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

Regular Meeting
Design Review Board
September 1, 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)

PUBLIC HEARINGS & NEW BUSINESS

1. 85 EAST VIEW AVENUE
File Nos. DR2016091, VAR2016026, VAR2016027, VAR2016028, VAR2016029, VAR2016030 & FAE2016009; David and Tandy Ford, Owners; Site Plan and Architectural Review for construction of a new single-family dwelling, with Variances for reduced front and side yard setbacks, excess lot coverage and excess building height, and a Floor Area Exception. The applicant proposes to construct a new four-story, 1,908 square foot house, which would result in a floor area ratio of 97.1%, which is greater than the 35.0% maximum for a lot of this size. The front yard setback would be zero feet in lieu of the minimum 15 feet. The east side setback would be 3 feet and the west side yard setback would be 3 feet, 4 inches, in lieu of the minimum 8 feet. The lot coverage of the house would be 1,227 square feet (62.3%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. The house would be 42 feet, 11 inches tall, in lieu of the maximum building height of 30 feet. Assessor's Parcel No. 060-105-67. [DW]

Documents:

85 EAST VIEW AVENUE.PDF

ACTION ITEMS

2. 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]

Documents:

173 STEWART DRIVE.PDF

3. 2225 VISTAZO EAST STREET
File No. DR2016089; Shor Capital, LLC, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling. The applicant proposes to construct a new two-story 5,375 square foot house and a 720 square foot garage. Assessor's Parcel No. 059-091-55. [DW]

Documents:

2225 VISTAZO EAST STREET.PDF

4. MINUTES
Consider adoption of minutes of meeting of August 18, 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) 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 inspection at Tiburon Town Hall, 1505 Tiburon Boulevard, Tiburon.

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 85 East View Avenue; File Nos. DR2016091, VAR2016026, VAR2016027, VAR2016028, VAR2016029, VAR2016030 & FAE2016009 ; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling, with Variances for Reduced Front and Side Setbacks, Excess Lot Coverage and Excess Building Height, and a Floor Area Exception

Reviewed By: _____

PROJECT DATA

ADDRESS:	**85 EAST VIEW AVENUE**
OWNER:	**DAVID AND TANDY FORD**
APPLICANT:	**DAVID THOMPSON (ARCHITECT)**
ASSESSOR'S PARCEL:	**060-105-67**
FILE NUMBERS:	**DR2016091, VAR2016026, VAR2016027, VAR2016028, VAR2016029, VAR2016030 & FAE2016009**
LOT SIZE:	**1,968 SQUARE FEET**
ZONING:	**R-1 (SINGLE-FAMILY RESIDENTIAL)**
GENERAL PLAN:	**MH (MEDIUM HIGH DENSITY RESIDENTIAL)**
FLOOD ZONE:	**X**
DATE COMPLETE:	**AUGUST 10, 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 a new four-story single-family dwelling on property located at 85 East View Avenue. The subject property is currently vacant.

The first (lowest) level of the house would include a bedroom, bathroom study and storage area. The second level would include a master bedroom suite and laundry room. The third level would include a living room, kitchen, dining room and a half bathroom. The fourth (highest) level would

include a two-car garage and an entry. A deck would extend off the second level, along with access to a patio area on the first level and a roof deck adjacent to the entry on the fourth level. All four levels would be connected by an interior stairway and an elevator. Skylights would be installed above the entry stairs on the fourth level and the first level study. A wire fence would extend along the west (left) side property line. An additional parking pad would be created to the left of the driveway.

The floor area of the proposed house would be 1,908 square feet (97.1%), which is greater than the 35.0% maximum floor area permitted for a lot of this size. A floor area exception is therefore requested. In addition, the following variances would be required for the proposed house:

- The proposed house would extend up to the front property line, which would be less than the 15 foot front yard setback required in the R-1 zone.

- The proposed house would extend to within 3 feet of the east (right) side property line, which would be less than the 8 foot side yard setback required in the R-1 zone.

- The proposed house would extend to within 3 feet, 4 inches of the west (right) side property line, which would be less than the 8 foot side yard setback required in the R-1 zone.

- The proposed house would cover 1,227 square feet (62.3%) of the site, which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone.

- The height of the proposed house would be 42 feet, 11 inches, which is greater than the 30 foot maximum building height in the R-1 zone.

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 wood and light grey colored stucco walls, with dark grey trim. A grey flat roof with gravel would be installed.

BACKGROUND

In 2007, a previous owner of the subject property filed an application (File #20720) for construction of a single-family dwelling on this site. The application included a five-story project design with garages at the lowest level of the building and included requests for variances for reduced front, side and rear yard setbacks, excess lot coverage and excess building height, along with a floor area exception. This application was reviewed at the October 4, 2007 Design Review Board meeting. At that time, several neighboring property owners objected to the overall size of the proposed house, stating that the design was inconsistent with the character of other homes on Corinthian Island and could result in view impacts for nearby residences. The Design Review Board echoed many of these concerns, particularly with the overall floor area and mass and bulk of the house. The application was continued to allow the applicant time to address these concerns.

On March 20, 2008, the Design Review Board considered a revised project design with four levels and garage access on the uppermost level of the house. The Board approved the application with the following exception and variances:

- Floor area of 2,450 square feet (97.2%).
- Reduced front setback of 6 inches.
- Reduced side setbacks of 5 feet of the east (right) side property line and 3 feet of the west (left) side property line.
- Lot coverage of 1,384 square feet (54.9%) of the site.
- Excess building height of 42 feet.

The application expired before a building permit could be obtained for the project. The property was then sold to the current property owner.

In 2015, a new application (File #VAR2015019) was filed for construction of a new four-story home on the site. The application requested the following exception and variances:

- Floor area of 2,593 square feet (103.1%).
- Reduced front setback of 5 feet, 9 inches.
- Reduced east (right) setback of 5 feet.
- Lot coverage of 1,332 square feet (53.0%) of the site.
- Excess building height of 42 feet.

The application was reviewed at the November 19, 2015 Design Review Board meeting. At that meeting, several neighboring property owners raised concerns about the size of the house, potential light and view blockage and compatibility with the surrounding neighborhood. The Board shared some of these concerns and suggested that the house be stepped back and pushed further into the hillside to lessen impacts on the homes at 83 & 87 East View Avenue and better comply with the Hillside Design Guidelines. The application was continued to the December 17, 2015 meeting.

The applicant subsequently investigated a question regarding the location of the property lines. A survey and attendant research indicated that the lot was smaller than previously thought and that the neighboring home at 83 East View Avenue extends across the shared side property line. The applicant withdrew the application to redesign the house in light of this new information.

PROJECT SETTING



The subject property is steeply sloped, with frontage on East View Avenue above, and extends down to Alcatraz Avenue below. The site is a vacant lot nestled among older homes along the western end of East View Avenue. The lot is visible from the Ark Row portion of Main Street below.

Corinthian Island is a neighborhood with very small, steeply sloped lots. The northern half of Corinthian Island lies within Tiburon, while the southern half lies within Belvedere. Due to the steep topography and small lot sizes, most, if not all, homes on Corinthian Island have either received variances or have nonconforming conditions related to setbacks, lot coverage, building height and floor area ratio.

ANALYSIS

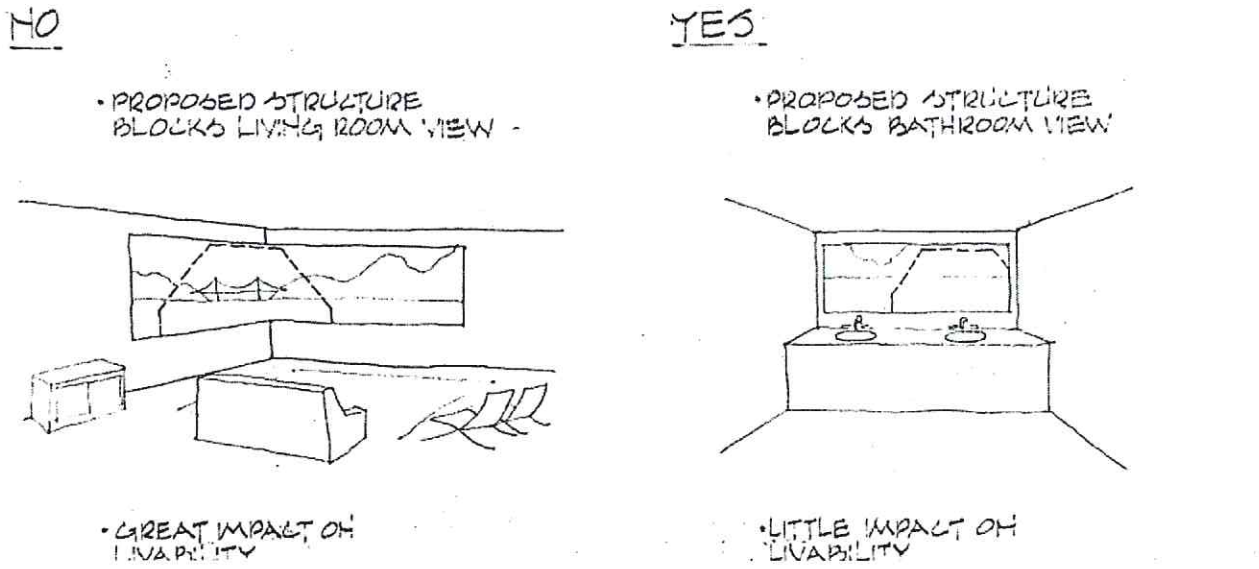
Design Issues

The proposed house design is smaller than the previous homes proposed for this site, with the floor area reduced by 685 square feet from the 2015 application. The downhill end of the home has been moved 2 to 3 feet uphill and the second and third floors of the house have been moved much closer to the front property line.

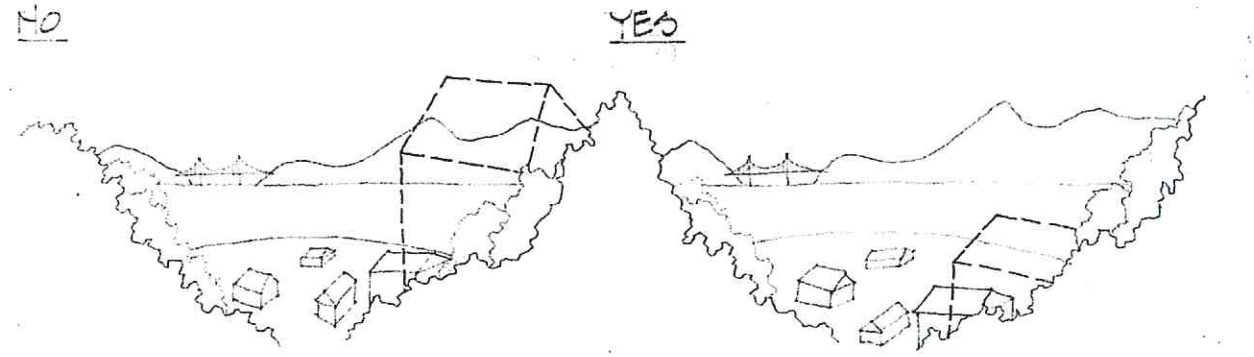
Story poles have been erected for the proposed house. The poles do not appear to indicate substantial view impacts for any homes uphill from the site, but would appear to intrude somewhat into the views from the adjacent residences at 83 & 87 East View Avenue.

The following principles of the Hillside Design Guidelines should be used in evaluating the potential view impacts from the neighboring homes:

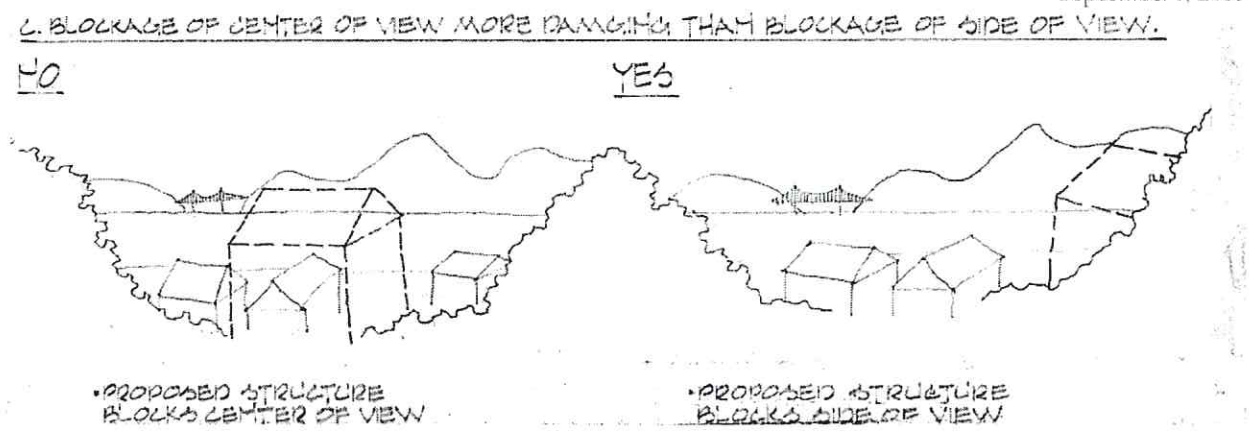
Goal 3, Principle 7 (A) of the Hillside Design Guidelines states that "view protection if more important for the primary living areas of a dwelling (e.g. living room, dining room, family room, great room, kitchen, and decks associated with these rooms) than for less actively used areas of a dwelling (e.g. bedroom, bathroom, study, office, den)." The proposed house would intrude into the views from the kitchen, dining room and bedrooms of the home at 83 East View Avenue and from the living room of the home at 87 East View Avenue.



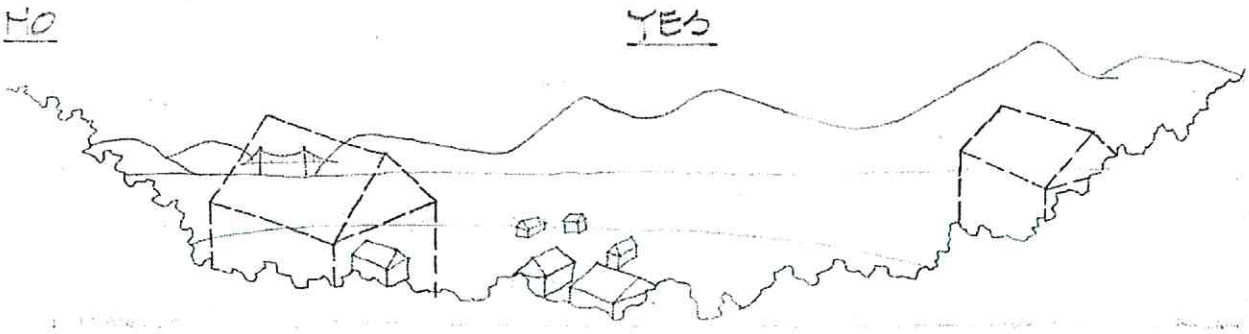
Goal 3, Principle 7 (B) of the Hillside Design Guidelines states that the "horizon line is [the] most sensitive part of [the] view, then foreground, then middleground." The proposed home would be in the foreground view and extend past the horizon line from the home at 83 East View Avenue. The house would be situated in the middleground of the view of the home at 87 East View Avenue.



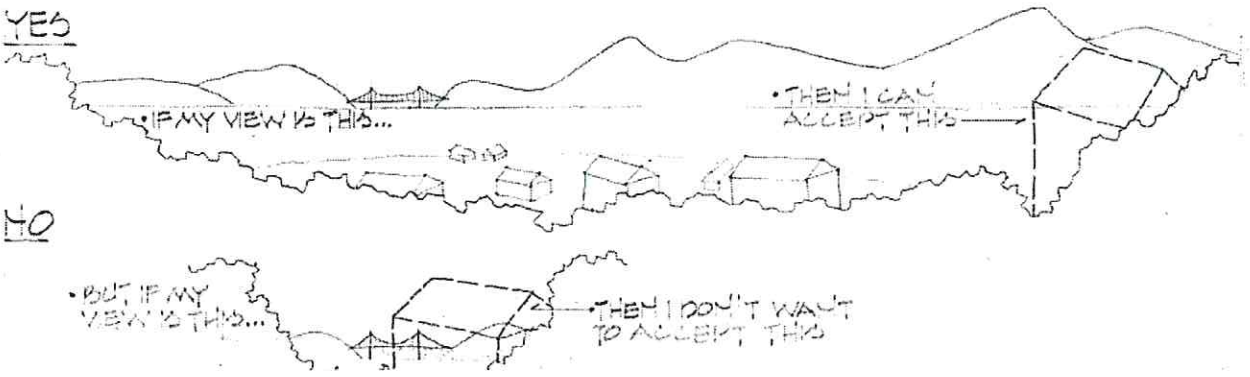
Goal 3, Principle 7 (C) of the Hillside Design Guidelines states that "blockage of center of [the] view [are] more damaging than blockage of [the] side of [the] view." The proposed house would intrude into the side of the view from the home at 83 East View Avenue, but the center of the view from the kitchen and dining room. The living room of the home at 87 East View Avenue has windows on two sides, with the proposed house sitting in the center of one of the windows.



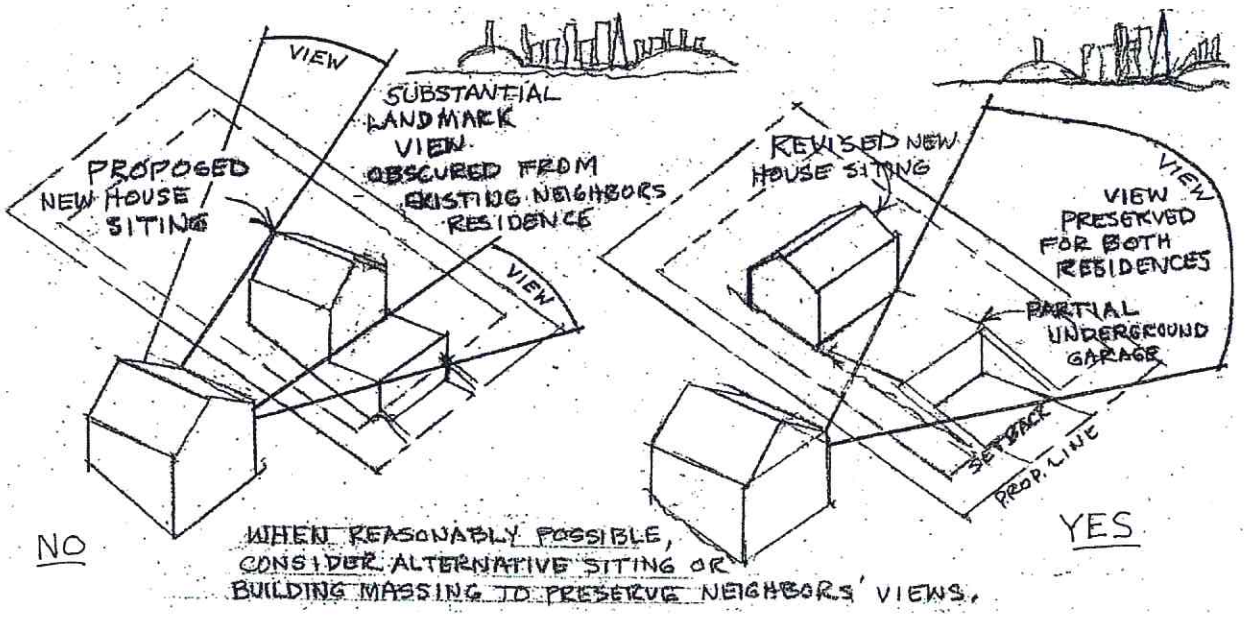
Goal 3, Principle 7 (C) of the Hillside Design Guidelines states that "blockage of important objects in the view (Golden Gate Bridge, Belvedere Lagoon, Sausalito, Angel Island) is more difficult to accept than blockage of other, less well-known landmarks." The proposed house would block views of Mt. Tamalpais and Belvedere Lagoon from the kitchen and dining room of the home at 83 East View Avenue and would block views of San Francisco Bay and Angel Island from the living room of the home at 87 East View Avenue.



