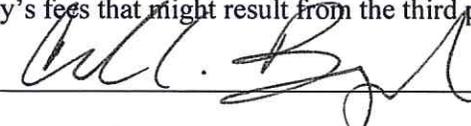
*Please indicate with an asterisk (\*) persons to whom Town correspondence should be sent.*

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

Complete remodel of Existing single Family residence. Existing slab to remain, and be added to in designated areas. Addition of 330 sf. of conditioned space, and a 396 sf unconditioned garage. Proposed total gross area: 2471 sf.

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.

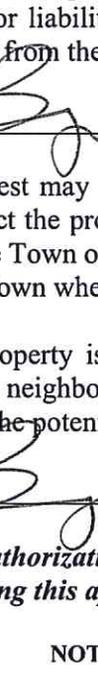
I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge, with the defense counsel subject to 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:\* 

Date: 6/16/2016

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: 6/16/2016

*\*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*

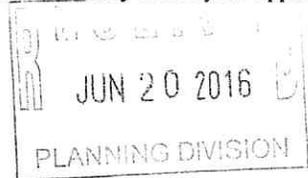
**NOTICE TO APPLICANTS**

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.

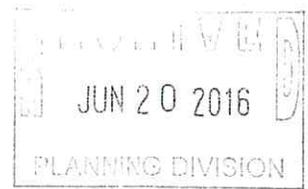
The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks 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>VAR2016-021 DEPARTMENTAL PROCESSING INFORMATION</b> |                        |  |
| <b>Application No.:</b> DR2016-080                     | <b>GP Designation:</b> | <b>Fee Deposit:</b> \$3275 -           |
| <b>Date Received:</b> 6/20/2016                        | <b>Received By:</b> LS | <b>Receipt #:</b> R1411                |
| <b>Date Deemed Complete:</b> 7/13/16                   | <b>Action:</b>         | <b>By:</b> DJD                         |
| <b>Acting Body:</b>                                    |                        | <b>Date:</b>                           |
| <b>Conditions of Approval or Comments:</b> _____       |                        | <b>Resolution or Ordinance #</b> _____ |



## DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM

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

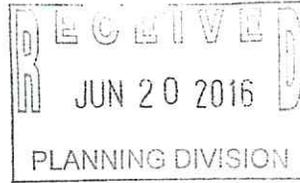
1. Briefly describe the proposed project: Complete Remodel of Existing Single-story Residence. Existing slab to remain, and be added to in designated areas. Addition of 330 sf of conditioned space and a 396 sf. unconditioned Garage. Proposed total Gross area: 2471 sf.

---

2. Lot area in square feet (Section 16-100.020(L)): 6995 sq.ft.
3. Square footage of Landscape Area: 4275 sq.ft.
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.  
Proposed design adds one covered garage space.

| TO BE COMPLETED BY APPLICANT   |             |                                     |             | STAFF USE ONLY  |          |
|--|-------------|-------------------------------------|-------------|-----------------|----------|
| ITEM   | EXISTING    | PROPOSED ADDITION AND/OR ALTERATION | PROPOSED    | CAL-<br>CULATED | PER ZONE |
| <b>Setbacks from property line</b><br>(Section 16-100.020(Y))*<br><b>Front</b> | 25'-6"      | 10'-5" ft.                          | 15'-1" ft.  | ft.             | ft.      |
| <b>Rear</b>  | 38'-4"      | 13'-2" ft.                          | 25'-2" ft.  | ft.             | ft.      |
| <b>Right Side (E)</b>  | 8'-6 ft.    | 0'-5" ft.                           | 8'-1" ft.   | ft.             | ft.      |
| <b>Left Side (W)</b>   | 6'-8 ft.    | -1'-5" ft.                          | 8'-1" ft.   | ft.             | ft.      |
| <b>Maximum Height</b><br>(Section 16-30.050)*                                  | 14'-6" ft.  | 1'-6" ft.                           | 16'-0" ft.  | ft.             | ft.      |
| <b>Lot Coverage</b><br>(Section 16-30.120(B))*                                 | 1745 sq.ft. | 726 sq.ft.                          | 2471 sq.ft. | sq.ft.          | sq.ft.   |
| <b>Lot Coverage as Percent of Lot Area</b>                                     | 24.9 %      | 10.4 %                              | 35.3 %      | %               | %        |
| <b>Gross Floor Area</b><br>(Section 16-100.020(F))*                            | 1745 sq.ft. | 726 sq.ft.                          | 2471 sq.ft. | sq.ft.          | sq.ft.   |

