



**STAFF REPORT**

**To:** Members of the Design Review Board  
**From:** Community Development Department  
**Subject:** 180 Gilmartin Drive; File Nos. DR2015155 and VAR2016002;  
Site Plan and Architectural Review for Construction of Additions to an Existing Single-Family Dwelling, with a Variance for Excess Lot Coverage

**PROJECT DATA**

**ADDRESS:** 180 GILMARTIN DRIVE  
**OWNER:** CHRISTOPHER AND SUKI GROUNDS  
**APPLICANT:** MAHONEY ARCHITECTS  
**ASSESSOR'S PARCEL:** 039-171-04  
**FILE NUMBERS:** DR2015155 AND VAR2016002  
**LOT SIZE:** 20,397 SQUARE FEET  
**ZONING:** RO-1 (RESIDENTIAL-OPEN)  
**GENERAL PLAN:** ML (MEDIUM LOW DENSITY RESIDENTIAL)  
**FLOOD ZONE:** X  
**DATE COMPLETE:** MARCH 10, 2016

**PROJECT DESCRIPTION**

The applicant is requesting design review approval for construction of additions to an existing single-family dwelling, with a variance for excess lot coverage, on property located at 180 Gilmartin Drive. The property is currently developed with a 3,491 square foot three level single-family dwelling with an attached 400 square foot two-car garage.

As part of an interior remodel and additions to the existing home, the proposal would add a 271 square foot one-car garage, and a 314 square foot master bedroom suite expansion to the main level. Other proposed improvements would include modified windows and doors on the west and east sides of the existing home, add four new skylights on the roof above the master bathroom and closets, and a new entry door and canopy.

The proposal would result in a floor area of 3,876 square feet, which is below the maximum permitted floor area for the property (4,040 square feet). The proposal would result in lot coverage of 3,297 square feet (16.2%), which is approximately 237 square feet (1.2%) above the

maximum permitted lot coverage in the RO-1 zone (15%). A variance for excess lot coverage is required.

The siding of the addition would match the colors and materials of the existing house and a new standing seam material for roofing. A color 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 near the cul-de-sac. The majority of the lots on Gilmartin Drive have panoramic views of the bay, San Francisco cityscape, Golden Gate Bridge, Sausalito, and large parts of Tiburon. The properties on the south side of this portion of Gilmartin Drive slope downward from the street toward the primary views.

## ANALYSIS

### Design Issues

The addition would be located on the east side of the property adjacent to the existing driveway. The majority of the property is currently screened by a perimeter of mature trees and vegetation. The garage addition would have a standard garage door and no windows. The master bedroom suite expansion would have new windows and a sliding glass door on the east side and two smaller windows on the west side of the addition. The windows would be in a similar location as the existing windows and would not appear to create a privacy impact on the adjacent neighbors as the windows would be facing towards the neighbor's driveway and garage.

The proposed addition would not appear to intrude into any views for the uphill neighbors because the addition would be at a similar height as the existing home and would still be at a lower elevation than the street level and the uphill neighbors.

The Design Review Board is encouraged to view the story poles to determine if the proposed addition would create any privacy impacts or lighting pollution on the adjacent homes.

## Zoning

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

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

### Variance Findings

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or substantially the same zone.**

The 20,397 square foot size of the subject property is considerably smaller than the 40,000 square foot minimum lot size in the RO-1 zone. Combined with a low coverage limit (15%), the small size of the lot relative to the minimum lot size for that zone creates special circumstances that 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 within this neighborhood have been granted variances for excess lot coverage as most of the homes are located on properties that are smaller than the minimum lot area for RO-1 zone.

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

Excess lot coverage variances typically address properties within dominantly one-story neighborhoods where the homes are limited to a single-story design because of view and privacy impacts on adjacent neighbors. However, for this property, the master bedroom addition could be built on another level of the existing home, but this would be a practical difficulty for the applicant. On another note, the addition could be reduced in size to comply with the required lot coverage as the home already has a master bedroom suite and two-car garage and this application would be only for an expansion of those spaces.

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

Granting a variance for excess lot coverage would not be detrimental or injurious to neighboring properties, as the proposed addition would be at a lower elevation than the street level and uphill neighbors and would be screened by existing mature vegetation.