Goal 3, Principle 7 (E) of the Hillside Design Guidelines states that "a wide panoramic view can accept more view blockage than the smaller slot view." The home at 83 East View Avenue has a relatively panoramic view to the north and west, while the home at 87 East View Avenue has bifurcated views to the east and west.



Goal 3, Principle 8 of the Hillside Design Guidelines states that "a view across a vacant lot is often considered to be a 'borrowed' view, which is likely to be compromised by the eventual development of the vacant lot. A borrowed view is one which is temporary in nature and which may be reasonably expected to change upon development of the lot. Consideration may be given to preserving portions of a borrowed view if this is the only substantial view for a neighboring home." The views from the dining room and kitchen of the home at 83 East View Avenue are directly across the subject site and could be considered to be borrowed views. The view from the living room at 87 East View Avenue is currently limited by the home at 83 East View Avenue beyond the subject property and only a portion of the proposed house would extend beyond the other neighboring home and into views toward Angel Island.



The Design Review Board is encouraged to view the story poles from the homes at 83 & 87 East View Avenue.

The Public Works Department and several neighboring property owners have raised concerns about construction staging for this project. Although construction-related issues are generally not within the purview of the Design Review Board, the design of the house would leave little or no room for construction staging on the property, potentially causing construction impacts to overflow onto nearby streets. The Public Works Department has recommended adoption of conditions of approval detailing requirements of a construction staging plan to be reviewed by the Town prior to issuance of a building permit for this project.

Zoning

Staff has reviewed the proposal and finds that it is generally not in conformance with the development standards for the R-1 zone, as variances are requested for reduced front and side yard setbacks, excess lot coverage and excess building height, along with a floor area exception.

In order to grant the requested variances, 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 has a small size and steep topography by both the standards of Corinthian Island and of Tiburon as a whole. The strict application of the R-1 development standards 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 on Corinthian Island have received variances for reduced setbacks, excess lot coverage and excess building height and the Design Review Board approved similar variances for a construction of a new house on this site in 2008.

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 interpretation of the required yard setbacks, lot coverage and building height would result in a very small house on the site that would be inconsistent with the development pattern of other homes on Corinthian Island. The house would be very narrow and pushed down the hill away from the front property line in a manner that would create an impractical house design.

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 may create view impacts for the homes at 83 & 85 East View Avenue. However, some of these view impacts may be the result of borrowed views across this currently vacant lot.

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.***

Many of the homes on Corinthian Island are visually prominent, similar to the design of the proposed house and the design of the house approved for this property in 2008.

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.***

Although the vertical nature of the proposed house design could be considered to be incompatible with the physical layout of the site, the steepness of the subject property and the limited lot size substantially restricts the ability of any house design to more closely follow the contours of the site.

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

Public Comment

As of the date of this report, no letters have been received regarding the subject 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 attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Design Review Board staff report dated November 19, 2015
4. Minutes of the November 19, 2015 Design Review Board meeting
5. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

85 EAST VIEW AVENUE

FILE # DR2016091, VAR2016026, VAR2016027, VAR2016028, VAR2016029, VAR2016030 & FAE2016009

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 July 14, 2016, or as amended by these conditions of approval. Any modifications to the plans of August 4, 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.

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 site must provide at least one Post Construction mitigation in accordance with E.12 of the Town's Municipal Stormwater Permit and the BASMAA Post-Construction Manual Design Guidance for Stormwater Treatment and Control for Projects in Marin, Sonoma, Napa, and Solano Counties. Prior to building permit issuance complete the Project Data Form indicating which runoff reduction measure will be used and delineate the areas and locations of runoff reduction measures on a site plan.

    b. An Encroachment Permit from DPW is required for any work within the Town's road right-of-way, including, but not limited to, utility trenching, installation of new utility connections, and modifications to the driveway apron. The plans shall clearly identify all proposed work in the right of way and an Encroachment Permit shall be obtained prior to conducting such work. If no work is proposed within the public right-of-way this comment may be disregarded.

    c. Prior to building permit issuance specify on the building permit plan set the total volume of displaced earth (cut and fill).

    d. Prior to building permit issuance an erosion and sediment control plan shall be submitted as part of the plan set.

    e. Prior to building permit issuance the applicant shall complete the Construction Erosion and Sediment Control Applicant Package that can be found on the Town's website.

    f. The project shall be subject to post rain event erosion control inspections.

g. Prior to building permit issuance provide a geotechnical report prepared by a licensed soils engineer.

h. Plans, reports, calculations and other relevant project files shall be reviewed and approved by the Public Works Department for impacts to the public right-of-way prior to building permit issuance.

i. Prior to building permit final all damage to the streets that result from the subject construction activities shall be restored by applicant/developer. Inspections by the Public Works Department shall take place prior construction, during construction and prior to final to identify extent of restoration and to ensure its adequacy.

13. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD.

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. The automatic fire sprinkler system shall be upgraded to a NFPA 13R system with the FDC located below the structure on East View Avenue. CFC 903.2

b. Access shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. A means of egress/access shall be provided from each level of the home to exterior stairs. CFC 503.1.1

c. Approved smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10

d. The vegetation on this parcel shall comply with the requirements of TFPD and the recommendations of Fire Safe Marin. Shredded bark is prohibited. CFC 304.1.2

e. All solar panels shall comply with TFPD standard 605.11.

15. The project shall comply with all requirements of Sanitary District No. 5.

16. The roof material color shall be a medium to dark color to be reviewed and approved by Planning Division staff prior to issuance of a building permit for this project.

17. A construction staging plan shall be approved by the Building Official and Public Works Department prior to issuance of a building permit for this project. The staging plan shall include the following information:

a. Staging areas and means of construction during the various stages of the projects.

b. Indicate the impacts to the roadway.

c. Specify which street frontages will be affected, if any, and whether traffic in Belvedere will be affected. If street frontages will be affected by construction activities, staging or parking, provide traffic control plans and the expected frequency of road closures.

d. Expected project duration and preliminary construction schedule.

e. Specify whether East View Avenue will be closed during the demolition and re-construction of the retaining wall and means of retaining the soil and street during construction. The maximum limit of road closures is 5 days for the duration of the project in accordance with the amount specified in the construction management plan. Road closures shall not conflict with garbage pickup days or street sweeping days. Work within the public right of way, including road closures, shall not be permitted on weekends.

f. Specify the expected frequency and quantity of dump truck trips for the various stages of the project.

g. Specify what heavy equipment will be utilized at the various stages of the projects and its expected location and duration of use.

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TOWN OF TIBURON

LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

o Conditional Use Permit	X Design Review (DRB)	o Tentative Subdivision Map
o Precise Development Plan	o Design Review (Staff Level)	o Final Subdivision Map
o Secondary Dwelling Unit	X Variance(s) 5 #	o Parcel Map
o Zoning Text Amendment	X Floor Area Exception	o Lot Line Adjustment
o Rezoning or Prezoning	o Tidelands Permit	o Condominium Use Permit
o General Plan Amendment	o Sign Permit	o Seasonal Rental Unit Permit
o Temporary Use Permit	o Tree Permit	o Other_____

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 85 Eastview Ave **PROPERTY SIZE:** 1,968 SF.
PARCEL NUMBER: 060-105-07 **ZONING:** R1

PROPERTY OWNER: David & Tandy Ford
MAILING ADDRESS: P.O. Box 242, Tiburon CA 94920 and
324 Camino Cerrito, Sante Fe, NM 87505
PHONE/FAX NUMBER: 415-860-3673 E-MAIL: dford415@gmail.com

APPLICANT (Other than Property Owner): David Thompson
MAILING ADDRESS: 219 Shoreline Highway
Mill Valley, CA 94941
PHONE/FAX NUMBER: 415-706-6598 E-MAIL: david@thompsonstudio.com

ARCHITECT/DESIGNER/ENGINEER David Thompson, Thompson Studio Architects
MAILING ADDRESS: 219 Shoreline Highway
Mill Valley, CA 94941
PHONE/FAX NUMBER: 415-706-6598 E-MAIL: david@thompsonstudio.com

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

BRIEF DESCRIPTION OF PROPOSED PROJECT (***attach separate sheet if needed***):
New Single family residence on a vacant lot.

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: 7/06/2016

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: 7/06/2016

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

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FAE 20160009
VAR20160-

DO NOT WRITE BELOW THIS LINE

026, 027, 028, 029, 030 **DEPARTMENTAL PROCESSING INFORMATION**

Application No.: DR2016-091 **GP Designation:** **Fee Deposit:** $450/WAIVED
Date Received: 7/14/16 **Received By:** LS **Receipt #:** R1550
Date Deemed Complete: 8/10/16 **By:** DCJ
Acting Body: **Action:** **Date:**
Conditions of Approval or Comments:_____ **Resolution or Ordinance #** _____

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DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM FOR NEW RESIDENCE OR OTHER MAIN BUILDING

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

Use of Site (example: single family residential, retail, office, service, etc.):

Existing: Undeveloped Residential lot

Proposed: New single family residence

Square Footage of Landscape Area: 530 SF

TO BE COMPLETED BY APPLICANT			STAFF USE ONLY	
ITEM	**EXISTING** (if existing building is to be demolished)	**PROPOSED** (reflects proposed construction)	**CALCULATED**	**PER ZONE**
Setbacks from property line (Section 16-100.020(y)* **Front**	N/A ft.	VARIES 0'-0" TO 8'-10 1/2" ft.	ft.	ft.
Rear	N/A ft.	20% ft.	ft.	ft.
Right Side	ft.	3' ft.	ft.	ft.
Left Side	ft.	3'-4" ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	ft.	42'-11" ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B)*	sq.ft.	1227 sq.ft.	sq.ft.	sq.ft.
Lot Coverage as Percent of Lot Area	%	62.3 %	%	%
Gross Floor Area (Section 16-100.020(F)*	sq.ft.	1908 sq.ft.	sq.ft.	sq.ft.
Net Floor Area (if office building) (Section 16-32.040	Sq.ft.	Sq.ft.	Sq.ft.	Sq.ft.
Number of Parking Spaces Provided	spaces	3 spaces	spaces	spaces

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

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

APPLICATION FOR VARIANCE

A Variance is a form of regulatory relief available when a strict or literal application of zoning development standards would result in practical difficulties or unnecessary physical hardships for an applicant. These difficulties and/or hardships must be caused by physical conditions on, or in the immediate vicinity of, a site. Please refer to Section 16.52.030 of Chapter 16 (Zoning) of the Tiburon Municipal Code for additional information regarding Variances.

WHAT VARIANCE(S) ARE YOU REQUESTING?

Condition	Zoning Requirement	Existing Condition	This Application Proposes	Magnitude Of Variance Requested
Front Setback	15'-0"		0	15'-0"
Rear Setback				
Left Side Setback	8'-0"		3'-4"	4'-8"
Right Side Setback	8'-0"		3'-0"	5'-0"
Lot Coverage	30%		62.3%	32.3%
Height	30'-0"		42'-11	12'-11"
Parcel Area Per Dwelling Unit				
Usable Open Space				
Parking				
Expansion of Nonconformity				

Other (Please describe): _____

Variances

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In order to grant variances all of the following finds are required by Section 4.08.05.

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.**
   85 Eastview has a small size and steep topography both by the standards of Corinthian Island and Tiburon as a whole. The strict application of the R-1 development standards would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity. Furthermore, because of the recently discovered conflict in the property boundaries the property is further burdened and restricted well beyond what the owners thought they owned.

2. **The variances will not constitute a grant of special privileges, inconsistent with the limitation upon other properties in the vicinity and in the same or similar zones.**
   Numerous other properties on Corinthian Island and most all the properties on the same side of Eastview Avenue have received variances (or were built with non-conforming conditions) for reduced setbacks, excess lot coverage and excess building height. Note that #83 Eastview is actually built several feet over it's property line on the west side adjacent to the proposed project into a section of land that is not owned by anyone. This land or "hiatus" does contribute to an increased side yard setback that is actually larger then the official 3'-0" setback requested. If this ±9'-0" wide "hiatus" was split between the two properties then the perceived east side yard setback would be ±7'-6" at the upper section of the home and 12'-6" at the downhill section of the home.

3. **The strict application of the Ordinance would result in practical difficulty or unnecessary hardship.**
   The strict interpretation of the required yard setbacks, lot coverage and building height would result in an exceptionally small house on the site. The house would be very narrow and pushed down the hill away from the front property line in a manner that would create an impractical house design. Simply said, without the granting of these variances it would be impossible to build a home on this site.

4. **The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.**
   The proposed project will not create substantial view blockage or access to light for other homes in the area. Per the request of the neighbor to the east the house has been located as close to the street as possible to further mitigate impacts on their property. Any potential privacy concerns on the east side of the building can be addressed by the use of nontransparent glass in the windows.

Section 4.02.08 of the Tiburon Zoning Code states that the Design Review Board may grant exceptions to the required floor area ratio requirements if it makes the following two findings:

- **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**

  Many of the homes on Corinthian Island are visually prominent, especially when viewed from below, similar to the proposed project and the house approved for this property in 2008. It is also important to note this design is very similar to the design of the adjacent home at #83 Eastview. but is carved into the hill more and the vertical mass is significantly more articulated. The proposed project is compatible with the pattern of the neighborhood as it has a single story garage at the upper street level and presents a taller, vertical structure to the downhill view due to the steepness of the site.

- **The applicant has demonstrated that the proposed structure is compatible with the physical layout of the site.**

  As with the previously approved design this design is similar in many ways to the design of #83 Eastview and many of the homes on the down sloping side of Eastview Avenue. All the homes have a garage or one story structure at the upper most portion of the site and present a taller, vertical structure to the lower level. The house has been carved into the hillside as much as possible and steps down the hill where possible to reduce the overall height. Since the lot is so steep and the lot is very small the resulting structure has a vertical quality to it's mass which is typical of the neighborhood.

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July, 2016

To: Members of the Tiburon Design Review Committee
From: David & Tandy Ford

In November, 2015 we presented an application to build a new home at 85 Eastview. During the application process we were advised that the lot size was not as represented when we purchased it, which made development as intended impossible. We have now made a new application based on the most recent survey of the lot prepared by Lawrence Doyle.

BACKGROUND

In April 2015 my wife and I had purchased lot 72, 85 Eastview Avenue. We purchased the property with the understanding that the lot size was as delineated by markers placed by the sellers' surveyor, JL Engineering; that a record of survey had been filed consistent with the JL Engineering markers; that the lot was as represented in architectural plans prepared by the sellers' architect, Miles Berger; that the lot was as set forth in the assessor's parcel map; and that the sellers had no knowledge of any lot line issues. In part because Design Review had previously approved the Berger prepared plans, we had no suspicion whatsoever that the lot was anything other than represented.

In December of last year, after substantial effort had already been made to obtain approvals for our new design, our surveyor, Lawrence Doyle, advised us that due to an "exception" in our deed, the 85 East View lot was approximately 15 feet narrower than represented by the sellers and 15 feet narrower than what appeared in the Berger plans previously submitted to this Committee.

Doyle had been hired to not only survey our lot, but was retained by the new owner of 87 Eastview and her architect, Miles Berger. In the course of reconciling the common lot line between our lot and hers, Doyle discovered that inconsistencies between two subdivision maps resulted in an overlap of the two parcels. As described to us, the 87 Eastview property lot lines were established by the 1908 Map of Corinthian Island, whereas the 85 Eastview property lot lines were established by a subsequent map created in 1924. The maps are inconsistent, and the described lots overlap by approximately 15 feet. Our deed gave precedence to the 87 Eastview lot line description and created an exception acknowledging that the overlap between the two properties was part of the 87 Eastview lot. In short

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the overlap between the two maps reduced our parcel by approximately 15 feet in width.

The result of the lot line discrepancy uncovered by Doyle was that 85 Eastview was not as represented, and certainly not as represented to both us and Design Review by the previous owners and Miles Berger in their application.

Adding to the confusion and development nightmare, Doyle also discovered that the home constructed on 87 Eastview was largely constructed off the lot lines set forth in the 1908 map, and is actually situated in the middle of the Eastview right of way. Further, on the other side of our lot, Doyle discovered a strip of land that was never deeded to anyone by the original owners going back to the early 1900s, creating a "hiatus" strip between 85 Eastview and 83 Eastview. Also, like the home at 87 Eastview, the home at 83 Eastview was partially built beyond its lot lines and now extends over the "hiatus" area.

The lot line issues are more readily apparent from the attached maps.

UNSUCCESSFUL ATTEMPTS TO RECTIFY THE LOT LINE PROBLEM

During our initial Design Review process, and before we had any knowledge of the lot line issues, we received what seemed to be an odd email from the new owner of 87 Eastview in which she mentioned the existence of a "lot line issue". We wrote her back suggesting she schedule a time to meet with our architect and asked her what she meant by the "lot line issue." She didn't answer. In fact through months of trying to reach her, speak to her, write to her, and meet with her attorney ... she has never directly responded to us, choosing instead to point to the Doyle survey and lay claim to the overlap.

While we can't argue with the surveyor's findings or the claim made by the owner of 87 Eastview, we did try to rectify the problem in several different ways. We offered to buy all, or a portion, of the overlap she laid claim to. We offered to pay what we considered a very high price but she never responded to our offer. We even suggested taking joint action to reset the lot lines consistent with the general community understanding and with building placement on the affected lots. We even enlisted the sellers of our lot to intervene and contribute to a purchase or broker an agreement that would allow us to go forward with development of the lot we thought we purchased. Unfortunately in all cases the owner of 87 Eastview chose not to respond to us or consider any practical approach to the problem.

On several occasions we have even demanded that the sellers of 85 Eastview (now residing in Virginia) rescind the sale and buy back the property. They have refused, preferring to seek resolution through mediation and litigation.

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OUR INITIAL EFFORTS TO DEVELOP 85 EASTVIEW

In the Spring 2014, prior to even purchasing the lot, we wrote a letter to residents of Corinthian Island advising them that we were doing due diligence and asked for feedback. We gave our phone number, residential address and email address. We didn't get a large response, but that letter led to dialogue with the owners of 83, 84, 100 and the administrator for the estate of the previous owner of 87 Eastview. In the Spring 2014 we also met with the Fire Department and the Planning Department to solicit feedback. Based on that research, and armed with significant information provided by the previous owners, their architect, their surveyor and the listing agent, we purchased the property. After closing we found a builder who we were sure would both do a great job and would be sensitive to building on Corinthian Island. We selected Tim Peterson. Tim grew up in Tiburon, lives in Tiburon, has his office immediately below the site and is very experienced building on small hillside lots. Tim often works with David Thompson and suggested that David be retained as the architect for the project. Tim took us to look at one great example of a project they had previously collaborated on.

While we liked the previous design, and for the most part replicated it in our initial submission to Design Review, we chose David as our architect because of his successful collaboration with Tim. The only initial instruction we gave him was to remove the car elevator from the initial design presented as part of our purchase package. What my wife and I wanted more than anything was a very energy efficient home (we hope to be LEEDS Certified) with a great walk score. We wanted a house we'd be very proud of, a house with a small carbon and water use footprint, a house that could be a great example of what could be done with an infill lot.

During the design process for our original plans we again consulted with as many of our neighbors as we could to seek and incorporate their input. While the design presented in November began with the previous approved design, we made small changes based on feedback that we hoped everyone would agree were improvements. For reasons best known to him, Berger circulated an email encouraging opposition to the design we submitted - even though the design was nearly identical to his original plans (except for the removal of the car elevator). That email seemed to result in opposition by the owners of 83, 84 and 87 Eastview.

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Following the November Design Review meeting, and out of respect for our neighbors, we immediately set out to make every change requested. We recognized the sensitivity of every issue raised and hoped that all of our neighbors would be pleased with our efforts to address their concerns. . While in the process of preparing a new submission, we were advised by Doyle of the lot line issue.