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



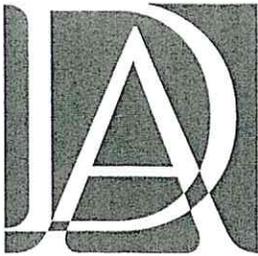
**COMMUNITY DEVELOPMENT DEPARTMENT**  
 Planning Division (415)-435-7390  
[www.ci.tiburon.ca.us](http://www.ci.tiburon.ca.us)

## 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?

| <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                  | <u>30%</u>                | <u>24.9%</u>              | <u>35%</u>                       | <del>10%</del> <u>5'</u>               |
| Height                        | _____                     | _____                     | _____                            | _____                                  |
| Parcel Area Per Dwelling Unit | _____                     | _____                     | _____                            | _____                                  |
| Usable Open Space             | _____                     | _____                     | _____                            | _____                                  |
| Parking                       | _____                     | _____                     | _____                            | _____                                  |
| Expansion of Nonconformity    | _____                     | _____                     | _____                            | _____                                  |
| Other (Please describe):      | _____                     |                           |                                  |  |



DAVID ARMOUR  
ARCHITECTURE

PHONE  
415.440.2880

WEBSITE  
DavidArmourArchitecture.com

OFFICE  
3350 Steiner Street  
San Francisco, CA 94123

June 30th, 2016

**DESIGN REVIEW, Revised SUBMITTAL**  
8 Apollo Road, Tiburon, CA  
Application # DR2016080 & VAR2016021

**VARAINCE FINDINGS**

Submitted by:  
Cedric Barringer, Owner  
[cedricb@armourarchitecture.com](mailto:cedricb@armourarchitecture.com)  
[cedricbarringer@gmail.com](mailto:cedricbarringer@gmail.com)  
mobile: 415.971.7871



Variance sought for Lot Coverage

**Description of Current Regulations**

The R-1 Zoning of the subject property allows for a FAR of 35% of the lot area, plus 600 sq.ft. of unconditioned garage. For the subject lot, with an area of 6995 sq.ft, this calculates to be 2445 sq.ft of conditioned space, plus 600 sq.ft of Garage, for a total Gross Floor Area of 3045 sq.ft. The Lot Coverage for this property is 30% of the lot area, which calculated out to be 2099 sq.ft. The current residence, which had the original garage infilled, is currently 1745 sq.ft., 24.9% of the lot area.

**Variance Background**

Through discussions with many of my neighbors, and research with the Town of Tiburon, it has been discovered that despite their being some existing precedent, second stories are not well received in the Belveron East neighborhood. The desire for a family-sized house, with a garage, have led to this request for variance.

**Variance Description**

Wanting to respect the scale and fabric of the residential neighborhood, fitting my program into the Existing lot coverage is near impossible without the addition of a second story. The proposed residence is a total of 2075 sq.ft, with a 330 sq.ft single- car garage, for a total gross square footage of 2471 sq.ft. The proposed lot coverage is 35.3% of the lot area, 5.3% over the allowable limit. I feel like it should be noted that counting only conditioned area of the residence (2075 sq.ft.) the lot coverage would be 29.7%, under the lot coverage requirement for conditioned space. The proposed gross area is still 574 sq.ft. under the allowable Gross Floor area if a second story were to be a possibility.

