



TOWN OF TIBURON
 1505 Tiburon Boulevard
 Tiburon, CA 94920

Design Review Board Meeting
 December 3, 2009
 Agenda Item: **E1**

STAFF REPORT

To: Members of the Design Review Board
From: Associate Planner Tyler
Subject: 110 Gilmartin Drive; File No. 709095; Site Plan and Architectural Review for Construction of a New Single-Family Dwelling with a Floor Area Exception
Reviewed By: _____

PROJECT DATA

OWNER: STUART AND GINA PETERSON
 APPLICANT/ARCHITECT: MARTHA ROGERS, OSKA ARCHITECTS
 ADDRESS: 110 GILMARTIN DRIVE
 ASSESSOR’S PARCEL NUMBER: 039-171-12
 FILE NUMBER: 709095
 LOT SIZE: 133,600 SQUARE FEET
 ZONING: RO-1 (SINGLE FAMILY RESIDENTIAL-OPEN)
 GENERAL PLAN: ML (MEDIUM LOW DENSITY RESIDENTIAL)
 FLOOD ZONE: X
 DATE COMPLETE: NOVEMBER 11, 2009

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 submitting a request to construct a new single-family dwelling and several accessory structures with a floor area exception, on property located at 110 Gilmartin Drive. The property was previously addressed as 350 Round Hill Road. Currently the three-acre property is improved with a single-family dwelling, a secondary dwelling unit, an exercise building, and a tennis court, all of which would be demolished as part of the project. The proposal includes construction of a new single-family dwelling, an exercise studio, a pool house, a three-car garage, and a wet bar, swimming pool and spa, and a tennis court.

The new dwelling would be primarily a single-story structure, but would also have a large below-grade basement area and lower level living quarters. The main level of the home would include a master bedroom suite and sitting room, a family room, living room, dining room, kitchen, kitchen

nook, three bedrooms with bathrooms and a playroom. Also located at the main level are a three-car garage, a mud/laundry room, an entry foyer and a large linear gallery space. Outdoor patio areas would extend out from the living room areas and master bedroom suite. An office and rooftop deck would be located above the master bedroom suite at a second story level.

The lower level of the home would include a four-car garage, storage and mechanical areas, art storage, a second laundry room, a home theater and lounge area, and two bedrooms with bathrooms.

In addition to the single-family dwelling, several detached accessory structures are proposed. An exercise building located north of the dwelling, would include a free weights room, a cardio room, a yoga platform and a bathroom. A pool house adjacent to the exercise building would contain two changing rooms with bathrooms for those using the pool and tennis courts. A wet bar is also proposed, which is incorporated into a large storage area and a three-car garage, to be located north of the pool house and tennis court. It should be noted that this garage, storage area and wet bar are partially buried into the hillside, and incorporate a "green roof".

The proposed structures combined would result in lot coverage of 19,419 square feet, (14.53%) which is below the maximum permitted lot coverage in the RO-1 zone (15.0%). The proposed structures would result in a gross floor area of 18,593 square feet, which exceeds the maximum permitted floor area for a parcel of this size. The existing floor area on the property is 17,345 square feet. Properties which are greater than 60,000 square feet are permitted 8,000 square feet of floor area, and 750 square feet of garage area (not counted towards gross floor area). As the subject parcel size is 133,600 square feet (3 acres), the applicant is requesting to exceed the maximum permitted floor area by 10,593 square feet. Therefore a floor area exception has been requested.

A color/materials packet has been submitted, which details various materials, textures and colors for the entire project scope. Actual samples of the colors and materials will be available for review by the Board at the meeting.

ANALYSIS

Design Issues

The subject site encompasses roughly 3 acres (133,600 sq. ft.) and is the largest developed parcel in the vicinity. Many of the surrounding properties are approximately 0.5 acre or less, others are approximately 1.0 acre in size. The site was previously addressed as 350 Round Hill Road, and was accessed through a roadway easement across the property located south of the site at 300 Round Hill Road. In the 1980's a previous property owner installed a vehicle entry gate and established primary access from Gilmartin Drive, instead of the Round Hill Road access. The current property owner desired to maintain this entry off Gilmartin Drive as the primary access to the property and was recently granted an official address change from 350 Round Hill Road to 110 Gilmartin Drive. It should be noted that the vehicle entry gate on the easement across 300 Round Hill Road has been welded shut for some years.