THE NEW PLAN TO DEVELOP 85 EASTVIEW

Recognizing that the Doyle survey limited our options for development, and being unable to come to some reconciliation with the owner of 87 Eastview, we addressed a new development plan regularly with both the Town Planning Department and the Fire Department. Faced with a significantly smaller lot and the challenges of a very steep site, we worked closely with the Planning Department and Fire Department to consider reasonable options. Ultimately we based the design presented here on discussions with them as to appropriate setbacks and variances.

Based on those discussions, and their suggestions, we moved the home closer to both the lot line on the east and the west lot borders. It's important to note that the lot line to the east is buffered by the "hiatus" that adds an additional (approximately) 8 feet of buffer between the properties.

Consistent with the Doyle survey we've proceeded with the lot as per the drawings provided here. The lot is approximately 45 feet wide at upper Eastview and quickly narrows to approximately 31 feet. Thus we've designed the house presented not to the dimensions of the 45 foot wide lot we thought we bought, but to the 31 foot wide lot we indisputably own.

While we know Design approval is often difficult, misrepresentation concerning true lot lines has made this process extraordinarily difficult and stressful. My wife and I wanted to build a great example of what could be accomplished on an infill lot and we still want to do that. We have reconciled ourselves to a smaller and more expensive house, but still want to move forward. Although we understand lot line issues are prevalent on Corinthian Island, in this instance the matter goes well beyond the norm. Our problem is further exacerbated by the fact that we didn't even know there was a lot line issue with this lot, and believed the sellers when they told us that a record of survey had been filed establishing lot lines consistent with corner markers and the Berger plans. Frankly, while this process has been unduly stressful, we hope for a congenial neighborhood experience but fear all of these issues might make that difficult to achieve. We sincerely hope not.

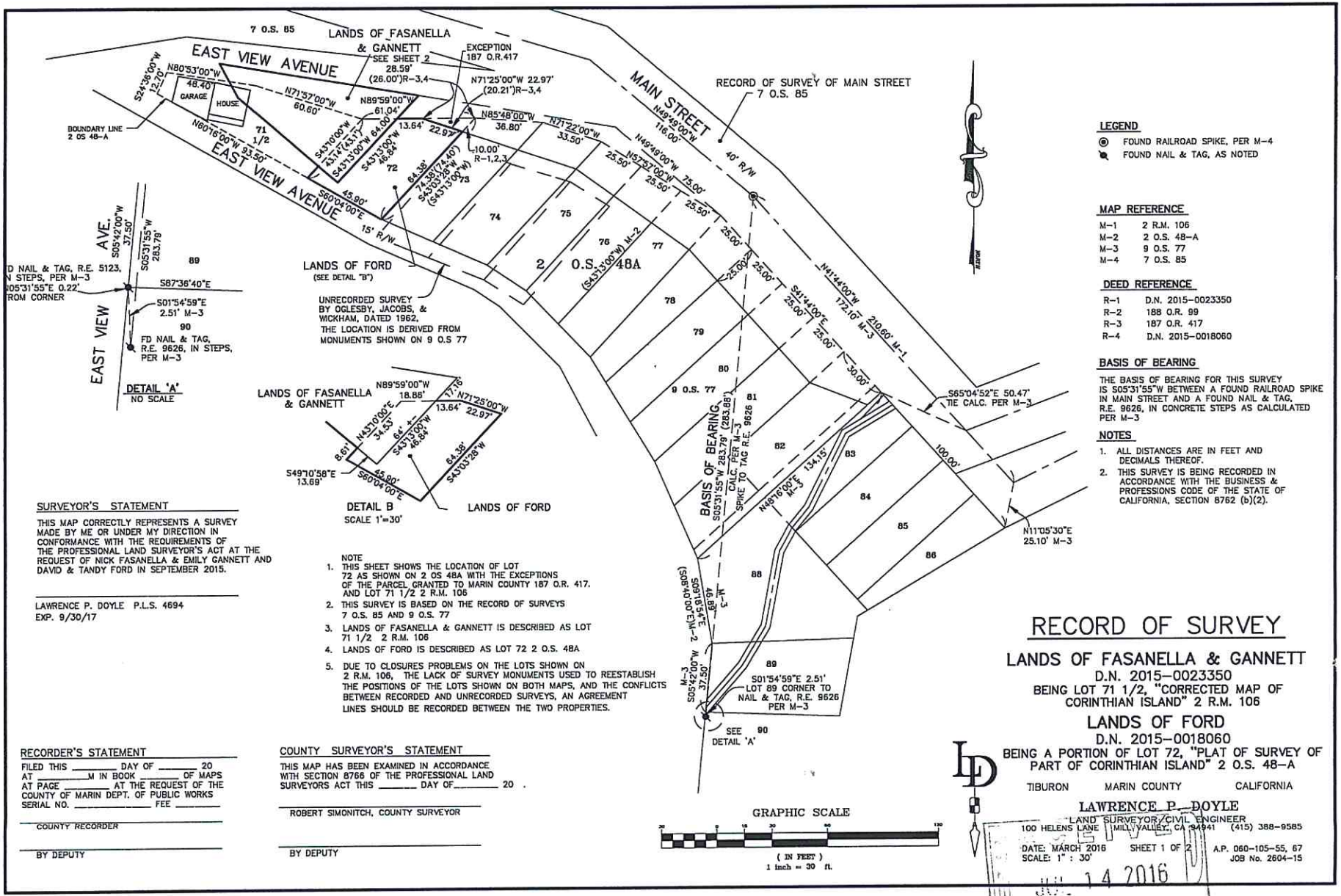
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Thus we present to you today an energy and water efficient infill home on what is today an unusually small infill lot. The lot has restrictions including slope, size and access. We have worked hard to address each with sensitivity. We request several variances. We have no choice but to ask for height and setback variances.

With regards to the setback variances we consulted with the Town Planning Department and the Fire Department and have designed a house asking for less variance than we believe they were willing to recommend and accept. In order to preserve emergency access, we have included steps along entire west side of the house and doors to the outside from every level. In addition, the house will be built to the strictest fire safety standards pursuant to our discussions with the Fire Marshall. In addition, while we've mentioned the hiatus we do hope to work with the owner of 83 Eastview to possibly gain "quiet title" and split both the cost and the land gained. Regardless, the hiatus adds an additional buffer between lots and, as discussed with the Fire Department allows for necessary access on the west side of the house as well.

We have an architect and a builder with significant experience building on small steep lots with minimal setbacks. In fact they are currently working on a comparable home in Sausalito and we would be happy to share that address with you. We are sensitive to the needs of the Town, the Fire Department and our Corinthian Island neighbors and hope and expect everyone will be proud of the results we achieve here. We expect the new home as designed to be a great example of taking what is today a rather unsightly infill lot and making great and efficient use for not only our benefit but for the benefit of the community.

Thank you.



LEGEND

- FOUND RAILROAD SPIKE, PER M-4
- FOUND NAIL & TAG, AS NOTED

MAP REFERENCE

M-1	2 R.M. 106
M-2	2 O.S. 48-A
M-3	9 O.S. 77
M-4	7 O.S. 85

DEED REFERENCE

R-1	D.N. 2015-0023350
R-2	188 O.R. 99
R-3	187 O.R. 417
R-4	D.N. 2015-0018060

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS S05°31'55"W BETWEEN A FOUND RAILROAD SPIKE IN MAIN STREET AND A FOUND NAIL & TAG, R.E. 9626, IN CONCRETE STEPS AS CALCULATED PER M-3

NOTES

1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
2. THIS SURVEY IS BEING RECORDED IN ACCORDANCE WITH THE BUSINESS & PROFESSIONS CODE OF THE STATE OF CALIFORNIA, SECTION 8762 (b)(2).

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST OF NICK FASANELLA & EMILY GANNETT AND DAVID & TANDY FORD IN SEPTEMBER 2015.

LAWRENCE P. DOYLE P.L.S. 4694
EXP. 9/30/17

NOTE

1. THIS SHEET SHOWS THE LOCATION OF LOT 72 AS SHOWN ON 2 OS 48A WITH THE EXCEPTIONS OF THE PARCEL GRANTED TO MARIN COUNTY 187 O.R. 417. AND LOT 71 1/2 2 R.M. 106
2. THIS SURVEY IS BASED ON THE RECORD OF SURVEYS 7 O.S. 85 AND 9 O.S. 77
3. LANDS OF FASANELLA & GANNETT IS DESCRIBED AS LOT 71 1/2 2 R.M. 106
4. LANDS OF FORD IS DESCRIBED AS LOT 72 2 O.S. 48A
5. DUE TO CLOSURES PROBLEMS ON THE LOTS SHOWN ON 2 R.M. 106, THE LACK OF SURVEY MONUMENTS USED TO REESTABLISH THE POSITIONS OF THE LOTS SHOWN ON BOTH MAPS, AND THE CONFLICTS BETWEEN RECORDED AND UNRECORDED SURVEYS, AN AGREEMENT LINES SHOULD BE RECORDED BETWEEN THE TWO PROPERTIES.

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____ 20
AT _____ M IN BOOK _____ OF MAPS
AT PAGE _____ AT THE REQUEST OF THE COUNTY OF MARIN DEPT. OF PUBLIC WORKS
SERIAL NO. _____ FEE _____

COUNTY RECORDER

BY DEPUTY

COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYORS ACT THIS _____ DAY OF _____ 20 .

ROBERT SIMONITCH, COUNTY SURVEYOR

BY DEPUTY

RECORD OF SURVEY

LANDS OF FASANELLA & GANNETT

D.N. 2015-0023350
BEING LOT 71 1/2, "CORRECTED MAP OF CORINTHIAN ISLAND" 2 R.M. 106

LANDS OF FORD

D.N. 2015-0018060
BEING A PORTION OF LOT 72, "PLAT OF SURVEY OF PART OF CORINTHIAN ISLAND" 2 O.S. 48-A

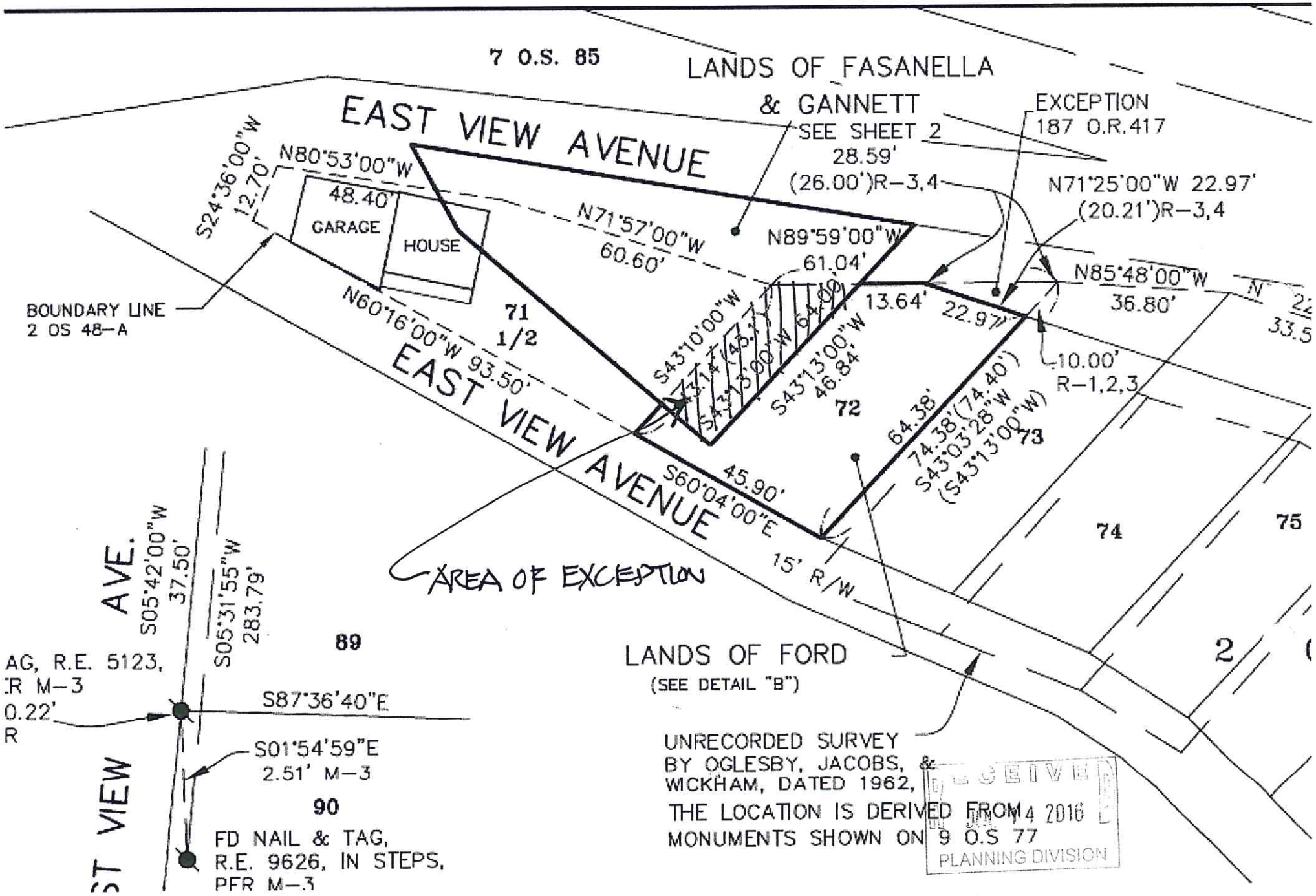
TIBURON MARIN COUNTY CALIFORNIA

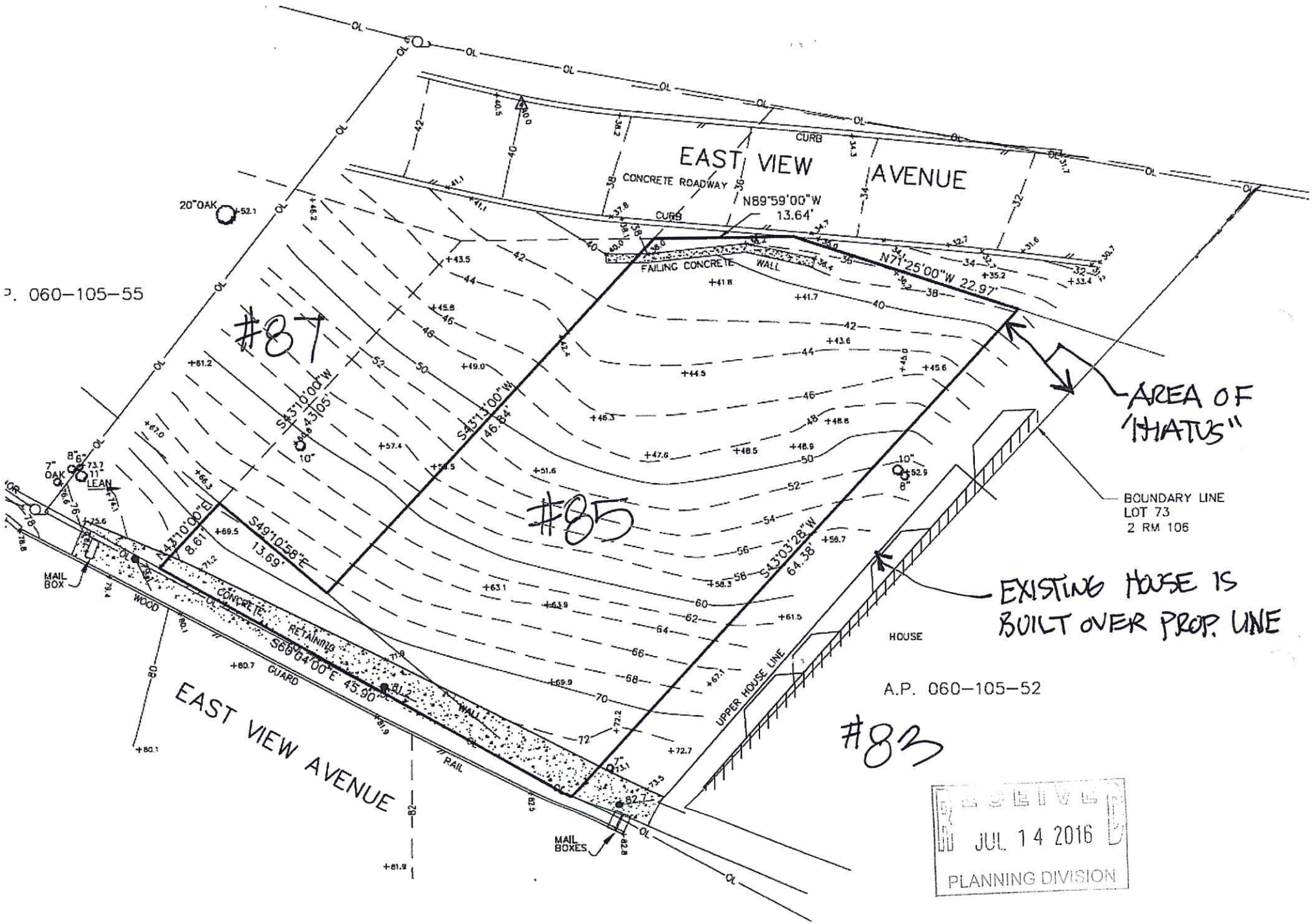
LAWRENCE P. DOYLE
LAND SURVEYOR/CIVIL ENGINEER
100 HELENS LANE MILL VALLEY, CA 94941 (415) 388-9585

DATE: MARCH 2016 SHEET 1 OF 2 A.P. 060-105-55, 67
SCALE: 1" : 30' JOB No. 2604-15

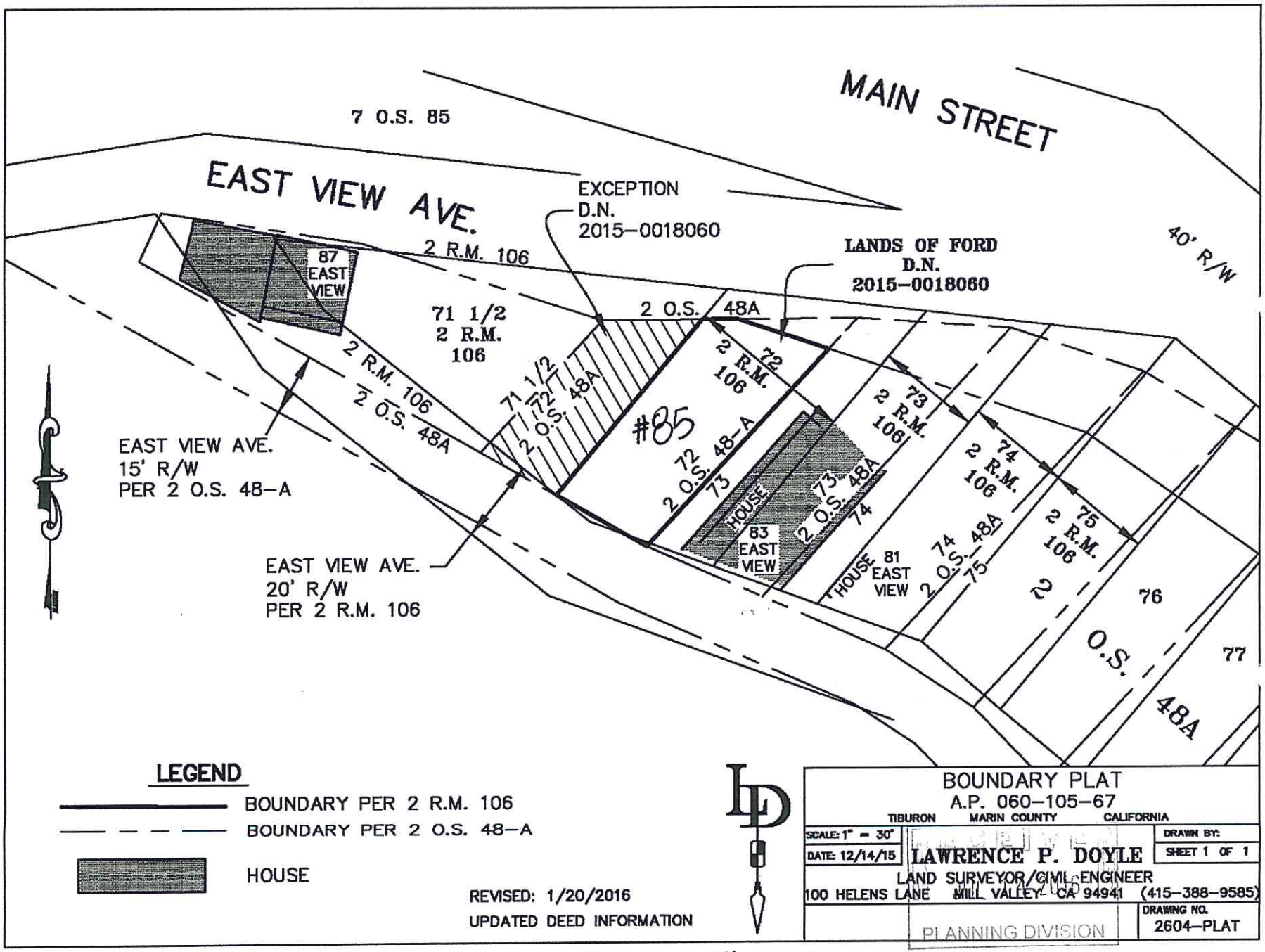
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OFFICIAL RECORD OF SURVEY FOR 87 & 85 EASTVIEW