I believe the proposed residence is a friendly and fair approach to the neighborhood and its fabric.

All my best,

Cedric Barringer  
Owner, 8 Apollo Road, Tiburon

## Dan Watrous

---

**From:** Charles Cathey [charlie96271@gmail.com]  
**Sent:** Sunday, August 07, 2016 8:49 PM  
**To:** Dan Watrous  
**Cc:** Felicia Wolford  
**Subject:** Written Comments Re Notice of Public Hearing for 8 Apollo

Dear Mr. Dan Watrous,

Our names are Felicia Wolford and Charles Cathey, we are the owners and residents of 13 Juno Road in Belveron East. A substantial portion of our backyard shares a border with a property on 8 Apollo owned by Cedric Barringer. It is our understanding that Mr. Barringer has submitted plans to the Town of Tiburon (Town) to construct a new single-family dwelling located at the 8 Apollo property.

We have serious concerns for loss of view, loss of privacy, light pollution in our backyard, drainage onto our property, and loss of value that would be caused by the new construction at 8 Apollo.

**Loss of view:** The 8 Apollo lot sits approximately three feet higher than our lot. The size of the proposed construction and proximity to the rear fence blocks our open view to the north/northwest. Please note that the plans call for a maximum height of approximately 17' 8" for the portion of the remodel that would be visible from our house. But, what is not apparent from the plans is that because of the difference in lot height, the maximum height of the remodel from our perspective is closer to approximately 20 feet. To put this in perspective, the fence shown in the images is about 6 feet high, and from our kitchen, dining room, and backyard, the story poles on 8 Apollo appear much higher than the noted feet above grade. Another perspective shown in the picture is the figure standing at 5'9" that appears dwarfed by the fence (top of the ivy is the top of the fence mark) and would be significantly shadowed by the proposed construction.

**Loss of privacy and light pollution:** The plans for the 8 Apollo construction are such that the windows/doors in the proposed home would look directly into our back yard - contributing to potential light pollution at night and a loss of privacy in our back yard (and back rooms of our home when our window coverings are open).

**Drainage onto our property:** One of the lower point on our lot is the corner of our lot that borders with 8 Apollo. We're concerned the change in grade towards the back of the lot of the proposed construction site will exacerbate the pooling of water in the back of our yard during the rainy seasons.

**Loss of value:** Imagining a solid building where the story poles now stand will also bring a claustrophobic feel to our property thereby reducing the value.

Accordingly, we respectfully ask that (1) the Town not approve the excess lot coverage requested by Mr. Barringer of 8 Apollo, and (2) that the Town not approve the current plans for what is in effect a 20 foot roofline. Instead, we ask the Town to reject the plans/deny the request for excess lot coverage and advise Mr. Barringer to reduce the roofline height and scale of the proposed construction for the new single-family dwelling.

Please let us know if this email constitutes "delivered to the Town" as detailed in the Notice.