The site is designed to take advantage of views spanning from the Bay Bridge to the Marin Headlands. Most of the surrounding properties take advantage of similar viewsheds. The

proposed single-family dwelling would be located in roughly the same general area as the existing dwelling and would enjoy a similar viewshed to that of the existing structure. The proposed single-family dwelling would extend several feet further to the south, due to various living areas that project outward from the main body of the structure. These projecting living areas are what primarily extend the dwelling to the south. Story poles on the site visibly reflect this shift.

An abundance of mature trees and overall vegetation screen all of the existing structures on the site from the surrounding neighbors. Most of this existing vegetation would be removed as part of the proposed project. The new structures may therefore appear more visually prominent as a result of the loss of landscaping; however, new landscaping would be installed around perimeter areas of the site, as well as within the site, to help screen the dwelling and accessory structures from adjacent properties. Several mature trees within the central area of the site would be saved and transplanted back to the site after construction is complete.

While the proposed single-family dwelling is primarily single-story, a second story office and rooftop deck are proposed above the master bedroom suite. The office area and rooftop deck, combined with the extension of the home to the south, would appear to infringe on the views from 111 Gilmartin Drive and also on privacy for both 109 Gilmartin Drive and 300 Round Hill Road. The Board has not favored rooftop decks when they would infringe on privacy of adjacent neighbors, and possibly impact views with the installation of patio furniture, potted plants, etc.

The property owner of 300 Round Hill Road (south) has voiced concerns regarding the structure coming closer to her property. Most notably, the proposed second story office and rooftop deck would appear to loom over the residence and outdoor areas, resulting in potential privacy impacts. Although existing trees on the subject site and on the property of 300 Round Hill Road partially screen this from view, many of the trees on the subject site would be removed as part of the project, resulting in a more visually prominent dwelling from the property at 300 Round Hill Road. However, the landscape plan indicates replacement trees for this lower area of the subject property, including 24" box Coast Live Oak and 36" box Strawberry Trees, that could over time, provide screening for privacy.

The property owner of 109 Gilmartin Drive (west) has voiced similar concerns, in that as the new dwelling is shifted to the south, combined with the second story office and rooftop deck, his privacy would be reduced on the indoor and outdoor living areas. From within the living room, the proposed office and rooftop deck would be at the same level, due to the extension of the structure to the south. The property owner has also raised concerns that he would rather see open fencing with landscaping in front and around, instead of the proposed solid wall along a major portion of Gilmartin Drive, for a more aesthetically pleasing front entry to the site.

The property owner of 111 Gilmartin Drive (northwest) has the greatest potential for view impacts from the proposed house, due to the second story office and rooftop deck. This home sits above the subject site to the northwest, and has panoramic views of the Bay Bridge to the Marin Headlands. As shown in Exhibit 7, the photographs submitted by the homeowner depict the story poles encroaching into various water views. Staff visited the site to determine the extent of view blockage and discovered that from various primary living areas of the home (i.e. living room, family room, dining room, kitchen, and nook) the view blockage would be more pronounced in one room, but not as pronounced in another. In sum, the second story office and rooftop deck, as

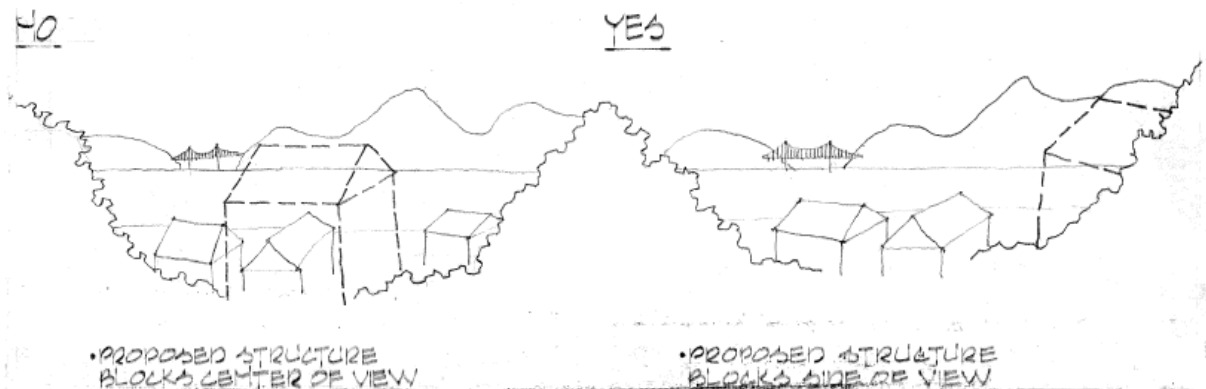
proposed, would block portions of Belvedere, Tiburon Cove, and San Francisco Bay, depending in which primary living area one is sitting. The greatest impact would be from within the family room, which would lose a majority of the water view.