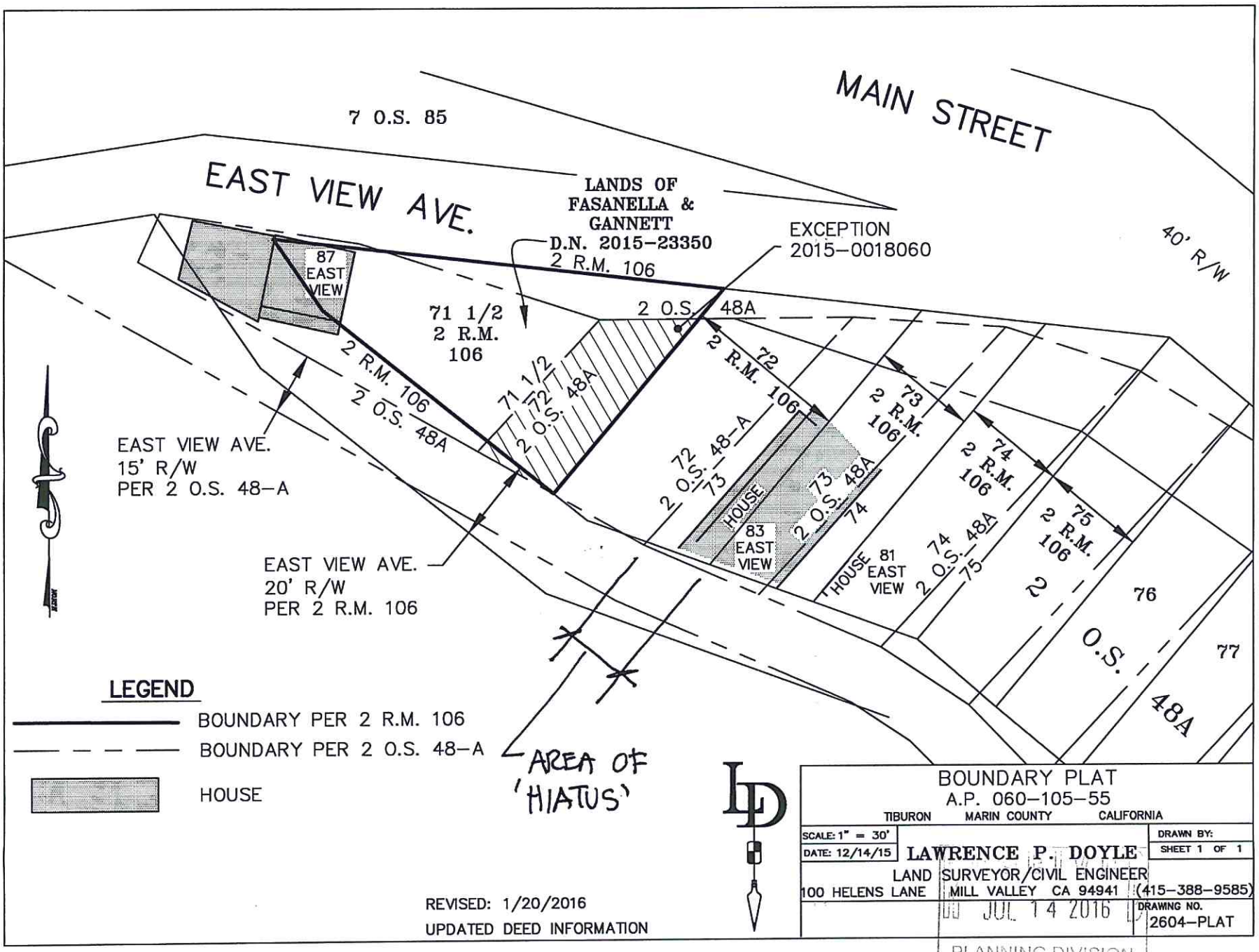




SURVEY SHOWING RECORDED BOUNDRY SURVEY FOR #85 EASTVIEW

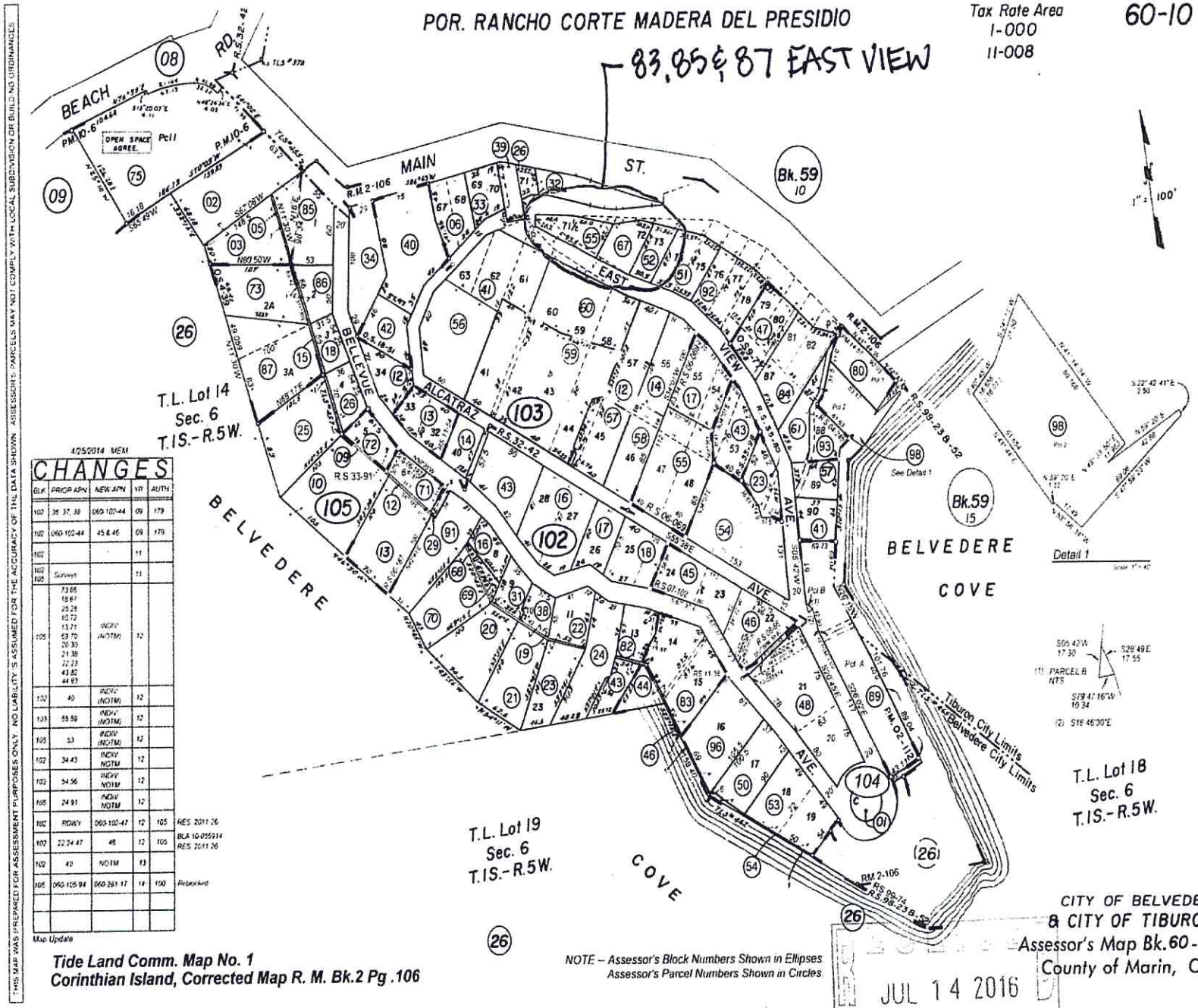


PRELIMINARY SURVEY SHOWING



PRELIMINARY SURVEY SHOWING

OFFICIAL ACCESSORS PARCEL MAP



4/25/2014 MEM

CHANGES

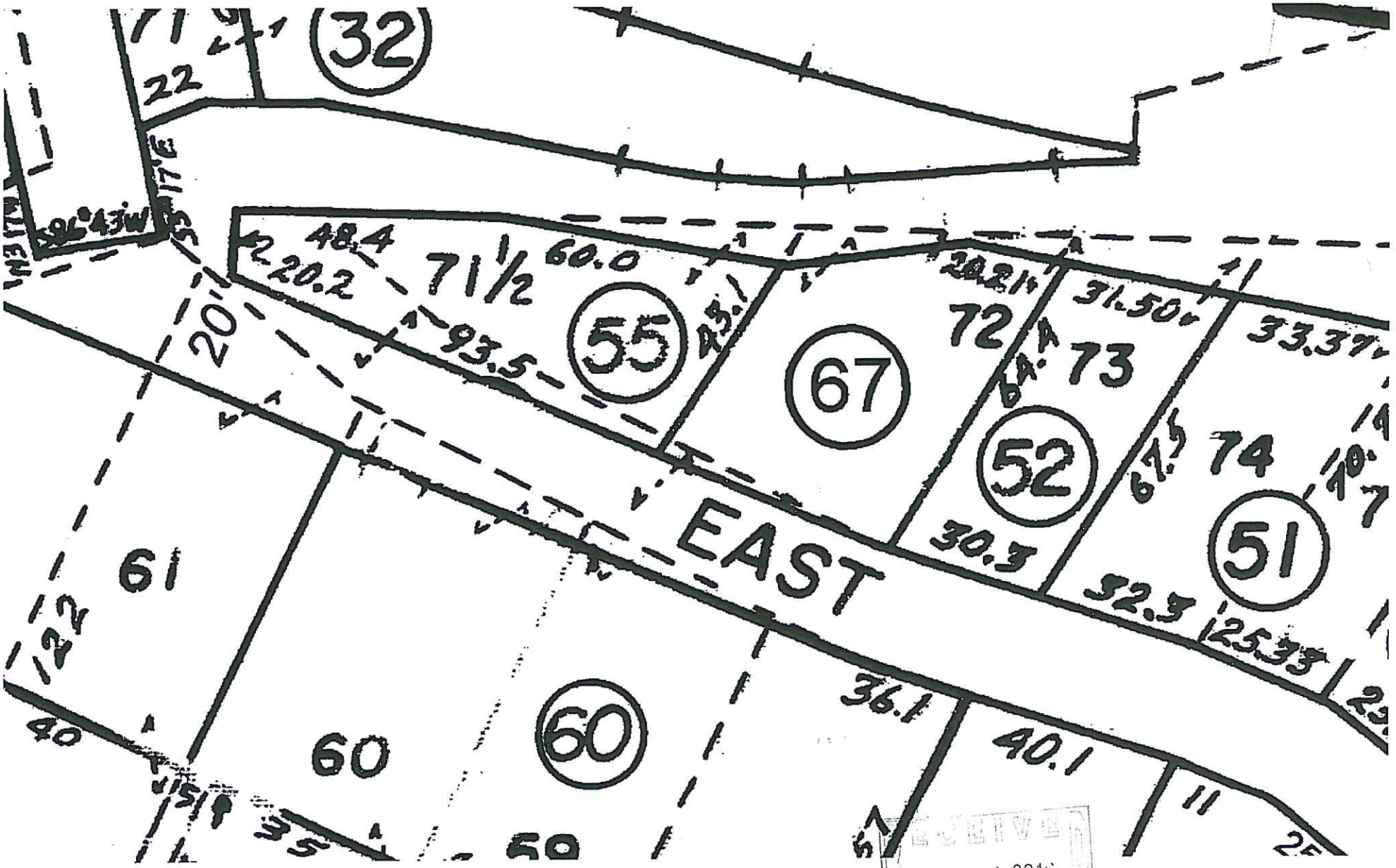
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105	060-105-94	060-261-17	14	190	Reopened

Map Update

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

ACCESSORS PARCEL MAP

MATCHES 1924 MAP



RECEIVED
JUL 14 2016
PLANNING DIVISION

1924 MAP - MATCHES ACCESSORS PARCEL MAP

Description: Marin, CA Record of Survey 2.48a Page: 2 of 2
Order: 7 Comment:

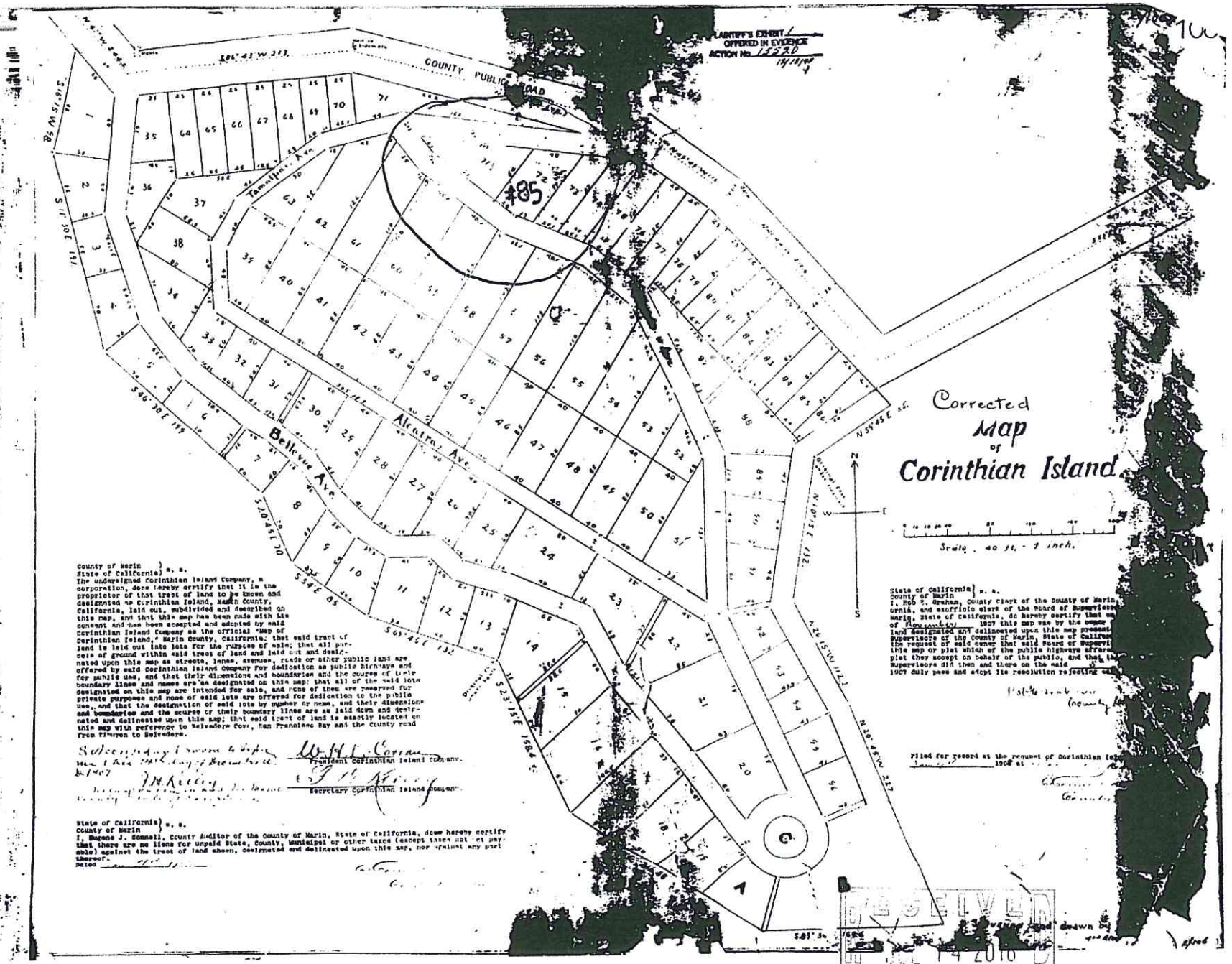
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JUL 14 2016
PLANNING DIVISION

1908 MAP

Description: Marin, CA Subdivison Maps 2.106 Page: 1 of 1
Order: 7 Comment:



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

STAFF REPORT

To: Members of the Design Review Board

From: Planning Manager Watrous

Subject: 85 East View Avenue; File No. VAR2015019; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling, with Variances for Reduced Front and Side Yard Setbacks, Excess Lot Coverage and Excess Building Height, and a Floor Area Exception

Reviewed By: _____

PROJECT DATA

ADDRESS:	**85 EAST VIEW AVENUE**
OWNER:	**DAVID AND TANDY FORD**
APPLICANT:	**DAVID THOMPSON (ARCHITECT)**
ASSESSOR'S PARCEL:	**060-105-67**
FILE NUMBER:	**VAR2015019**
LOT SIZE:	**2,515 SQUARE FEET**
ZONING:	**R-1 (SINGLE-FAMILY RESIDENTIAL)**
GENERAL PLAN:	**MH (MEDIUM HIGH DENSITY RESIDENTIAL)**
FLOOD ZONE:	**X**
DATE COMPLETE:	**OCTOBER 28, 2015**

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 a new four-story single-family dwelling on property located at 85 East View Avenue. The subject property is currently vacant.

The first (lowest) level of the house would include two bedrooms and a bathroom. The second level would include a master bedroom suite. The third level would include a living room, kitchen, dining room and a half bathroom. The fourth (highest) level would include a two-car garage and an entry. Decks would extend off the second and third levels, along with access to a patio area on

the first level and a roof deck adjacent to the entry on the fourth level. All four levels would be connected by an interior stairway and an elevator.

The floor area of the proposed house would be 2,593 square feet (103.1%), which is greater than the 35.0% maximum floor area permitted for a lot of this size. A floor area exception is therefore requested.

In addition, the following variances would be required for the proposed house:

- The proposed house would extend to within 5 feet, 9 inches of the front property line, which would be less than the 15 foot front yard setback required in the R-1 zone.

- The proposed house would extend to within 5 feet of the east (right) side property line, which would be less than the 8 foot side yard setback required in the R-1 zone.

- The proposed house would cover 1,332 square feet (53.0%) of the site, which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone.

- The height of the proposed house would be 42 feet, which is greater than the 30 foot maximum building height in the R-1 zone.

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 wood and light grey colored stucco walls, with dark grey trim. The color and materials of the flat roof has not been specified.