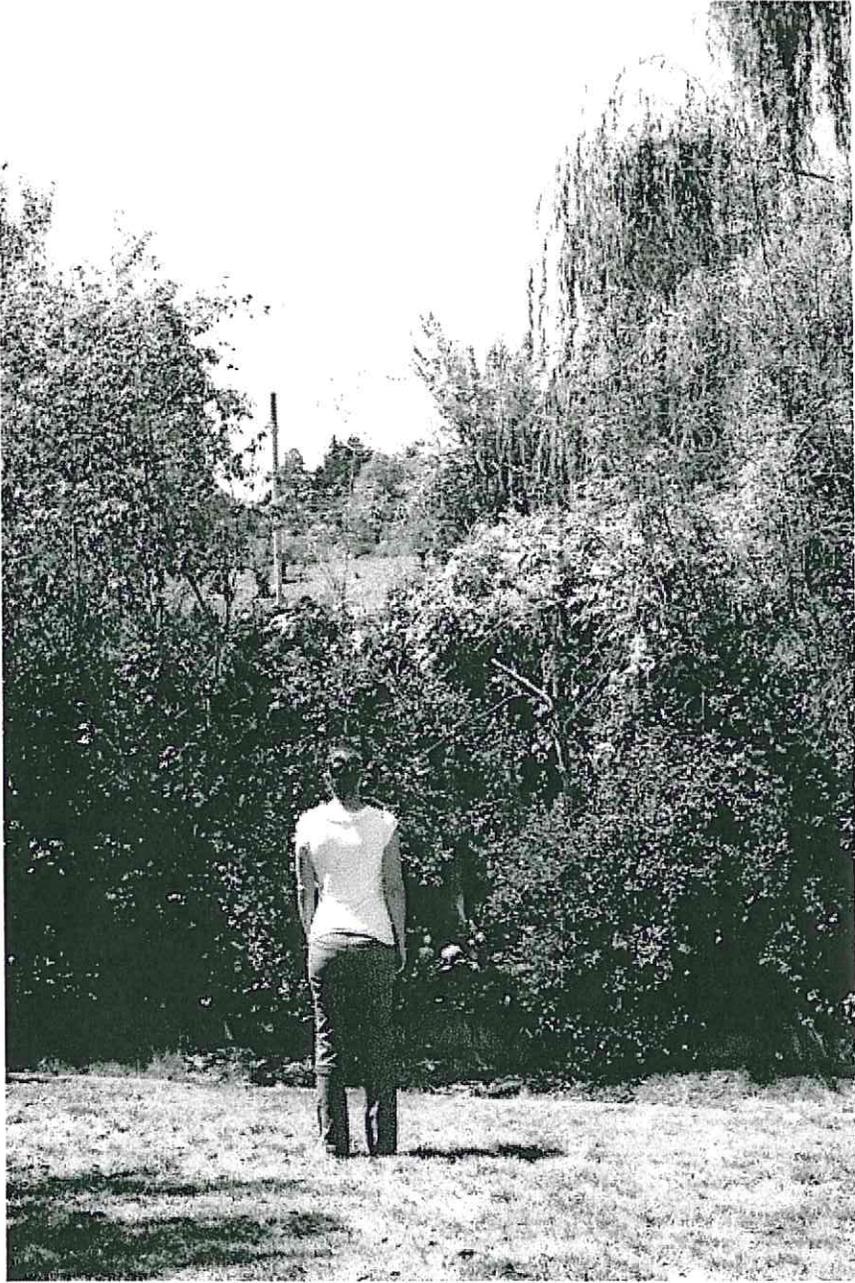
*Kindly acknowledge receipt via return email.*

Best regards,

Felicia Wolford & Charles Cathey  
415-789-5806







## Dan Watrous

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**From:** Charles Cathey [charlie96271@gmail.com]  
**Sent:** Wednesday, August 10, 2016 7:23 PM  
**To:** Dan Watrous  
**Cc:** Felicia Wolford  
**Subject:** Re: Written Comments Re Notice of Public Hearing for 8 Apollo

Hi Dan,

The willow tree that was masking a lot of the addition to 8 Apollo was trimmed since you came out here on Monday. Attached are some new pictures to show the differences.

Please pass these along to the Design Review Board. I included the last picture to give you an idea of how much higher the addition will be relative to the neighboring house.

Have a good night,  
Charlie





On Aug 8, 2016, at 9:35 AM, Charlie Cathey <[charlie96271@gmail.com](mailto:charlie96271@gmail.com)> wrote:

Thanks Dan. I am home today if you would like to come by.

Best regards,  
Charlie

Sent from my iPhone

On Aug 8, 2016, at 8:38 AM, Dan Watrous <[dwatrous@townoftiburon.org](mailto:dwatrous@townoftiburon.org)> wrote:

Dear Ms. Wolford and Mr. Cathey,

Thank you for your message, which will be forwarded to the Design Review Board. I will try to come by your property today or tomorrow to look at the story poles from your perspective.