Staff also has concerns about the amount of exterior lighting for the project. It would appear that the proposal might have an overabundance of lighting fixtures for the property, which could result in a site that is extremely “lit up” during the night, causing potential glare and/or light pollution for adjacent neighbors. Staff has discussed this concern with the applicant and representatives for the landscape lighting company, who have made modifications to the number of fixtures and wattages. Staff still views the proposal as over-lit in many areas, including pathways leading down into landscaped areas. Staff recommends that the Board review the exterior lighting plan for the project, and determine whether there is an overabundance of fixtures combined with the proposed wattages, which could cause nighttime light pollution for the neighborhood.

As noted above, the subject application requests a floor area exception of 10,593 square feet. The lower level of the home includes 6,954 square feet of basement area (garage, mechanical/storage, home theater), and 1,967 square feet of crawlspace, both of which are not counted as part of the gross floor area. The entire lower level of the home is below grade, with the exception of the bedrooms, which are partially below grade on the east side of the home and are included in gross floor area. The majority of floor area is at the main level of the home, combined with the accessory structures. The visual mass and bulk of the home (above grade) and accessory structures would be similar to the visual mass and bulk of the existing structures on site, due to the size of the parcel and the siting of the structures.

The Design Review Board has previously raised concerns about large basement and below-grade building elements that add considerably to the effective floor area of a house. However, the Town’s floor area guideline is intended to regulate the visual mass and bulk of a structure. Although there are no other homes in the immediate vicinity with calculated floor areas as large as that proposed for the subject house, other nearby residences are more visually prominent than the proposed house is likely to be. The contemporary house design, with flat roofs, many of which are “green roofs” combined with similar building footprints for the home and accessory structures should lessen or appear similar to the overall visual mass of the structures proposed.

- Goal 3, Principle 7(c) states that blockage of center of view is more damaging than blockage of side of view.



The proposed second story office would impact the center of the view from within the living room and family room of 111 Gilmartin Drive.

- Goal 3, Principle 7 (e) states that a wide panoramic view can accept more view blockage than the smaller slot view.



From within the main living room of 111 Gilmartin Drive, the proposed second story would seem an acceptable view blockage when viewing the entire panoramic viewshed. However, the second story still negatively impacts other primarily living areas within the home, which is not acceptable.

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 floor area exception.

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 16-4.2.8 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; and**
- 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, the scale of trees, rock outcroppings, stream courses, land forms, and the dimensions of the lot.**

The portion of the Round Hill Road/Gilmartin Drive vicinity surrounding the subject property consists of a wide variety of home designs built over approximately the last 40 years. Many of the existing dwellings in the vicinity are modest homes, while other homes built towards the top of Gilmartin Drive in the past 10 to 20 years are substantially larger and often are much more visually pronounced on the hillsides above Tiburon. The manner in which the proposed house would follow the contours of the site, combined with the layout of the structures, and incorporation of “green roofs” would make them not stand out unreasonably against the mixed visual character of the neighborhood. The house design would therefore be compatible with the physical layout of the site.

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

Public Comment

As of the date of this report, two letters have been received regarding the subject application, which address privacy and view impacts. These letters are attached.

CONCLUSION

It would appear that the second story office and rooftop deck should be relocated on the site or eliminated in order to maintain existing views for 111 Gilmartin Drive, as well as to reduce privacy impacts for both 109 Gilmartin Drive and 300 Round Hill Road. In addition, the overabundance of exterior lighting on the site should be reduced. Staff would recommend that the project be continued, and direction be given to the applicant on possible design alternatives for the second story office and rooftop deck, and reduction in exterior lighting.