BACKGROUND

In 2007, a previous owner of the subject property filed an application (File #20720) for construction of a single-family dwelling on this site. The application included a five-story project design with garages at the lowest level of the building and included requests for variances for reduced front, side and rear yard setbacks, excess lot coverage and excess building height, along with a floor area exception. This application was reviewed at the October 4, 2007 Design Review Board meeting. At that time, several neighboring property owners objected to the overall size of the proposed house, stating that the design was inconsistent with the character of other homes on Corinthian Island and could result in view impacts for nearby residences. The Design Review Board echoed many of these concerns, particularly with the overall floor area and mass and bulk of the house. The application was continued to allow the applicant time to address these concerns.

On March 20, 2008, the Design Review Board considered a revised project design with four levels and garage access on the uppermost level of the house. The Board approved the application with the following exception and variances:

- Floor area of 2,450 square feet (97.2%), 143 square feet greater than the size requested by the current application.

- Reduced front yard setback of 6 inches, less than the 5 foot setback requested by the current application.

- Reduced side yard setbacks of 5 feet of the east (right) side property line and 3 feet of the west (left) side property line, while the requested application requests a 5 foot setback on the east side and an 8 foot setback on the west side. A variance was not requested for reduced rear yard setback for the approved house design.

- Lot coverage of 1,384 square feet (54.9%) of the site, 52 square feet less than the size requested by the current application.

- Excess building height of 42 feet, identical to that proposed by the current application.

ANALYSIS

Design Issues

Corinthian Island is a neighborhood with very small, steeply sloped lots. The northern half of Corinthian Island lies within Tiburon, while the southern half lies within Belvedere. Due to the steep topography and small lot sizes, most, if not all, homes on Corinthian Island have either received variances or have nonconforming conditions related to setbacks, lot coverage, building height and floor area ratio.

The subject property is steeply sloped, with frontage on East View Avenue above, and extends down to Alcatraz Avenue below. The site is a vacant lot nestled among older homes along the western end of East View Avenue. The lot is visible from the Ark Row portion of Main Street below.

Story poles have been erected for the proposed house. Views of the poles from East View Avenue are somewhat screened by existing vegetation that will likely be removed during construction. The poles do not appear to indicate substantial view impacts for any homes uphill from the site, but would appear to intrude somewhat into the side views from the adjacent residence at 83 East View Avenue.

Staff has compared the proposed plans with those approved for the previous house in 2008 to evaluate the relationship of the proposed house to the home at 83 East View Avenue. The proposed house would extend approximately 1 foot, 3 inches further to the rear than the previously approved building and would be 5 feet, 6 inches taller at the rearmost point of the structure. As a result, there would be more building mass visible from the decks and windows of the rearmost portion of the adjacent home than was previously approved by the Design Review Board. The neighboring property owner has requested that the Design Review Board consider directing the applicant to pull the house closer to the front property line to alleviate the visual impacts of the rear portions of the house. The Design Review Board is encouraged to view the story poles from the home at 83 East View Avenue, as well as from the house to the west at 87 East View Avenue.

The only windows on the east elevation of the proposed house facing this neighboring residence would be narrow windows illuminating the internal stairway. The adjacent property owner has requested that these windows be made nontransparent to reduce any potential privacy impacts. With the exception of the uppermost level deck, the other proposed exterior decks would be oriented away from the home at 83 East View Avenue toward the home to the west at 87 East View, which is also oriented to the west, away from the subject property.

Several neighboring property owners have raised concerns about construction staging for this project. Although construction-related issues are generally not within the purview of the Design Review Board, the design of the house would leave little or no room for construction staging on the property, potentially causing construction impacts to overflow onto nearby streets. Staff recommends adoption of condition of approval requiring approval of a construction staging plan by the Building Official prior to issuance of a building permit for this project.

Zoning

Staff has reviewed the proposal and finds that it is generally not in conformance with the development standards for the R-1 zone, as variances are requested for reduced front and side yard setbacks and excess lot coverage and building height, along with a floor area exception.

In order to grant the requested variances, 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 has a small size and steep topography by both the standards of Corinthian Island and of Tiburon as a whole. The strict application of the R-1 development standards 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 on Corinthian Island have received variances for reduced setbacks, excess lot coverage and excess building height and the Design Review Board approved similar variances for a construction of a new house on this site in 2008.

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 interpretation of the required yard setbacks, lot coverage and building height would result in a very small house on the site that would be inconsistent with the development pattern of other homes on Corinthian Island. The house would be very narrow and pushed down the hill away from the front property line in a manner that would create an impractical house design.

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 impacts for other homes in the vicinity and potential privacy impacts may be addressed through the use of nontransparent glass for windows on the east side of the building.

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.***

Many of the homes on Corinthian Island are visually prominent, similar to the design of the proposed house and the design of the house approved for this property in 2008.

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.***

Although the vertical nature of the proposed house design could be considered to be incompatible with the physical layout of the site, the steepness of the subject property and the limited lot size substantially restricts the ability of any house design to more closely follow the contours of the site.

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

Public Comment

As of the date of this report, two letters have been received regarding the subject application from the owners of the adjacent properties at 83 & 87 East View Avenue.

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. Submitted plans
4. Letter from Ulriz Binzer, dated November 12, 2015
5. Letter from Emily Gannett and Nick Fasanella, dated November 12, 2015

Prepared By: Daniel M. Watrous, Planning Manager

the new residence do not match the plans for the established building envelope. The submitted plans show the established building envelope 26 feet from the eastside property line and the established building envelope is 27 feet from the property line. Staff added a condition of approval to have the plans show the proposed home within the established building envelope, but with the correct distance from the property line.

Mohamad Sadrieh, architect, said that the access to this property is via a driveway that opens to a corner of the lot. He described the house design and said the placement of the rooms to capture views and provide access to the back yard. He said that in order to protect the views of neighbors and access the lower yard directly, they would lower the grade at the garage by 4-5 feet. He said that they are requesting no variances or exceptions and have contacted all neighbors and heard no objections to the project.

There were no public comments.

Boardmember Cousins asked for clarification regarding the issue with the building envelope. Associate Planner O'Malley stated that the Town Council approved a change to the building envelope to move it within 27 feet from the side property line and the drawings need to be updated to comply with that change.

Boardmember Cousins said that the plans comply with the Hillside Design Guidelines and it is an attractive design. He supported the project.

Boardmember Chong stated that this would be a lovely house. Vice Chair Kricensky agreed that the project had done a nice job of complying with the Hillside Design Guidelines and the zoning requirements.

ACTION: It was M/S (Emberson/Cousins) that the request for 25 Gilmartin Drive is exempt from the California Environmental Quality Act and to approve the request, subject to the attached conditions of approval. Vote: 4-0.

Boardmember Chong recused himself from the following item.

5. **85 EAST VIEW AVENUE:** File No. VAR2015019; David and Tandy Ford, Owners; Site Plan and Architectural Review for construction of a new single-family dwelling, with Variances for reduced front and side yard setbacks, excess lot coverage and excess building height, and a Floor Area Exception. The applicant proposes to construct a new four-story, 2,593 square foot house, which would result in a floor area ratio of 103.1%, which is greater than the 35.0% maximum for a lot of this size. The front yard setback would be 5 feet, 9 inches in lieu of the minimum 15 feet and the east side yard setback would be 5 feet, in lieu of the minimum 8 feet. The lot coverage of the house would be 1,332 square feet (53.0%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. The house would be 42 feet tall, in lieu of the maximum building height of 30 feet. Assessor's Parcel No. 060-105-67.

The applicant is requesting Design Review approval for the construction of a new four-story single-family dwelling on property located at 85 East View Avenue. The subject property is currently vacant. The first (lowest) level of the house would include two bedrooms and a bathroom. The second level would include a master bedroom suite. The third level would include a living room, kitchen, dining room and a half bathroom. The fourth (highest) level would include a two-car garage and an entry. Decks would extend off the second and third levels, along with access to a patio area on the first level and a roof deck adjacent to the entry on the fourth level. The floor area of the proposed house would be 2,593 square feet (103.1%), which is greater than the 35.0% maximum floor area permitted for a lot of this size. A floor area exception is therefore requested.

In addition, the following variances would be required for the proposed house:

- The proposed house would extend to within 5 feet, 9 inches of the front property line, which would be less than the 15 foot front yard setback required in the R-1 zone.

- The proposed house would extend to within 5 feet of the east (right) side property line, which would be less than the 8 foot side yard setback required in the R-1 zone.

- The proposed house would cover 1,332 square feet (53.0%) of the site, which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone.

- The height of the proposed house would be 42 feet, which is greater than the 30 foot maximum building height in the R-1 zone.

David Thompson, architect, presented images of the project from different vantage points. He stated that the owners found this property appealing due to its location and the face that a similar size and style home had previously been approved for this lot. He said that the proposed design did not exceed the style or scope of that other earlier project. He described the elements of the project design and stated that the roof was kept as low as possible to minimize the height. He said that the owners' preference was a contemporary design and he displayed a drawing comparing this project with the previously approved house design. He pointed out a discrepancy in the staff report comparing the two projects and stated that the previously approved house would have extended 15 inches beyond the footprint of the proposed project, had more mass extending down on the fourth floor and also would have extended within a foot of the street at the front. He said that the extent and height of the proposed project would be slightly less than the previous project, but both are contemporary style designs and have a similar approach to glazing and massing. He noted that the proposed floor area was slightly larger than that of the previously approved project, but he felt that this was misleading because the other project had about 1,000 square feet of basement space. He said that they were asking for approval of a project that would be slightly less impactful than the previously approved project.

Mr. Thompson said that they have reached out to adjacent neighbors and one uphill neighbor expressed concerns about road closures. He said that they reached out with a design and met with

three neighbors. He said that one of the concerns from the owner of 87 East View Avenue was blocking views to Angel Island and Raccoon Strait, but he believed that any views in that direction are already blocked more by existing structures. He said that the neighbor was also concerned about the closeness to the neighboring property and light blockage, but the proposed house would be at the setback line and within the rear yard setback, but there would be some shading, probably in the early morning. He said that they were also concerned with the bank of windows that could compromise their privacy, but he stated that the windows would be further to the north and not orientated toward the neighboring property.

Mr. Thompson stated that another neighbor at 83 East View Avenue suggested moving the building six feet up the hill to preserve views. Mr. Thompson stated that this project would have the same impacts as the previously approved project. He said that the main source of views and light is from the rear of the homes along East View Avenue. He noted that the Hillside Design Guidelines state that the views across a vacant lot are considered "borrowed" until the vacant lot is developed. He said that they proposed to eliminate the solid guardrail and replace it with a solid glass guardrail to reduce the visual mass of the building and preserve views and light. He said that a geotechnical report was done for the site and there is nothing that would negatively affect construction on the site. He acknowledged that construction projects on Corinthian Island are challenging, but noted that most houses in the area were built without the code requirements and civil engineering practices that are now in place, yet all managed to be built on the same one-way road that as the subject property.

The public hearing was opened.

Brian Matas said that he lives directly across from this proposed construction. He said that East View Avenue is a substandard road and they are very concerned about any construction that could have an adverse effect on the homes on the street. He suggested that the house size was excessive and out of character with the other homes in the vicinity, with variances in all directions. He was also concerned about the stability of the lot and stated that in 1982 the road slid at this location, including the asphalt and extending close to his own house, so he was concerned that this proposed home is on the site of a slide. He said that he had not seen any of the studies that have been done and he believed that the Town should ensure that East View Avenue is not further compromised. He said that there is a risk to surrounding homes during construction and expressed concern about responsibility or liability to surrounding properties. He said that construction would also impact emergency services and he felt that there should be a requirement that East View Avenue be accessible at all times.

Ulrik Binzer said that the proposed house would eliminate views and natural light from their main living areas and his neighbors at 87 East View Avenue would also lose views. He said that these impacts could be avoided by moving the house closer to the street. He presented a schematic drawing of the views that would be impacted from his home and photographs from inside his home. He said that there would be a massive concrete wall right in front of each of his main living areas. He also showed a photograph from 87 East View Avenue showing their potential view impacts. He said that moving the house into the hillside would maintain most of these views. He stated that every house on Corinthian Island is close to the street and it is rare to have a third guest parking spot in this area. He made several arguments to show that moving the

house closer to the street was doable and important to maintain views. He stated that there were discussions with Town personnel and the original architect who made it clear that the proposed home would never be built on the site. He felt that moving the house closer to the street would strike a better balance between the interests of the applicant and the neighbors.

Emily Fasanella stated that she agreed with everything Mr. Binzer said. She strongly encouraged moving the home closer to the street.

Ken Welter stated that houses on East View Avenue have views from all sides and his own house has 360 degree views. He said that the story poles come up over Mr. Binzer's deck and block his own view. He said that the proposed house would be very large relative to the lot size. He said that his house has 29 pilings and he believed that there will be significant piling driven into the side of the hill to build this house. He was also concerned about the safety of children in the neighborhood during construction.

Janice Westerling concurred with the suggestions provided by other neighbors. She felt that the architect described the proposed house in relation to the previously approved house rather than to what is appropriate for the lot. She believed that a house that asks for variances for lot coverage, setbacks and height would be too large for the site.

Nick Fasanella said that a bank of windows would directly face their house. He said that they were told that the windows would be tinted, which he believes to mean that they would be able to see in his house but he would not be able to see into their house.

Mr. Thompson thought that it was reasonable to use a project that has been approved as a model for the site. He said that he would like to see the views from 87 East View Venue to better understand it and requested an invitation to see them. He said that the house at 83 East View Avenue has a large amount of windows that open out to a roof deck and he believed that there are light and views in that direction. He said that they are open to listening to and analyzing the neighbors' concerns as the project moves forward.

Planning Manager Watrous stated that the color and materials board did not indicate the materials of the roof. Mr. Thompson said that the majority of the roof would be covered with solar panels, but under that it would be a dark color. Planning Manager Watrous asked for a sample of those materials, and Mr. Thompson said that they would provide it.

The public hearing was closed.

Boardmember Cousins said that the previous decision on a house at this site has little bearing and the Board needs to look at what is right for the site at this time. He stated that this is one of the smallest lots in Corinthian Island and the proposed house would be one of the larger homes. He said that the proposed house would be extremely large with multiple variances and needs to have a form that is appropriate for the site. He believed that the side yard setback with 83 East View Avenue must be maintained. He said that the existing houses along the street include a main façade that is two stories and set back, while the proposed house would have three stories and be

out of character with the other homes. He felt that the house would have too much glazing. He suggested reducing the form and scope of the house and pushing it into the hillside.

Boardmember Emberson agreed with Boardmember Cousins' comments and said that she did not want to compare the house with what was approved in the past. She questioned why the house was not pushed back into the hillside, as setting it back more would mitigate several of the problems and comply with the Hillside Design Guidelines. She said that she liked the design of the house and did not see a problem with the windows. She felt that it is a luxury to have an extra guest parking space on the street at the expense of the neighbors' light and views.

Vice-Chair Kricensky agreed with the other Boardmembers. He discussed the concept of borrowed views and said that other homes need to be designed with the understanding that someone is going to build a house on the lot. He agreed with Boardmember Cousins, however, that the house is rather large and would have too many windows that would emanate a lot of light in a relatively dark neighborhood. He said that stepping back the house would dramatically reduce its mass. He said that there is a nice view from 87 East View Avenue but that house would likely be replaced in the future. He said that the big issue was the massing of the house and that stepping it back would preserve neighbors' views and reduce its vertical mass.

ACTION: It was M/S (Cousins/Emberson) to continue the application for 85 East View Avenue to the December 17, 2015 meeting. Vote: 3-0-1 (Chong recused).

Boardmember Chong rejoined the meeting.

6. **31 APOLLO ROAD:** File No. VAR2015020; Achuck Family Partnership, LP, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling, with a Variance for excess lot coverage. The applicant proposes to construct a new one-story, 2,405 square foot house with a 363 square foot garage. The lot coverage of the house would be 2,768 square feet (32.7%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. Assessor's Parcel No. 034-262-16.

The applicant is requesting Design Review approval for the construction of a new one-story single-family dwelling on property located at 31 Apollo Road. The subject property is currently developed with a single-family dwelling, which would be demolished. The proposed house would include a living room, kitchen, dining room, a master bedroom suite, three additional bedrooms, two more bathrooms and a laundry room. Parking would be provided by an attached one-car garage and an open parking space adjacent to the driveway.

The floor area of the proposed house would be 2,405 square feet, which is 442 square feet less than the floor area ratio for a lot of this size. The proposed house would cover 2,768 square feet (32.7%) 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.

Lionel Achuck, owner, said that the building envelope for this site is wider in the front than the rear. He stated that the proposed design would be in keeping with the overall feel of the neighborhood, with an overall mass similar to other existing homes. He said that they received

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

STAFF REPORT

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

From: **Planning Manager Watrous**

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

Reviewed By: _____

BACKGROUND

The applicant is requesting to construct a new two-story single-family dwelling. The existing single-family dwelling on the site shall be demolished.

This application was first reviewed at the May 19, 2016 Design Review Board meeting. At that meeting, several neighboring residents raised concerns about the accuracy of the story poles and the height of the house.

The Design Review Board did not support the project design. The Board reiterated its concerns that were raised during the review of the previous application for this property, stating that having all of the living area on the upper floor without extending the lower floor was contrary to the Hillside Design Guidelines and that the eventual removal of the pine trees on the site would make the house very visible when viewed from below on Sierra Court. The Board encouraged the applicant to consider placing some of the floor area on the lower floor, which could require some excavation on the site. The application was continued to the July 7, 2016 meeting, and further continued until September 1, 2016 at the request of the applicant.

Since the May 19 meeting, the applicant has told Town staff that she met with several nearby residents who told her that they would not support a revised project design with more floor area on the lower level, but, with the exception of concerns over the glass patio railings, would not oppose the original building design.

The applicant has now submitted revised plans that only marginally change the project design. The roof has been slightly reconfigured to lower the ridge height above the southern portion of the house by 1 foot 2 inches to 2 feet, 4 inches. The dining room windows have been reduced in size by 25%. The main floor kitchen would be 6 inches narrower and the lower floor laundry has been pulled back 6 inches. The curved patio design has been squared off. Otherwise, the floor plans are identical to the previous design and the floor area and lot coverage of the house remain unchanged.

As previously noted, he proposal would increase the floor area on the site by 885 square feet to a total of 2,723 square feet with a 510 square foot garage, which would be 32 square feet less than the maximum floor area allowed for a lot of this size. The proposal would result in lot coverage of 2,264 square feet (30.0%), which is 2 square feet less than the 30.0% maximum lot coverage permitted in the R-1 zone.

ANALYSIS

Zoning

Staff has reviewed the proposal and finds that it is in general conformance with the development standards for the R-1 zone.

Design Issues

The project design reviewed by the Design Review Board on May 19, 2016 staff report was not substantially different from the plans reviewed by the Design Review Board in 2015. The current plans are nearly identical to those reviewed on May 19, 2016, with only minor changes to the roofline, dining room windows and patio design. Staff believes that these plans are unresponsive to the direction given by the Design Review Board at its previous meetings.

The Design Review Board has previously concluded that the project would be inconsistent with Goal 1 of the Hillside Design Guidelines to "reduce effective visual bulk of a structure and to avoid monumental and excessively large buildings" and Goal 1, Principle 1 to "cut [a] building into [the] hillside to reduce effective visual bulk." The Design Review Board also found that the placement of almost all of the floor area on the second level was also inconsistent with the Hillside Design Guidelines.

Public Comment

As of the date of this report, two letters have been received regarding the subject application since the May 19, 2016 Design Review Board meeting.

CONCLUSION

Despite repeated and consistent direction from the Design Review Board, the applicant has not substantially modified the project design to comply with the Hillside Design Guidelines. As a result, staff recommends that the application be denied.

Section 16-54.040 of the Tiburon Zoning Ordinance (Filing of New Application After Denial) reads as follows:

> "After the denial of an application for, or the revocation of, a Site Plan and Architectural Review approval, Variance, Conditional Use Permit, Condominium Use Permit, Secondary Dwelling Unit, Junior Accessory Dwelling Unit, or Tidelands Permit, no application for the approval of the same or a substantially similar project on the same site shall be considered by the Review Authority within one year after the date of its action on

the original application, unless it is established that there has been a substantial change in the circumstances under consideration in the original proceedings, or that the denial was made without prejudice."