There would appear to be sufficient evidence to support the findings for the variance requested for excess lot coverage.

## **PUBLIC COMMENT**

As of the date of this report, no correspondence has been received regarding the subject application.

## **PRELIMINARY ENVIRONMENTAL DETERMINATION**

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in 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], 16-52.030 (E) [Findings for Variance], and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Sections 15301 and 15303. If the Board can make the required 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

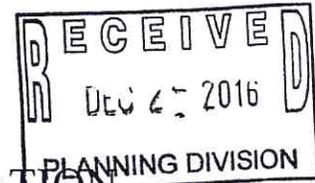
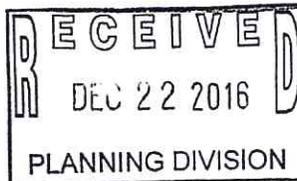
Prepared by: Kyra O'Malley, Associate Planner

**ATTACHMENT 1**

**DRAFT CONDITIONS OF APPROVAL  
180 GILMARTIN DRIVE  
FILE NOS. DR2015155 AND VAR2016002**

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 December 22, 2015, as amended by these conditions of approval. Any modifications to the plans dated February 22, 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 skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
7. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
8. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24” x 24” in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and

- emergency contact (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site.
9. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
  10. All requirements of the Marin Municipal Water District shall be met, prior to issuance of a building permit.
  11. All requirements of the Sanitary District No. 5 shall be met, prior to issuance of a building permit.
  12. 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).
    - 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).
      - i. Trim Rhodadendron to 2-3 feet in height
      - ii. Replace Italian Cypress with non-pyrophytic plants



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: 180 GILMARTIN DR PROPERTY SIZE: 20397  
PARCEL NUMBER: 039-171-09 ZONING: RO-1

PROPERTY OWNER: CHRISTOPHER & SUKI GROUNDS  
MAILING ADDRESS: 180 GILMARTIN  
TIBURON, CA 94920  
PHONE/FAX NUMBER: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

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

ARCHITECT/DESIGNER/ENGINEER MAHONEY ARCHITECTS  
MAILING ADDRESS: \_\_\_\_\_  
219 SHORELINE HWY  
MILL VALLEY  
PHONE/FAX NUMBER: 415 389 1058 E-MAIL: tony  
\* or colleen @ mahoney-architects.

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

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):  
ADDITION TO EXISTING MASTER BEDROOM, AND TO PROVIDE  
1 EXTRA GARAGE PARKING SPACE

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

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

Signature:\* Cheryl Grede Date: 12/15/2015

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:\* Cheryl Grede Date: 12/15/2015

*\*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*

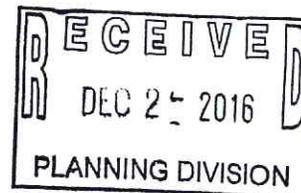
**NOTICE TO APPLICANTS**

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:

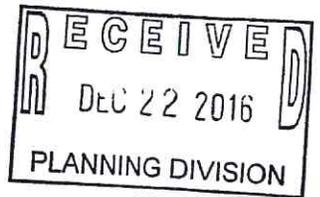
Town of Tiburon  
Community Development Department  
Planning Division  
1505 Tiburon Boulevard  
Tiburon, CA 94920  
(415) 435-7390 (Tel) (415) 435-2438(Fax)  
[www.townoftiburon.org](http://www.townoftiburon.org)



**DO NOT WRITE BELOW THIS LINE**

<b>VAR2016-002 DEPARTMENTAL PROCESSING INFORMATION</b>		
Application No.: <u>DR2015-155</u>	GP Designation:	Fee Deposit: <u>\$255 / \$1140</u>
Date Received: <u>12/22/2015</u>	Received By: <u>LS</u>	Receipt #: <u>R481</u> <u>R598</u>
Date Deemed Complete: <u>3/10/16</u>	Action:	By: <u>CO</u>
Acting Body:	Date:	
Conditions of Approval or Comments: _____	Resolution or Ordinance # _____	

**MINOR ALTERATION SUPPLEMENT**



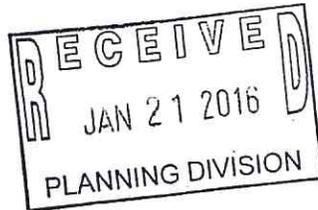
Please fill in the information requested below:

- Briefly describe the proposed project (attach separate sheet as needed):  
ADDITION OF 314 SQ FT TO MASTER BEDROOM SUITE  
PLUS 271 SQ FT SINGLE CAR GARAGE
- Lot area in square feet (Section 16-100.020(L))\*: 20397 Zoning: RO-1
- Square footage of Landscape Area: \_\_\_\_\_
- Proposed use of site (example: single family residential, commercial, etc.):  
 Existing SINGLE FAMILY  
 Proposed \_\_\_\_\_
- Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.  
CONVERSION OF EXISTING PARKING AREA INTO GARAGE  
SPACE - NO CHANGE TO (E) BACK-UP/TURN AROUND

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
ITEM	EXISTING	PROPOSED ADDITION AND/OR ALTERATION	PROPOSED	CALCULATED	PER ZONE
Yards (Setbacks from property line) (Section 16-100.020(Y))* Front	55 ft.	25 ft.	30 ft.	ft.	30 ft.
Rear	<del>62</del> ft.	— ft.	<del>62</del> <sup>1</sup> ft.	ft.	20'-25 ft.
Right Side	20 ft.	— ft.	20 ft.	ft.	20 ft.
Left Side	23 ft.	3 ft.	20 ft.	ft.	20 ft.
Maximum Height (Section 16-30.050)*	28 ft.	— ft.	28 ft.	ft.	30 ft.
Lot Coverage (Section 16-30.120(B))*	2690 sq.ft.	585 sq.ft.	3275 sq.ft.	3,297 sq.ft.	3059 sq.ft.
Lot Coverage as Percent of Lot Area	13.2 %	2.8 %	16% %	16.16 %	15 %
Gross Floor Area (Section 16-100.020(F))*	3491 sq.ft.	+ 314 71 sq.ft.	3876 sq.ft.	sq.ft.	4039.7 600 sq.ft.

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

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**COMMUNITY DEVELOPMENT DEPARTMENT**  
 Planning Division (415)-435-7396  
[www.ci.tiburon.ca.us](http://www.ci.tiburon.ca.us)

## APPLICATION FOR VARIANCE

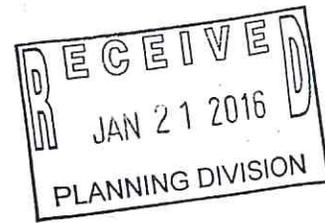
A Variance is a form of regulatory relief available when a strict or literal application of zoning development standards would result in practical difficulties or unnecessary physical hardships for an applicant. These difficulties and/or hardships must be caused by physical conditions on, or in the immediate 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 Yard Setback	_____	_____	_____	_____
Rear Yard Setback	_____	_____	_____	_____
Left Side Yard Setback	_____	_____	_____	_____
Right Side Yard Setback	_____	_____	_____	_____
Lot Coverage	15%	13.2%	16%	1%
Height	_____	_____	_____	_____
Parcel Area Per Dwelling Unit	_____	_____	_____	_____
Usable Open Space	_____	_____	_____	_____
Parking	_____	_____	_____	_____
Expansion of Nonconformity	_____	_____	_____	_____
Other (Please describe):	_____			



MAHONEY ARCHITECTS & INTERIORS



Grounds Residence  
180 Gilmartin Drive  
Tiburon.

APN: 031-171-04

#### Variance Findings

1. The lot is a small steeply sloping lot approximately half the size of the minimum lot size for the zone RO-1, which makes the 15% lot coverage maximum far more restrictive than for a lot twice the size. Other lots of a similar type and size on Gilmartin are zoned R-1 which has a 30% lot coverage. The Proposed variance is to enclose an existing (formerly covered) parking space. The location on the lot is not overlooked and not visible from the street, nor from down slope. The variance is for only 1% of the lot area
2. The existing house is small in relation to the scale of the neighborhood and only has a small 2- car garage.
3. The exposure to extreme weather from the bay is detrimental to any vehicle parked in the open. It is a hardship to the owners not to be able to enclose an existing parking space . The enclosure of which has absolutely no impact on its neighborhood .
4. The proposed addition is supported by the neighbors, and is not visible from the street