RECOMMENDATION

Staff recommends that the Design Review Board:

1. Review the project with respect to Zoning Ordinance Section 16-4.2.7 (Guiding Principles), Section 16-4.2.8 (Floor Area Ratio Guidelines) and the Hillside Design Guidelines; and
2. Determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303; and
3. Provide direction to the applicant regarding relocation of the second story office and rooftop deck, and reduction in exterior lighting, and continue the project. Should the Board decide to approve the project, Staff has attached draft conditions of approval, for its consideration.

- Exhibits:
1. Draft Conditions of Approval
 2. Application and Supplemental Materials
 3. Letter dated September 3, 2009 from MMWD re: Water Availability
 4. Memo dated November 2, 2009 from Ron Barney, Fire Marshal re: Fire Conditions
 5. Memo dated November 18, 2009 from Nick Nguyen, Director of Public Works re: Public Works Conditions
 6. Email dated November 19, 2009 from Martha Rogers, OSKA Architects re: Story Pole Clarification
 7. Email dated November 24, 2009 from Dan Grossman re: Second Story Volume
 8. Email dated November 24, 2009 from Robert Rudy re: Privacy Impacts
 9. Submitted Plans & Materials Sheets

Prepared By: Laurie Tyler, Associate Planner

Exhibit 1

**CONDITIONS OF APPROVAL
110 GILMARTIN DRIVE
FILE NO. 709095**

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 and plans dated by the Town of Tiburon on August 19, 2009, as amended by these conditions of approval and plans of November 17, 2009. Any modifications to the plans 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 unapproved 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. 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 applicable 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. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.
8. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.

9. Prior to the issuance of building permits, the applicant shall submit verification from a licensed landscape architect that the proposed landscape plan conforms to applicable MMWD landscape/water conservation regulations. Alternatively, a letter from MMWD verifying compliance or an MMWD-stamped-approved set of landscape plans will satisfy this requirement.
10. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
11. Prior to under-floor inspection, a certified survey of the structure foundation will be required. Required documents shall include: 1) graphic documentation accurately locating the building on a site plan; 2) specific distances from property lines and other reference points to the foundation as appropriate; and 3) elevations relative to mean sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.
12. The project shall comply with the following requirements of the California Fire Code and the Tiburon Fire Protection District:
 - a. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA 13D light hazard. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2
 - b. All accessory structures will have residential automatic fire sprinkler systems installed.
 - c. Construction of all structures must comply with Chapter 7A of the California Building Code.
 - d. The main structure will be constructed as a type VA building.
 - e. Approved smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
 - f. The vegetation on this parcel shall comply with the requirements of the Tiburon Fire District vegetation management standards and the recommendations of Fire Safe Marin. CFC 304.1.2
 - g. The access gate shall have a minimum unobstructed width of 12'. Gates shall be operable using the Fire District's "Knox" key system. CFC 503.6.2

13. The following requirements of the Marin Municipal Water District shall be met:
 - a. A High Water Pressure Water Service application shall be completed.
 - b. A copy of the building permit shall be submitted.
 - c. Appropriate fees shall be paid.
 - d. The structure's foundation shall be completed within 120 days of the date of application.
 - e. The applicant shall comply with the District's rules and regulations in effect at the time service is requested.
 - f. The applicant must arrange for removal of the existing water meter that currently serves the secondary dwelling unit, as this unit will not be reconstructed as part of the proposal, and is no longer necessary.
14. 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.
15. All requirements of the Director of Public Works/Town Engineer shall be met. An encroachment permit shall be secured from the Town of Tiburon Public Works Department for all work to be conducted within Town right-of-way, or on Town-owned land, as defined in Chapter 19 of the Tiburon Municipal Code. This would include, without limitation, the driveway approach, storm drain lines, and vegetation planting. A memorandum of understanding to be attached to the approved permit will highlight the Town's rights to require the applicant to vacate the right of way at the Town's discretion.
16. Proposed trees to be planted on Gilmartin Drive shall comply with the Town's tree planting guidelines. They should also have a root system that will less likely cause pavement damage. They should be planted as close to the fence line as possible and as far away from the pavement as possible.
17. Drainage inlet and pipes within the public right of way shall comply with Marin County and CalTrans standard plans; said standards available from the Tiburon Department of Public Works.