In conformance with these requirements, if the subject application is denied the applicant would be unable to file a new application for "the same or a substantially similar project" for one year, unless the Board denies the application without prejudice. The applicant may submit a substantially revised project within a shorter timeframe.

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 Board direct staff to prepare a resolution denying the application, for adoption at the next meeting. 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. Design Review Board staff report dated May 19, 2016
3. Minutes of the May 19, 2016 Design Review Board meeting
4. Letter from Laurie James, dated August 24, 2016
5. Letter from Joan Foster, dated August 24, 2016
6. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

173 STEWART DRIVE

FILE #DR2016036

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 March 29, 2016, or as amended by these conditions of approval. Any modifications to the plans of August 22, 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. No changes of grade are allowed in the drainage easement without the approval of specific plans by the Town Engineer.

    c. No lot-to-lot drainage is allowed except where easements for drainage are provided. No drainage may discharge across sidewalks.

    d. All site drains and ditches shall be privately maintained and shall be contained within private storm drain easements. The easement shall be 10 feet wide for any pipes outside the Town right-of-way.

    e. The improvement plans shall show that all concentrated site drainage shall be directed to an under-sidewalk drain or an approved onsite storm drainage system.

    f. If over 2,500 square feet of surface area will be added or replaced, the site must provide at least one Post Construction mitigation in accordance with Section E.12 of the Town's Municipal Stormwater Permit and the BASMAA Post-Construction Manual Design Guidance for Stormwater Treatment and Control for Projects in Marin, Sonoma, Napa and Solano Counties.

    g. An erosion sediment control plan shall be prepared prior to issuance of a building permit for this project.

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 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 907.2.10The vegetation on this parcel shall comply with the requirements of TFPD and the recommendations of Fire Safe Marin.

c. CFC 304.1.2 Note that the existing pine trees require evaluation and not all of these trees may remain based on this evaluation.

d. Access gates shall be operable using the Fire District's "Knox" key system. CFC 503.6.2

13. The project shall comply with all requirements of the Richardson Bay Sanitary District.

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
May 19, 2016
Agenda Item: 5

STAFF REPORT

To:	**Members of the Design Review Board**
From:	**Planning Manager Watrous**
Subject:	**173 Stewart Drive; File No. DR2016036; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling**
Reviewed By:	_____

PROJECT DATA

ADDRESS:	**173 STEWART DRIVE**
OWNER:	**AFIE ROYO**
APPLICANT:	**JOSEPH FARRELL (ARCHITECT)**
ASSESSOR'S PARCEL:	**055-101-21**
FILE NUMBER:	**DR2016036**
LOT SIZE:	**7,553 SQUARE FEET**
ZONING:	**R-1 (SINGLE-FAMILY RESIDENTIAL)**
GENERAL PLAN:	**MH (MEDIUM HIGH RESIDENTIAL)**
FLOOD ZONE:	**X**
DATE COMPLETE:	**APRIL 27, 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 to construct a new two-story single-family dwelling. The existing single-family dwelling on the site shall be demolished.

The main level floor of the house would be expanded on all sides from the footprint of the existing house. The main floor would include a living room, dining room, kitchen, family room, three bedrooms, two bathrooms and a powder room. The lower garage level would include a two-car garage, laundry room, mud room and storage space. A new 6 foot tall wooden fence and gate would be installed along the right side of the lot facing Stewart Drive. Several mature Pine trees would be removed along the lower portion of the lot facing Sierra Court.

The proposal would increase the floor area on the site by 885 square feet to a total of 2,723 square feet with a 510 square foot garage, which would be 32 square feet less than the maximum floor area allowed for a lot of this size. The proposal would result in lot coverage of 2,264 square feet (30.0%), which is 2 square feet less than the 30.0% maximum lot coverage permitted in the R-1 zone.

The proposed colors and materials for the home include beige colored stucco and wood siding with bronze trim. A dark bronze colored metal roof would be installed. A color and materials board will be available at the meeting for review by the Board.

PROJECT SETTING



The subject property is situated on a relatively level site midway up Audrey Court, above the level of homes along Acela Drive. Mature vegetation extends along the rear and south side of the house.

BACKGROUND

In 2015, a Site Plan and Architectural Review application (File No. DR2015015) was submitted for construction of additions to an existing two-story single-family dwelling. As more than 50% of the existing dwelling would be demolished as part of this project, the application was classified as the construction of a new single-family dwelling.

The application was first reviewed at the May 21, 2015 Design Review Board meeting. The project design presented at that time included expansions to both levels of the existing house and construction of a new upper level. At the meeting, several neighboring property owners objected to the height and mass of the proposed project and the owner of the adjacent home at 175 Stewart Drive raised concerns about potential view blockage and the visual mass when viewed from the kitchen, dining room and deck of her residence.

The Design Review Board shared some of these concerns and felt that the project would impact the home at 175 Stewart Drive, would look too tall and massive when viewed from below, and had too much glazing. The Board continued the application to the August 20, 2015 meeting to allow the applicant to submit revised plans.

Revised project plans were submitted which eliminated the previously requested upper floor addition. The main level of the house was reconfigured and expanded slightly to the left (west) of the house, adding one more bedroom and bathroom to this level and increasing the proposed floor area of the level from 168 square feet to a total of 2,332 square feet. A laundry room, workshop and entry were requested to be added to the garage level, placing 426 additional square feet of floor area on this level. The previously flat roof was replaced with a slightly pitched roofline.

The overall size of the proposed house was increased slightly to 2,755 square feet of floor area. The changes to the main level of the house increased the lot coverage on the site to 2,382 square feet (31.5%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone and necessitated a variance is requested for excess lot coverage.

At the August 20, 2015 meeting, neighboring property owners again objected to the height and mass of the proposed project. The Design Review Board determined that the house would appear too massive when viewed from below, possibly exacerbated by the placement of all the floor area onto the main level. The Board also had concerns about the accuracy of the plans and story poles and raised doubts about whether this lot could support a house at the maximum floor area allowed for a lot of this size.

The application was continued to the September 17, 2015 meeting. On August 27, 2015 the applicant withdrew the application.

ANALYSIS

Zoning

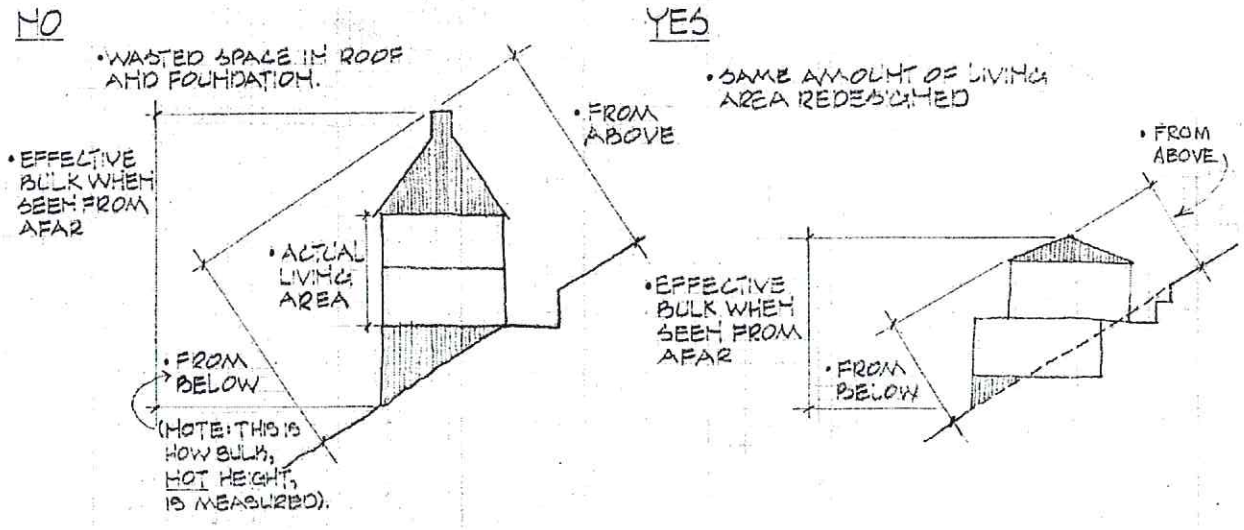
Staff has reviewed the proposal and finds that it is in general conformance with the development standards for the R-1 zone.

Design Issues

The current plans are not substantially different from the plans reviewed by the Design Review Board at the August 20, 2015 meeting. The floor area of the house has been reduced by 2 square feet and the lot coverage reduced by 118 square feet. The depth of the house was increased by approximately 4 feet on the south side and 2 feet on the north side. The width of the house was decreased by about 10 feet. The height of the house varies, but would appear to exceed the existing ridge height by one foot on the southern portion of the building.

The proposed garage would be set back from the outline of the floor above. The garage door would be 14 back from the face of the master bedroom above. The master bedroom would also cantilever almost 4 past the side wall of the garage. As a result, the upper floor of the house would project past the lower floor at the point closest to Sierra Court and the area of most visual concern to the Design Review Board and neighbors at the previous meeting. The design would be

inconsistent with Goal 1 of the Hillside Design Guidelines to "reduce effective visual bulk of a structure and to avoid monumental and excessively large buildings" and Goal 1, Principle 1 to "cut [a] building into [the] hillside to reduce effective visual bulk."



The project would remove three large Pine trees on the northwest side of the house. The trees currently screen much of the house from view along Sierra Court and their removal would open up some views of the new house from below the site.

Public Comment

As of the date of this report, one letter has been received regarding the subject application.

CONCLUSION

The current house design is not substantially different than the project that was reviewed at the August 20, 2015 meeting and therefore does not address many of the concerns raised at that meeting. In particular, the house would have almost all living area on the main level and the floor area is nearly at the FAR for this lot. The portions of the main floor that would project past the garage would not help lessen the visual mass of the building when viewed from below the site on Sierra Court. Staff believes that the Design Review Board should give direction to the applicant on specific design changes that need to be made to better address these previously raised concerns.

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 a later date and direction given to the applicant regarding recommended changes to the project design. 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. Design Review Board staff report dated May 21, 2015
4. Design Review Board staff report dated August 20, 2015
5. Minutes of the May 21, 2015 Design Review Board meeting
6. Minutes of the August 20, 2015 Design Review Board meeting
7. Letter from Laurie James, dated May 11, 2016
8. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

5. **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.

The applicant is requesting to construct a new two-story single-family dwelling. The existing single-family dwelling on the site shall be demolished. The main level floor of the house would be expanded on all sides from the footprint of the existing house. The main floor would include a living room, dining room, kitchen, family room, three bedrooms, two bathrooms and a powder room. The lower garage level would include a two-car garage, laundry room, mud room and storage space. A new 6 foot tall wooden fence and gate would be installed along the right side of the lot facing Stewart Drive. Several mature Pine trees would be removed along the lower portion of the lot facing Sierra Court.

The proposal would increase the floor area on the site by 885 square feet to a total of 2,723 square feet with a 510 square foot garage, which would be 32 square feet less than the maximum floor area allowed for a lot of this size. The proposal would result in lot coverage of 2,264 square feet (30.0%), which is 2 square feet less than the 30.0% maximum lot coverage permitted in the R-1 zone.

Joe Farrell, architect, stated that this project came before the Board several times and each time its size and scope was reduced. He stated that the project previously requested a floor area exception and a coverage variance, but now it met the development standards. He said that they met with the neighbors and reviewed the project and the story poles, but they were now unsure whether the story poles were correct and will meet with the surveyor next week to confirm the elevation of the poles.

Mr. Farrell reviewed the changes made to the previous project, including removing the large addition at the northwest side of the building, which now extends only slightly at the upper level. He described changes to the fence, patio area and driveway. He said that they tried to put all of the living area in the upper level of the home, with the laundry and mud room area on the lower level where the existing garage is located. He said that they studied the possibility of putting the living area on the bottom floor, but putting living space on that floor would require major excavation and was not feasible. He said that they reduced the height of the structure by several feet and the overall height was lower than the previous design. He noted that they also added significant landscaping to screen the building.

The public hearing was opened.

Bibi Assad said that she was very happy with the new design because it was a big change from previous designs, which involved a taller building that would have blocked her views. She said that she was concerned that the story poles that were put in two days ago look very high and do not look right and she hoped that that would be resolved.

Laurie James said that she met with applicants regarding the story poles which went up last week and were then readjusted on Monday, and she felt that this did not provide enough time to give

thoughtful feedback to the Board. She said that her main concern was the height of the story poles, as they looked taller than shown on the plans. She wanted to see the corrected poles and be sure that nothing was approved until the story poles were verified. She raised concerns about possible glare and privacy issues from the new glass panels around the patio.

Vivien Jacobs said that she had a lot of questions from the last meeting in February. She stated that the story poles indicate that the house would not step up the hill. She said that the most glaring issue was the height and she said that there were several errors in the measurements and questioned the trustworthiness of the plans. She said that the story poles make the house look much higher and appear blocky.

Mr. Farrell stated that the submitted plans and project data accurately show the building height. He said that they were willing to extend the fence out further to achieve more privacy for the neighbors and were open to considering different fence designs and materials. He said that they had a neighborhood meeting and will meet with their surveyor to correct the story poles, as he felt that they were too high.

Afie Royo, owner, clarified the story pole situation, stating that a contractor installed them and the surveyor said they were too short, so the contractor came out and made them taller. She said that the poles now appear to be too high. She said that she was willing to consider an opaque fence to avoid the problems noted about the glass panels.

The public hearing was closed.

Boardmember Cousins said that he appreciated what the applicant did, but on this site there is a problem with having all of the living area on the upper floor without extending the lower floor, which was contrary to the Hillside Design Guidelines. He said that the house is currently screened by pine trees, and once that screen is gone the house would be visible, particularly the cantilevered element on the upper floor. He said that not much had been changed much from the previous designs. He said that in order to achieve the desired floor area, the project may have to excavate to accommodating more living space on the lower floor and possibly dig down for the garage. He noted that the raised ceiling of the living room also pushes up the roof and he suggested keeping the eaves at the same height without raising the roof height.

Vice Chair Kricensky agreed with Boardmember Cousins' comments. He felt that the plans made sense on their own, but do not take the site into account and were contrary to the Hillside Design Guidelines. He agreed that it would take quite a bit of work to place floor area on the lower level. He thought that this design was better than the previous one because it did not push out on the northwest side, but with the trees removed it would open up views of a very tall facade.

Chair Tollini said that his view on the project had not changed from before. He said that he was more focused on the challenging site and he was not sure how to best solve the problem. He said that the shape and size of the lot are challenging. He said that this would be a tall house and although it is currently behind pine trees, when those trees are removed it would be very visible. He said that placing virtually all of the improvements on the top floor may not be possible. He

said that the cantilevered portion would be in one of the more sensitive areas. He felt that the project was inconsistent with the Hillside Design Guidelines and with other homes in the vicinity and would have a dramatic impact on Sierra Court. He said that developing floor area in the crawl space was not attractive, but would be the path of least resistance for adding floor area to the house. Planning Manager Watrous confirmed that the primary problem visually was from the side facing Sierra Court.

Planning Manager Watrous indicated that the project could be continued to the June 16 meeting. The applicant indicated a preference to continue to the meeting after that. Mr. Watrous indicated that the applicant would need to agree to an extension of the Permit Streamlining Act deadline to accommodate a continuance to a date in July. The applicant agreed to an extension.

ACTION: It was M/S (Cousins/Kricensky) to continue the application for 173 Stewart Drive to the July 7, 2016 meeting. Vote: 3-0.

6. **101 HOWARD DRIVE:** File No. DR2016038; Chris and Kenna Norris, Owners; Site Plan and Architectural Review to legalize as-built construction of a fence for an existing single-family dwelling. Assessor's Parcel No. 039-133-09.

The applicant is requesting design review approval to legalize as-built construction of a wooden fence for an existing single-family dwelling on property located at 101 Howard Drive. The property is currently developed with a single-family dwelling. The fence is situated near the front and side property lines on the corner of Howard Drive and Hilary Drive. The as-built wooden fence replaced an existing wooden fence covered with overgrown landscaping. The as-built fence would appear to be in the same location and height as the previous existing fence. The as-built fence would have a maximum height of six feet (6'). The property owner proposes to stain the fence a slate gray color and plant 30 inch tall landscaping in front of the fence along Howard Drive and Hilary Drive.

This application was first submitted for staff-level design review. During the review of this application, an adjacent property owner raised objections to the design of the as-built fence. As a result, the Community Development Director referred this application to the Design Review Board for action.

Chris Norris, owner, distributed renderings of the proposed project showing the fence from the surrounding streets and the corner. He said that the fence would be stained and landscaped. He said that the project would improve the visual appeal of their home, as well as the safety and visibility when turning onto Howard Drive from Hilary Drive. He stated that the previous fence was overgrown and dilapidated. He said that they received strong positive feedback from all neighbors except for one and that every home that has a direct vantage point of the new fence has indicated their approval. He stated that other fences in the neighborhood have the same height and aesthetics as this fence.

The public hearing was opened.

Dan Watrous

From: Laurie James [lajames07@comcast.net]
Sent: Wednesday, August 24, 2016 11:14 AM
To: Dan Watrous
Cc: 'Laurie James'
Subject: 173 Stewart Drive Project
Attachments: Poles Aug 24 2016.jpg

Hi Dan.

Thank you for the 3 sets of plans yesterday (the 2 extra going to my neighbors...Shaw and Jacobs).

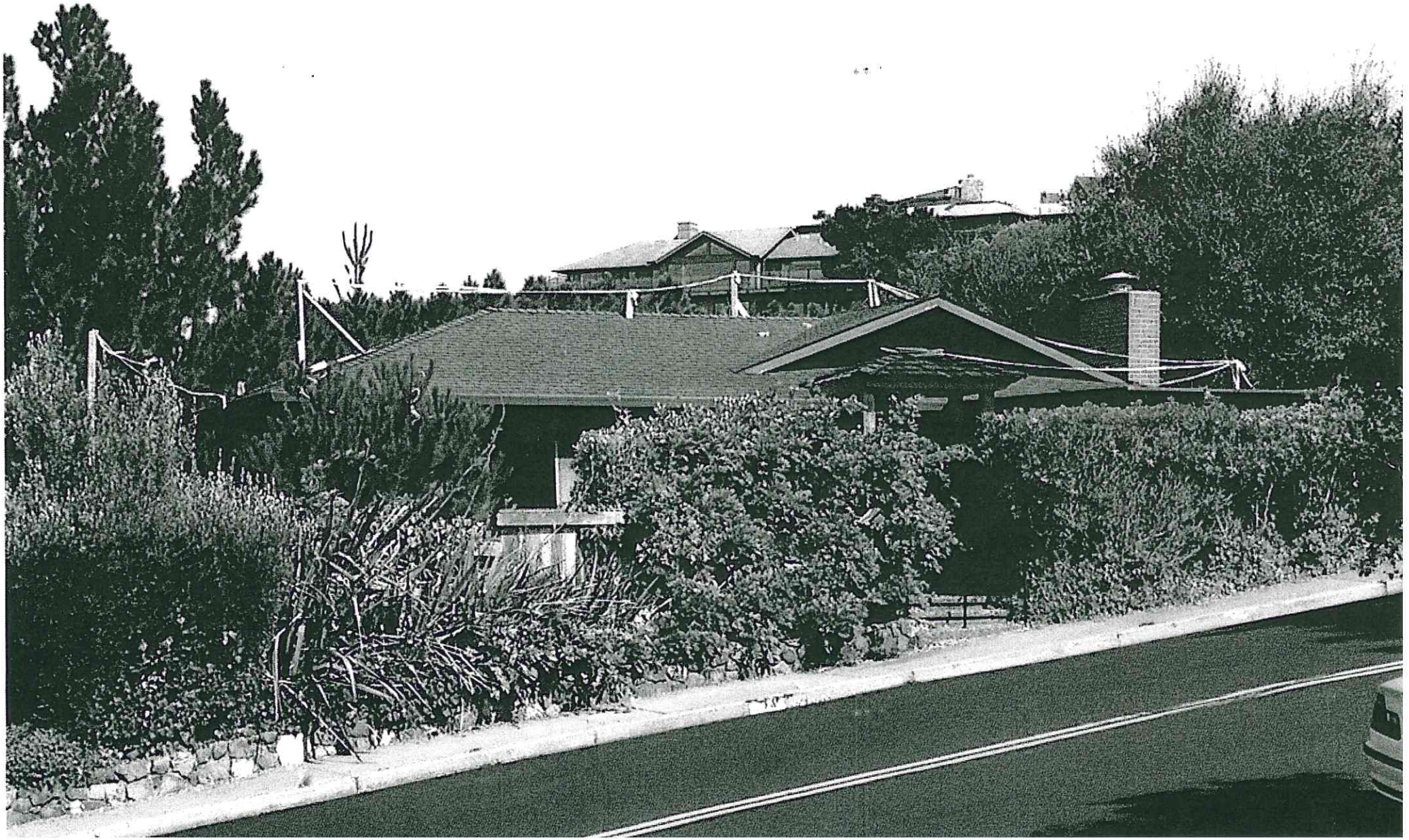
I will be following up with a more detailed letter to you and the Board but wanted to communicate the following:

1) The new story poles depicting the proposed ridge design might still have an issue....looks like the length proportionality is possibly off.