Sincerely,

Dan Watrous

*Daniel M. Watrous  
Planning Manager  
Town of Tiburon  
(415) 435-7393*

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**From:** Charles Cathey [<mailto:charlie96271@gmail.com>]  
**Sent:** Sunday, August 07, 2016 8:49 PM



## 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

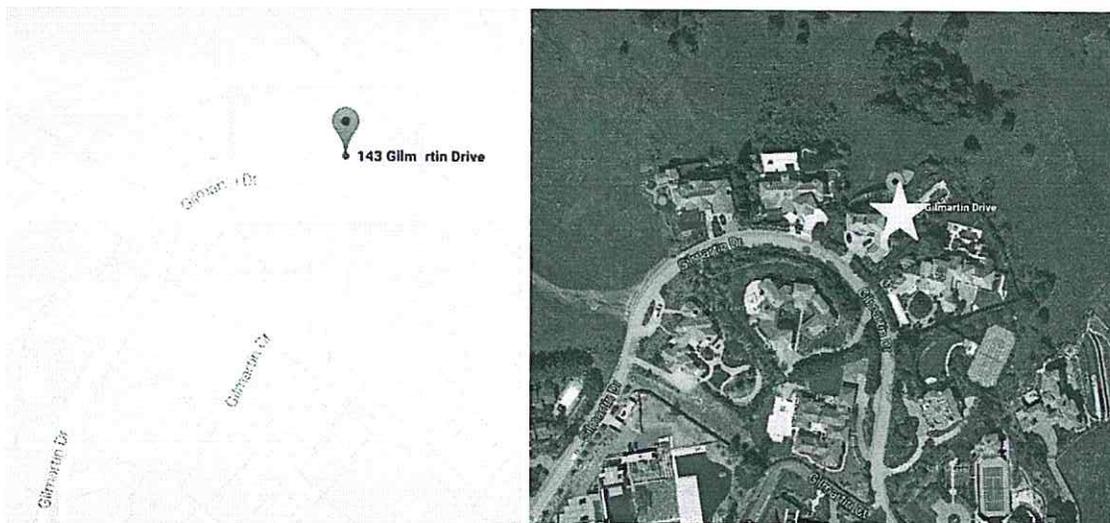
The applicant is requesting design review approval for construction of additions to an existing single-family dwelling, with a floor area exception, on property located at 143 Gilmartin Drive. The property is currently developed with a 4,544 square foot two level, single-family dwelling with an attached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

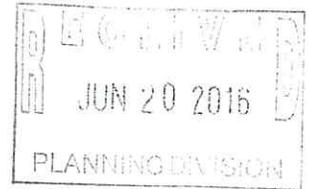
**ATTACHMENT 1**

**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="radio"/> 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="radio"/> 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*

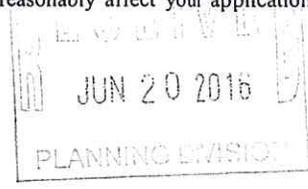
**NOTICE TO APPLICANTS**

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.

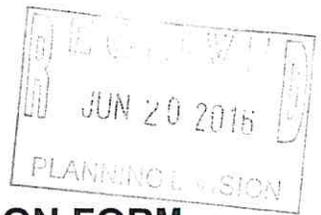
The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks 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><br>(Section 16-100.020(Y))*<br><b>Front</b> | 28'-1" ft.        | NO CHANGE ft.                       | 28'-1" ft.    | BE<br>↓<br>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><br>(Section 16-30.050)*                                  | 30'-0" ft.        | NO CHANGE ft.                       | 30'-0" ft.    | ↓<br>ft.       | 30 ft.   |        |
| <b>Lot Coverage</b><br>(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 %        | %              | ↓<br>%   |        |
| <b>Gross Floor Area</b><br>(Section 16-100.020(F))*                            | 4,573 sq.ft.      | 1,467 sq.ft.                        | 6,040 sq.ft.  | sq.ft.         | 5118 <del>1</del><br>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.