18. Fences, retaining walls and permanent improvements are not permitted within public right of way or on Town-owned land.
19. Public right of way shall be protected from damage during construction. Any required repairs will be made to the satisfaction of the Town at applicant's cost.
20. The project shall comply with the applicable green building standard for compliance as set forth by resolution of the Town Council, at the time of filing of the building permit application.
21. The exterior lighting fixtures shall be reduced in number, and permitted only in areas where safety is of concern, or where they are required by Code. Planning Staff shall review and approve revised lighting plans, prior to submittal for Building Permits.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
December 3, 2009
Agenda Item: **E2**

STAFF REPORT

To: Members of the Design Review Board
From: Associate Planner Tyler
Subject: 2 Gilmartin Court; File No. 709117; Site Plan and Architectural Review for Construction of Fencing and Landscape Improvements
Reviewed By: _____

PROJECT DATA

OWNER: STUART AND GINA PETERSON
APPLICANT/ARCHITECT: MARTHA ROGERS, OSKA ARCHITECTS
ADDRESS: 2 GILMARTIN COURT
ASSESSOR'S PARCEL NUMBER: 039-171-08
FILE NUMBER: 709117
LOT SIZE: 22,565 SQUARE FEET
ZONING: RO-1 (SINGLE FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN: ML (MEDIUM LOW DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: NOVEMBER 11, 2009

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.

PROJECT DESCRIPTION

The applicant is submitting a request to construct fencing and landscape improvements on property located at 2 Gilmartin Court. Currently the property is un-improved, and has remained vacant for some time.

The proposal includes constructing a perimeter fence around the property, as well as new access and vehicle entry gates at the front of the property. The majority of the property would be graded and landscaped to tie into the larger landscape development concept for the adjacent property at 110 Gilmartin Drive. No structures are proposed.

ANALYSIS

Design Issues

The owner of the subject property also owns the property to the north, 110 Gilmartin Drive. Several years ago, a previous property owner of 110 Gilmartin Drive purchased the subject property in order to gain additional privacy and maintain unobstructed views from the existing dwelling, and therefore left the parcel vacant in its native state.

The current property owner intends to improve the property as part of the overall redevelopment of the larger 110 Gilmartin Drive property. The only improvements proposed for the property are fencing, gates and landscaping.

The fencing proposed around the property would match the fencing proposed for the larger redevelopment of 110 Gilmartin Drive. It should be noted that the fencing and access/vehicle entry gates located at the front of the property are not proposed within easement areas associated with Gilmartin Court. It is unclear from the plans where exactly the fencing and gates are proposed, in relation to the easements. The Tiburon Public Works Director has met with the applicant and informed them that no improvements are permitted within the easement areas. A condition of approval has been added indicating that the fencing and gates shall be constructed outside the easement areas, and within the property boundaries of the subject parcel.

The landscape would be comprised of a small fruit orchard toward the front of the property. Areas of lawn and meadow grasses would surround the orchard, along with a few other tree plantings. The overall fencing and landscape improvements would incorporate into the larger landscape development of 110 Gilmartin Drive.

Public Comment

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

RECOMMENDATION

Staff recommends that the Design Review Board:

1. Review the project with respect to Zoning Ordinance Section 16-4.2.7 (Guiding Principles); and
2. Determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301; and
3. Approve the project, subject to the attached conditions of approval.

Exhibits: 1. Conditions of Approval
 2. Application and Supplemental Materials
 3. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner

Exhibit 1

CONDITIONS OF APPROVAL
2 GILMARTIN COURT
FILE NO. 709117

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 and plans dated by the Town of Tiburon on October 8, 2009, or as amended by these conditions of approval and plans of November 17, 2009. Any modifications to the plans 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 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. Permanent features are not permitted to be built upon roadway, utility and fire turn-around easements associated with Gilmartin Court.
8. The proposed fencing shall not exceed a height of six feet (6’).