2) Also as per the proposed submitted plans "Story Pole Legend/Notes" on page A4.1, it states "story poles be coordinated with the Town" and "The story poles must be connected with orange construction netting and shall clearly and accurately demonstrate the maximum roof height and the perimeter of the structure. The construction netting must be at least 15 ft wide and must be installed at the base perimeter and at the ridgeline of the poles to represent the height, mass and bulk of the structure to the maximum extent feasible."

As you can see, they put some taping up but didn't complete entirely. With all the previous issues with their story poles inaccuracies, we're not sure what else might be off...**please see attached picture**.

Thanks.
Laurie James



August 24, 2016

To: The Town of Tiburon Planning Commission
From: Joan Foster, Trustee for 11 Sierra Court, Tiburon, California

Re: Royo, 173 Stewart Drive, Tiburon

On May 18, 2016 I wrote a letter to the Tiburon Planning Commission, prior to the May 19th meeting on this application. In that letter, I acknowledged that the resubmitted plans (dated 5/5/16) were an improvement over the original 3 story design but that there were still problems that needed to be addressed, in particular the massive height at the bottom of Sierra Court, the cantilevered portion of the home overlooking the downhill side of Sierra Court, and fears that the landscaping to replace the existing trees that would be lost would be too small to screen the residence as proposed. I was unable to attend the hearing on the proposal and was very relieved to learn that you also had these same concerns and had directed the applicant to revise the plans to address these issues and to consider relieving the building mass by placing some rooms on a lower level of the house.

Yesterday I had the opportunity to review the "new" plans being submitted for the September 1st meeting and was disheartened to see that they were essentially the same plans that had been rejected by the Commission in May. This only increased my trust issues and hopes for a remodel design that would compliment the existing homes in the neighborhood. Originally, I had hoped that the replanting of the north and northwest side (lower Sierra Court) would screen the massiveness of the home but after a number of visits to the site, I now realize that the extension out onto Sierra Court, as viewed from the bottom of the street, and the height from street level cannot be relieved with the landscaping proposed. As an example, I enclose a photograph taken today of a home on Redding Court, just above our home at 11 Sierra Court. Landscaping was a condition of approval for the remodel of that home. As you can see, there is no landscaping. Once the remodel was approved, all bets were off, the home was sold, and the neighborhood was left to suffer the consequences. Note the cantilevered deck to the left in the photo as an example of how the cantilever proposed for the Royo residence would look like when viewed from below.

The applicant, by not resubmitting plans that address the issues outlined above by the Commission as well as the neighbors, has shown a total disregard for the hearing process. I respectfully request that you reject this attempt to circumvent the previous ruling in May, so that the applicant receives a very clear message, that in Tiburon, we take the planning process very seriously and that the hope of "wearing them down" will just not work to gain approval for an inappropriate design on this site that we all would have to live with on a daily basis.

Thank you, as always, for being mindful of our neighborhood concerns.

Sincerely,

Joan Foster

Joan Foster

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
September 1, 2016
Agenda Item: 3

STAFF REPORT

To:	**Members of the Design Review Board**
From:	**Planning Manager Watrous**
Subject:	**2225 Vistazo East Street; File No. DR2016089; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling**
Reviewed By:	_____

PROJECT DATA

ADDRESS:	**2225 VISTAZO EAST STREET**
OWNER:	**SHOR CAPITAL, LLC**
APPLICANT:	**COUTURE ARCHITECTURE**
ASSESSOR'S PARCEL:	**059-091-55**
FILE NUMBER:	**DR2016089**
LOT SIZE:	**41,740 SQUARE FEET**
ZONING:	**RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)**
GENERAL PLAN:	**M (MEDIUM DENSITY RESIDENTIAL)**
FLOOD ZONE:	**X**
DATE COMPLETE:	**AUGUST 10, 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 a new two-story single-family dwelling on property located at 2225 Vistazo East Street. The subject property is currently vacant.

The upper floor of the house would include a living room, dining room, kitchen, family room and a master bedroom suite, along with a mud room, a small additional bathroom and a powder room. The lower floor would include three more bedrooms and bathrooms, along with a media room, laundry room, wine cellar and storage room. Decks would extend off both floors to the east and

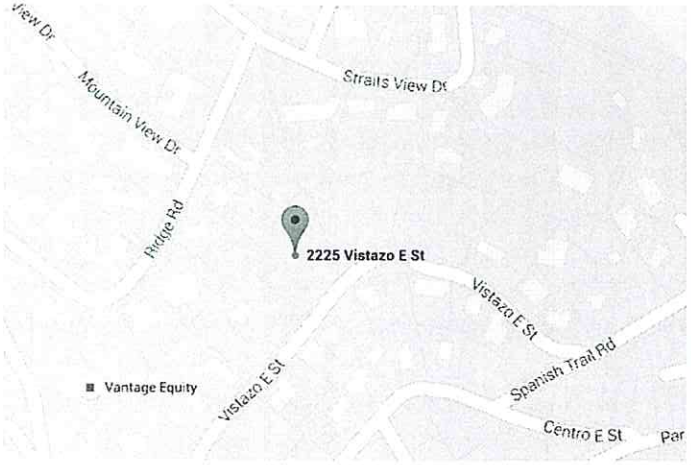
patios would be located at ground level on several sides of the building. A roof deck would cover much of the southern portion of the upper floor. A swimming pool would be situated off the upper floor. A 6 foot tall wood and wire deer fence would surround most of the lot.

An attached three-car garage would be situated on the uphill side of the house. Vehicular access to the house would be provided by a long driveway leading uphill from the street below, bordered by retaining walls up to 6.5 feet in height. A driveway gate would be installed near the bottom of the site.

The floor area of the proposed house would be 5,375 square feet, with 720 square feet of garage space, which is 679 square feet less than the floor area ratio for a lot of this size. The proposed house would cover 5,655 square feet (13.5%) of the site, which is less than the 15.0% maximum lot coverage permitted in the RO-2 zone.

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 cedar and limestone siding with black trim. The color and materials of the flat roof has not been specified, but a living roof would be installed above the garage.

PROJECT SETTING





The subject property is steeply sloped, with frontage on Vistazo East Street below, accessed from Diviso Street to the west. The portion of Vistazo East directly adjacent to the site is a private street. The lot is situated below homes in the Hillhaven neighborhood along Ridge Road and Straits View Drive.

BACKGROUND

On May 15, 1997, the Design Review Board held a public hearing to consider the approval of a Site Plan and Architectural Review application (File #797029) for construction of a new 6,668 square foot single-family residence on the subject property by a prior property owner. Over the course of three meetings, nearby property owners and the Board raised concerns about the size

and scale of the home compared to other dwellings in the vicinity, while the applicant made only minor changes to the project design. On October 2, 1997, the Board adopted Resolution No. 97-1 denying the application.

The applicant appealed this decision to the Town Council, which heard the appeal on February 4, 1998. The Council concurred with the decision of the Design Review Board and adopted Resolution No. 3267 denying the appeal, finding in particular that the mass, bulk and size of the proposed house was incompatible with the character of the Old Tiburon neighborhood.

Several years later, the same property owner submitted a Site Plan and Architectural Review application for a similar house design, prepared by a different architect. The application was never deemed complete and was ultimately withdrawn.

A new application for a new single-family dwelling, with a variance for excess lot coverage, was reviewed at the February 18, 2016 Design Review Board meeting. The floor area of the proposed house was 5,830 square feet, with 860 square feet of garage space, which was 84 square feet less than the floor area ratio for a lot of this size. The proposed house covered 6,795 square feet (16.3%) of the site.

At the February 18 meeting, several property owners in the vicinity raised concerns about the overall size and visual mass of the proposed house, compatibility with the surrounding neighborhood, and the proposed widening of the private roadway of Vistazo East Street. The Design Review Board shared the concerns about the overall size of the house, concluding that a variance for excess lot coverage was not warranted for a house of this size on such a large lot. The Board also raised objections to a proposed rooftop deck, the amount of glazing on the front of the house and the overall roof height. The Board determined that the proposed street widening was a requirement of the Fire District and would not be a substantial change to the neighborhood. The Board directed the applicant to revise the house design to address these issues and continued the application to the March 17, 2016 meeting.

The applicant subsequently submitted revised plans for the project. The floor area of the proposed house was reduced by 100 square feet to 5,730 square feet and the garage reduced in size by 144 square feet to 716 square feet. The lot coverage of proposed house was reduced by 535 square feet to cover 6,260 square feet (15.0%) of the site, which was 1 square foot less than the 15.0% maximum lot coverage permitted in the RO-2 zone and eliminated the need for the lot coverage variance. The rooftop deck and putting green were removed. The overall roof height was lowered by one foot. The swimming pool was shortened in depth. The overall floor plans, house layout and windows on the building elevations were not substantially changed.

At the March 17, 2016 meeting, several neighboring residents again raised concerns about the overall size of the proposed house and its compatibility with the Old Tiburon neighborhood. The consensus of the Board was that not enough had been done to substantially change the design of the house. The Boardmembers felt that 1) the house still had too much glazing; 2) the structure was too tall for a two-story home with a flat roof; 3) the retaining walls were too large; 4) the pool elevation exacerbated the wall issues; and 5) the house did not fit with the surrounding

neighborhood, particularly the Old Tiburon neighborhood below the house. The application was continued to the May 5, 2016 meeting.

The applicant submitted further revised plans for the project, which:

- Reduced the lot coverage by 162 square feet to 6,098 square feet (14.5% of the site) and reduced the patio, walkway and pool areas by 350 square feet. The floor area of the house was not changed.
- Reduced the lower floor ceiling height to 10 feet, which reduced the overall roof height by one foot.
- Shortened the pool in both directions and reduced the walls in front to a maximum height of 8 feet and made them a darker color.
- Removed glazing from most of the master bathroom on the upper level northeast elevation.
- Moved the solar panels and the uphill deer fence downhill closer to the house.

The revised plans were reviewed at the May 5, 2016 Board meeting. The consensus of the Board was that the house design did not adhere to the Hillside Design Guidelines and did not fit in with the neighborhood. The Board voted unanimously to direct staff to prepare a resolution denying the application. The applicant subsequently withdrew the application before a resolution was adopted.

ANALYSIS

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-2 zone.

Design Issues

The current house design appears to respond to the concerns raised at the previous Design Review Board meetings. The floor area of the house has been reduced by 355 square feet and the lot coverage reduced by 443 square feet. The length of the house has been shortened by 13 feet and the eastern end of the house footprint has been angled to lessen the linear appearance of the house across the hillside. The pool is smaller and has been pulled closer to the house to lower the height and reduce the length of the retaining walls. The glazing on the downhill elevation has been reduced and broken up.

These design changes would appear to lessen the visual impact of the house when viewed from below and would bring the house into closer conformance with the character of the surrounding neighborhood above and below the site. The Design Review Board should determine whether the current house design would now sufficiently fit with its neighborhood.

Public Comment

As of the date of this report, no letters have been received regarding the subject 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 attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Supplemental application materials
3. Design Review Board staff report dated May 5, 2016
4. Minutes of the February 18, 2016 Design Review Board meeting
5. Minutes of the March 17, 2016 Design Review Board meeting
6. Minutes of the May 5, 2016 Design Review Board meeting
7. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

2225 VISTAZO EAST STREET

FILE #DR2016089

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 July 7, 2016, or as amended by these conditions of approval. Any modifications to the plans of August 15, 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.

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. An Encroachment Permit from DPW is required for any work within the Town's road right-of-way, including, but not limited to, utility trenching, installation of new utility connections, and modifications to the driveway apron.

    b. Prior to building permit issuance specify on the building permit plan set the total volume of displaced earth (cut and fill).

    c. Prior to building permit issuance an erosion and sediment control plan shall be submitted as part of the plan set. If the overall site disturbance is over one acre the applicant shall submit a Notice of Intent package to the State Water Resource Control Board.

    d. Prior to building permit issuance the applicant shall complete the Town's Construction Erosion and Sediment Control Applicant Package.

    e. The project shall be subject to post rain event erosion control inspections.

    f. A geotechnical report prepared by a licensed geotechnical engineer shall be provided prior to building permit issuance. The plans for this project shall conform with the recommendations of the geotechnical report.

g. Storm drain improvements shall be designed in accordance with Marin County criteria. Hydrology calculations, pipe sizing and storm drain plans shall be submitted for the review and approval by the Town Engineer.

h. No lot-to-lot drainage is allowed except where easements for drainage are provided. No drainage shall discharge across sidewalks.

i. Post-development stormwater flows shall be limited to pre-development levels. Detention basins or similar structures may be required. Calculations shall be submitted showing that post-development stormwater peak flows will not be greater than pre-development peak flows for the 10, 25 and 100 year, 30 minute event.

j. All site drains and ditches shall be privately maintained and shall be contained within private storm drain easements. A 10 foot easement width is required for any pipes outside the right-of-way.

k. An Erosion and Sediment Control Plan (ESCP) shall be required to document and identify potential pollution sources that may affect stormwater runoff discharges from the site and best management practices (BMPs) that will be implemented to prevent such discharges.

l. Sewer easements shall be protected at all times and no construction shall take place on or beneath such easements.

m. A civil engineer shall prepare a detailed site drainage plan and incorporate the erosion control notes for review and approval by the Building Division and Engineering Division.

10. 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.

11. 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. Due to the size of the structure, the system shall conform to NFPA 13R standards. CFC 903.2

b. Access shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Additional fire personnel steps shall be installed to the satisfaction of the Fire District. CFC 503.1.1

c. Approved smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10

d. The vegetation on this parcel shall comply with the requirements of TFPD and the recommendations of Fire Safe Marin. CFC 304.1.2

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

f. The water mains and new fire hydrant shall be installed and made serviceable prior to the start of any construction above the foundation. This note should be placed on the plans. CFC 501.4

g. The fire apparatus road slope shall comply with Fire District Standard 503.2.1. Alternative means of protection shall include widening the roadway of Vistazo East Street to 12 feet and adding a fire hydrant at on Vistazo East Street at the driveway entrance to the subject property.

h. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved fire apparatus turnaround. The turnaround shall comply with TFD policy 425.7.

i. The fire apparatus access road slope shall comply with TFD Policy 425.11.

13. The project shall comply with all requirements of Sanitary District No. 5.

14. A construction staging plan shall be approved by the Building Official prior to issuance of a building permit for this project.

COUTURE ARCHITECTURE
15 allyn avenue . san anselmo . california . 94960 . 415.482.0224 . Couture Architecture.net

August 16, 2016

RECEIVED
AUG 23 2016
PLANNING DIVISION

Chair John Kricensky
Tiburon Design Review Board
1505 Tiburon Boulevard
Tiburon, CA 94920

RE: Planning application for 2225 Vistazo East Street

Dear Mr. Kricensky,

I wanted to reach out to let you know the proposed home at 2225 Vistazo East Street scheduled for a Design Review meeting on September 1, 2016. The current application incorporates the several revisions to address the Design Review Board and the neighborhood comments. The length and horizontality of the home was addressed by reducing the building length by 13' and by breaking up the upper deck/lower floor by removing a portion near the center. We have also incorporated some vertical elements into the downhill elevation. On the West end, the pool was reduced by 6' in width and 7' in length and several landscape retaining walls were removed. On the East side, the master bath and closet were pushed further backward and the closet portion was tucked behind the bedroom.

The downhill glazing area was also reduced. This was achieved by reducing the size of and the removal some of the openings along with adding screening and shading devises to minimize the visibility of the glazing from the downhill viewpoint.

We are currently installing story poles and would like to see if we could meet on site at your convenience to review the proposed revisions. If you would like to schedule a meeting please feel free to call me at my office (415.297.0224) or email me (design@couturearchitecture.net).

We appreciate your time and consideration,

Scott Couture, AIA
Couture Architecture
15 Allyn Avenue
San Anselmo, CA 94960
415.482.0224
design@couturearchitecture.net

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
May 5, 2016
Agenda Item: 1

STAFF REPORT

To:	**Members of the Design Review Board**
From:	**Planning Manager Watrous**
Subject:	**2225 Vistazo East Street; File NoDR2015145; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling (Continued from March 17, 2016)**
Reviewed By:	_____

BACKGROUND

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 2225 Vistazo East Street. The subject property is currently vacant.

This application was first reviewed at the February 18, 2016 Design Review Board meeting. At that meeting, several property owners in the vicinity raised concerns about the overall size and visual mass of the proposed house, compatibility with the surrounding neighborhood, and the proposed widening of the private roadway of Vistazo East Street.

The Design Review Board shared the concerns about the overall size of the house, concluding that a variance for excess lot coverage was not warranted for a house of this size on such a large lot. The Board also raised objections to a proposed rooftop deck, the amount of glazing on the front of the house and the overall roof height. The Board determined that the proposed street widening was a requirement of the Fire District and would not be a substantial change to the neighborhood. The Board directed the applicant to revise the house design to address these issues and continued the application to the March 17, 2016 meeting.

The applicant subsequently submitted revised plans for the project. The floor area of the proposed house was reduced by 100 square feet to 5,730 square feet and the garage reduced in size by 144 square feet to 716 square feet. The lot coverage of proposed house was reduced by 535 square feet to cover 6,260 square feet (15.0%) of the site, which was 1 square foot less than the 15.0% maximum lot coverage permitted in the RO-2 zone and eliminated the need for the lot coverage variance. The rooftop deck and putting green were removed. The overall roof height was lowered by one foot. The swimming pool was shortened in depth. The overall floor plans, house layout and windows on the building elevations were not substantially changed.

At the March 17, 2016 meeting, several neighboring residents again raised concerns about the overall size of the proposed house and its compatibility with the Old Tiburon neighborhood. The consensus of the Board was that not enough had been done to substantially change the design of the house. The Boardmembers felt that 1) the house still had too much glazing; 2) the structure was too tall for a two-story home with a flat roof; 3) the retaining walls were too large; 4) the pool elevation exacerbated the wall issues; and 5) the house did not fit with the surrounding neighborhood, particularly the Old Tiburon neighborhood below the house. The application was continued to the April 21, 2016 meeting. The applicant requested a continuance to the May 5, 2016 meeting after determining that the revised story poles were not correctly installed.

The applicant has now submitted further revised plans for the project, which included the following changes:

- The lot coverage was reduced by 162 square feet to 6,098 square feet (14.5% of the site) and patio, walkway and pool areas were reduced by 350 square feet.
- The lower floor ceiling height was reduced to 10 feet, which reduced the overall roof height by one foot.
- The pool was shortened in both directions and the walls in front were reduced to a maximum height of 8 feet and made a darker color.
- Glazing was removed from most of the master bathroom on the upper level northeast elevation.
- The solar panels and the uphill deer fence were moved downhill closer to the house.

The floor area of the house was not changed. The applicant submitted a table comparing the floor area of the proposed house and the ratios of floor area to lot size to other properties above and below the site.

ANALYSIS

Design Issues

The currently revised house design appears to once again only incrementally respond to the issues raised by the Design Review Board. Modest changes were made to the pool design, lot coverage and building height, but the floor area of the house would remain the same and the glazing visible on the front elevation was essentially unchanged.

At the March 17, 2016 meeting, the Design Review Board raised five main concerns:

1. The house still had too much glazing. The revised plans only eliminated windows for the bathroom on the right side of the house. The lower height of the building reduced the height of the glazing on the front elevation by one foot, but did nothing to change the overall window design.

2. The structure was too tall for a two-story home with a flat roof. The height of the house was reduced by one foot, to a maximum height of 25.5 feet. The house would have 10 foot ceilings in the lower level and a minimum ceiling height of 10.5 feet on the upper level.

3. The retaining walls were too large. The retaining walls supporting the pool were modified, with planters placed in front of the walls, shortening some walls and reducing their visibility from below.

4. The pool elevation exacerbated the wall issues. The elevation of the pool surface is unchanged.

5. The house did not fit with the surrounding neighborhood, particularly the Old Tiburon neighborhood below the house. The basic design and the total floor area of the proposed house are unchanged. The applicant has submitted statistical comparisons to justify the size of the house in relation to other homes in the vicinity, using an invented statistic of the percentage of combined floor area and garage space to the lot size. This list also shows that the floor area of the proposed house and garage would be larger than any other home either uphill or downhill from the site.

Staff believes that the revised project design does not sufficiently address the concerns raised at the February 18 and March 17, 2016 meetings. In particular, the Design Review Board should note that Section 16-52.020 (H[3]) (Guiding Principles for Site Plan and Architectural Review) of the Tiburon Zoning Ordinance states that the Board should determine if "the height, size, and/or bulk of the proposed project bears a reasonable relationship to the character of existing buildings in the vicinity." Staff believes that the character of the proposed house design is inconsistent with the character of other homes in the vicinity. Without further, more substantial changes to the project design, the application would likely be inconsistent with this guiding principle of the zoning ordinance.

The Permit Streamlining Act deadline for this application has been extended to July 1, 2016. The Design Review Board has the ability to continue the application if the applicant demonstrates a willingness to make more substantial changes to the project design to address the concerns raised by the Board.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-2 zone.

Public Comment

As of the date of this report, no letters have been received regarding the subject application since the March 17, 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 to the May 19, 2016 meeting, with specific direction regarding substantial project design changes to be made. If the Board wishes to deny the application, staff should be directed to prepare a resolution of denial for adoption at the next meeting. 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. Revised application materials dated April 10, 2016
3. Design Review Board staff report dated February 18, 2016
4. Design Review Board staff report dated March 17, 2016
5. Minutes of the February 18, 2016 Design Review Board meeting
6. Minutes of the March 17, 2016 Design Review Board meeting
7. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

MINUTES #2
TIBURON DESIGN REVIEW BOARD
MEETING OF FEBRUARY 18, 2016

The meeting was opened at 7:00 p.m. by Chair Tollini.

A. ROLL CALL

Present: Chair Tollini, Vice Chair Kricensky, Boardmembers Chong, Cousins and Emberson

Absent: None

Ex-Officio: Planning Manager Watrous and Associate Planner O'Malley

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING

Planning Manager Watrous stated that the item for 681 Hawthorne Drive was continued to the March 3, 2016 meeting.

D. NEW BUSINESS

1. **2225 VISTAZO EAST STREET:** File No. VAR2015022/DR2015145; Shor Capital, LLC, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling, with a Variance for excess lot coverage. The applicant proposes to construct a new 5,830 square foot house. The lot coverage of the house would be 6,795 square feet (16.3%), which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Assessor's Parcel No. 059-091-55.

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 2225 Vistazo East Street. The upper floor of the house would include a living room, dining room, kitchen, family room and a master bedroom suite, along with a mud room and an additional bathroom. The lower floor would include four more bedrooms and bathrooms, along with a media room, laundry room, wine cellar and storage room. Decks would extend off both floors to the east and patios would be located at ground level on several sides of the building. A roof deck would cover much of the southern portion of the upper floor. A swimming pool would be situated off the upper floor. A 6 foot tall wood and wire deer fence would surround most of the lot. An attached three-car garage would be situated on the uphill side of the house. Vehicular access to the house would be provided by a long driveway leading uphill from the street below, bordered by retaining walls up to 6.5 feet in height. A driveway gate would be installed near the bottom of the site.

The floor area of the proposed house would be 5,830 square feet, with 860 square feet of garage space, which is 84 square feet less than the floor area ratio for a lot of this size. The proposed

house would cover 6,795 square feet (16.3%) of the site, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. A variance is therefore requested for excess lot coverage.

Scott Couture, architect, said that when they first started the project they reached out to neighbors with a letter and they met with several residents and corresponded with others by email. He said that they took the neighbors' advice to not block views or create a design similar to the Frankovich project that was previously proposed on the property that was denied. He noted that the roadway is about 10 feet wide and very narrow and the neighbors have told them that they like that and did not want the road widened or connected through to Paradise Drive. He stated that because this is a steep hillside lot, there were only a few options for the fire truck turnaround, so a turnaround at the base would require extensive retaining walls 12-15 feet tall, but a turnaround in the corner of the property near the existing acacia trees was the best solution. He said that they were able to tuck the driveway up and around the house and locate the garage underground without requiring extensive retaining walls, which was a good solution to reduce the visual mass of the house. He said that the house was designed around the location of the driveway and garage. He said that the fire district required that the roadway be widened to 12 feet and that a fire hydrant be installed.

Mr. Couture stated that the house would be well below the height limit, with only one section that would touch the 30 foot height limit. He said that the garage would be fully buried and be landscaped on top. He said that no skylights were proposed to eliminate uphill glare issues. He described the landscape plan and pointed out existing trees and proposed trees to be planted for screening. He stated that this would be a low profile house that would step up the hillside. He felt that they had addressed the neighbors' screening concerns by planting trees and hedges.

Boardmember Emberson asked Mr. Couture to explain the difference between placing the garage under the house and digging into the hillside since each would require excavation. Mr. Couture said that it was a matter of appearance and described the impact of placing the garage in both locations.

Chair Tollini asked if the 1997 "Frankovich" project was ever approved. Planning Manager Watrous said that it was denied, then denied on appeal.

The public hearing was opened.

Carol McKegney said that she owns the vacant lot adjoining the site and said that she did not receive any contact until she contacted the applicant. She stated that the homes on Vistazo East Street are all under 4,000 square feet and she believed that this larger home would set a precedent. She also noted that there are some live springs in that area.

Lawrence Stotter said that he has lived in his home since the 1960s and almost everyone in the neighborhood is very pleased with the natural atmosphere. He said that he was very concerned that other improvements in the area have all been within the 3,500 to 4,500 square foot range. He stated that the previous application was rejected in 1997 when the Town found that the mass, bulk, and size of the proposed home was incompatible with the character of the Old Tiburon

neighborhood. He said that this proposed project would be totally different and he was concerned that the property was not being developed by someone living in the neighborhood. He requested the Board take the same action as on the 1997 project, for the same reasons.

James Bernhisel said that this property is incredibly steep. He was struck by the appearance of the solar panels which would be visible from his property. He noted that a rooftop deck and putting green was proposed at the highest point of the property, so he would be looking down on chairs, people, and noise, and he suggested moving the deck space to an area that is more private. He felt that the house should be moved downhill to be consistent with other houses in the area. He was also concerned about the height of the plantings if allowed to grow to full height.

Alison Swearingen said that she rents a home on Carol McKegney's property. She said that she has gotten to know the character of the neighborhood and felt that there is something special about it and the people. She characterized building a large mansion on this property for profit as out of place and greedy.

David Peterson said that Vistazo East Street consists of two dead end roads, one of which is gravel. He said that the houses in the Hillhaven neighborhood are similar in scale to the proposed house, but there is nothing like this proposed house on Vistazo East. He characterized the project as a "trophy" house that would be inconsistent with the neighborhood. He felt that the amount of decking would invite parties and there is no parking or ability to accommodate that amount of cars on the road. He had noise and light concerns for the deck. He noted that the site is in an RO-2 zone but it is served by a road that serves R-1 zoned dwellings.

Ann Diemer said that she was just learning about the project and she was concerned how the logistics would be handled on this road during the construction phase. She was also concerned with light pollution from the structure and the effect it would have on the neighborhood.

Mr. Couture agreed with the residents that developers can be difficult and described how he has worked in his practice with developers to be sensitive to the neighbors. He explained their neighborhood outreach efforts and said that they tried to be as forthcoming as possible. He stated that this lot has been vacant for a long time and the neighborhood may have gotten used to it as open space, but it is the property owner's right to be able to develop their property. He said that they utilized the Hillside Design Guidelines to the fullest and minimized the appearance and mass of the building. He thought that the home would fit nicely in the neighborhood and was designed with a lot of screening without creating any view blockages. He said that the solar panels would be well hidden on the site by existing landscaping and this seemed like the best location for them. He said that the developer wants to build a high quality house and wants it to fit in with the neighborhood. He said that construction parking would be on site.

Chair Tollini asked if any calculations were done to determine the net off haul of dirt. Mr. Couture stated that it would be just over 6,000 cubic yards.

The public hearing was closed.

Boardmember Chong asked if the State of California prevents the Board from discussing solar panels. Planning Manager Watrous said that the Board cannot discuss solar panels or suggest moving them.

Boardmember Emberson said that the house design was gorgeous, but it is not appropriate for the site. She said that the home would be appropriate for Ridge Road, but inconsistent with the smaller and less impactful houses on Vistazo East. She suggested that the house was positioned to capture views and not to avoid retaining walls. She said that the windows would be massive and the south facing windows would face the sun all day long. She agreed with the neighbors that the road is small and the house is too big and it does not fit on this street. She thought that the decking was massive. She said that she could not make the findings for the variance and suggested reducing the size of the house.

Vice-Chair Kricensky said that he liked the design of the house and that it was worked into the hillside. However, he felt that the house was not compatible with the neighborhood. He said that maximizing the floor area would make the house loom over the other homes below. He felt that placing the house lower on the site may not help, but that better colors might help. He thought that the house was too big and that a variance was not needed on such a large lot. He thinks the rooftop deck and putting green are inappropriate. He noted that large overhangs are necessary to shade the large windows, but was concerned with the amount and height of glazing.

Boardmember Cousins said that he liked the design of the house and he understood why the owner was requesting to build a house of this size. He said that he would not support a variance but found the floor area to be acceptable. He felt that moving the garage above the house made it less visible from the top and that the driveway was less intrusive. He said that there was a tremendous amount of exterior decking. He said that he would like to reduce the apparent mass of the house, possibly by reducing the decks and eliminating the rooftop deck. He also requested a reduction or some screening of the large windows on the eastern side.

Boardmember Chong said that he visited the site and said that he could have possibly supported the variance, as the outdoor space requires more lot coverage. He noted the list of concerns from the neighbors and agreed that the rooftop deck should be eliminated. He stated that the Fire District required widening the road. He said that a small house at the bottom of the lot is not appropriate for such a large site. He did not think that the project would fundamentally change the character of the neighborhood.

Chair Tollini noted that there are different zones for properties across the street from each other and there will be different houses on different sized lots. He said that the only recently developed lot on the uphill side has a very large house. He stated that this is a huge lot and will have a large house one way or another, but there are things that can be done to make the house feel smaller. He said that he could not support the variance and noted that the roof would be almost 30 feet tall at one point. He said that he would like to see the height of the roof brought down, and louvering or cutting down for the glazing on the east side. He agreed that the rooftop deck did not work. He believed that expanding the road to 12 feet would make it safer and not take away from its charm. He stated that mounding up the grade below the pool represented an artificial approach to developing the site.

Boardmember Chong and Chair Tollini summarized the Board's concerns that 1) variances should be avoided as a starting point for size reduction; 2) no rooftop deck; 3) reduce the glazing on the downhill and east sides; and 4) lowering the roof height.

ACTION: It was M/S (Emberson/Tollini) to continue the application for 2225 Vistazo East Street to the March 17, 2016 meeting. Vote: 5-0.

2. **4030 PARADISE DRIVE:** File No. FAE2015014/DR2015142; Taylor Lembi, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Floor Area Exception. The applicant proposes to add 1,601 square feet of basement and a 214 square foot ground level addition to the existing house. The project would result in 5,283 square feet of floor area, which is greater than the 4,800 square foot floor area ratio for a lot of this size. Assessor's Parcel No. 039-091-11.

The applicant is requesting design review approval for the construction of additions to an existing single-family dwelling, with a floor area exception, on property located at 4030 Paradise Drive. The existing 3,468 square foot single-family dwelling includes a dining room, kitchen, living room, family room, and a bathroom on the main level; and a master bedroom suite, bathroom, and two bedrooms on the upper level. There is also an existing multi-level detached accessory structure with a 492 square foot garage in the front property and wooden decks to the sides and rears of the site.

As part of an interior remodel and additions to the existing home, the proposal would add a 1,601 square foot lower level, which includes a playroom, gym, laundry room, bathroom, and master bedroom suite. A 214 square foot addition to the main level would include a great room and library. Other improvements include new wooden decks with glass railings at the main level and lower level; a rooftop deck over a portion of the new addition; four new skylights; a new chimney; and solar panels on the roof of the main structure and accessory structure. A new pool, spa, BBQ area and retaining walls would be located in the rear adjacent to the lower level deck.

The proposal would result in lot coverage of 4,115.5 square feet (14.7%), which is below the maximum 15% permitted lot coverage in the RO-2 zone. The proposal would result in a floor area of 5,283 square feet, which is 483 square feet above the 4,800 square foot floor area ratio for the property. A floor area exception is therefore required.

Taylor Lembi, owner, introduced his architect who will make the presentation.

Yakuh Askew, architect, said that the owner wished to update the house and they tried to be as respectful of the existing house as possible. He said that this is a steep site and said that they wanted to provide additional outdoor space, so the remodel includes a pool which terraces down to meet the landscaping and some "pocket" outdoor spaces. He said that they wanted to bury the addition below the residence to allow better open space off the main area. He said that they were also updating and improving the design of the residence. He reviewed the materials and showed additional images of the residence.

MINUTES #4
TIBURON DESIGN REVIEW BOARD
MEETING OF MARCH 17, 2016

The meeting was opened at 7:03 p.m. by Chair Tollini.

A. ROLL CALL

Present: Chair Tollini, Vice Chair Kricensky, Boardmembers Chong, Cousins and Emberson

Absent: None

Ex-Officio: Planning Manager Watrous and Minutes Clerk Rusting

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING - None

D. OLD BUSINESS

1. **2225 VISTAZO EAST STREET:** File No. DR2015145; Shor Capital, LLC, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling. The applicant proposes to construct a new 5,730 square foot house. Assessor's Parcel No. 059-091-55.

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 2225 Vistazo East Street. The subject property is currently vacant. This application was first reviewed at the February 18, 2016 Design Review Board meeting. At that meeting, several property owners in the vicinity raised concerns about the overall size and visual mass of the proposed house, compatibility with the surrounding neighborhood, and the proposed widening of the private roadway of Vistazo East Street.

The Design Review Board shared the concerns about the overall size of the house, concluding that a variance for excess lot coverage was not warranted for a house of this size on such a large lot. The Board also raised objections to a proposed rooftop deck, the amount of glazing on the front of the house and the overall roof height. The Board determined that the proposed street widening was a requirement of the Fire District and would not be a substantial change to the neighborhood. The Board directed the applicant to revise the house design to address these issues and continued the application to the March 17, 2016 meeting.

The applicant has submitted revised plans for the project. The lower floor was reduced by 95 square feet and the upper floor reduced by 5 square feet. The garage was reduced by 144 square feet. The rooftop deck and putting green were removed. The overall roof height was lowered by one foot. The swimming pool was shortened in depth. The windows on the building elevations appear to be unchanged.

The floor area of the proposed house has been reduced by 100 square feet to would be 5,730 square feet, with the garage reduced in size by 144 square feet to 716 square feet, resulting in a total floor area which would be 328 square feet less than the floor area ratio for a lot of this size. The lot coverage of the proposed house has been reduced by 535 square feet to cover 6,260 square feet (15.0%) of the site, which is 1 square foot less than the 15.0% maximum lot coverage permitted in the RO-2 zone. A variance is therefore no longer requested for excess lot coverage.

Scott Couture, architect, reviewed the revisions made to the project. He said that they received good feedback on the architecture and materials and therefore did not want to make any drastic changes, but instead made a series of small changes to reduce the scale of the project. He said that they made four of the five windows on the eastern face translucent to address privacy concerns. He said that they removed 100 square feet of floor area and reduced the garage by 145 square feet and no longer are requesting any variances. He said that they pushed the front edge of the pool back one foot and the side by one foot.

Mr. Couture showed an aerial photograph of the area and noted the extent of development on neighboring properties compared to the proposed home. He noted that this lot is large for the neighborhood and he thought that the proposed home would fit nicely on the site. He described their neighborhood outreach, including neighbors behind the project which resulted in proposing to plant trees that would grow to 25 feet in height to cover the roof but not grow high enough to block views.

Mr. Couture reviewed the Hillside Design Guidelines and indicated how they felt that they have followed those guidelines. He displayed depictions of views of the house from the street and noted the locations of plantings. He stated that the house would have a low profile and would not protrude into the views of neighboring homes.

The public hearing was opened.

James Bernisel said that it is hard to see how steep and enormous this lot is. He said that the house would be situated at the top of the hill to become more a part of the Hillhaven neighborhood above and behind it instead of Old Tiburon. He thought that the right thing to do was put the solar panels on the roof or below the house. He stated that the Sunset Garden Book says that the trees proposed to be planted can grow to 40 feet.

Lawrence Stotter said that the people who live in Old Tiburon live there because they want to live there and be a part of the community and he was concerned that this project is being built for profit by people who do not want to live in the house. He felt that the applicants were coming back again and again with small changes until they wear down the Board. He summarized the Board's previous comments that the mass, size, and bulk of the house were not characteristic of Old Tiburon and do not belong in this area.

David Peterson said that only token changes were made to the house, but the above grade swimming pool on a 45 degree slope was not changed and would have a 12 foot tall, 50 foot long wall. He said that the house would have 2,500 to 3,000 square feet of decking. He said that 80

percent of the southern and western walls would be glazed and since the ceilings would be 11 to 13 feet high, everything would be glass. He felt that the overhangs over the decks were huge and would include flood lights shining down. He felt that the applicants were not responsive to the concerns raised at the last meeting and he thought that the aerial view was highly misleading. He said that this is a one acre lot because of its 45 degree slope. He said that this lot is serviced by a road that services neighboring houses that are less than half the size and he believed that this house would be out of character with the neighborhood.

Mr. Couture said they reached out to neighbors and care about the impact of the project on them. He said that the lot does not have a 45 degree slope and that this is a very large site but not one of the steeper sites on which they have built a house. He noted that the home at 2135 Vistazo East Street is developed to approximately the same extent as their proposed home. He believed that the size of the proposed home was in scale with the neighborhood and there would be substantial distance from the neighbors and a lot more privacy than other homes on the street. He reiterated that he felt that the design complied with the Hillside Design Guidelines. He said that they would not remove any trees from the site but would instead adding trees to it. He said that the proposed trees would not grow up to block the neighboring views and the lighting would be pointed down and shielded. He said that over 900 square feet was reduced from the previous design. He felt that the home would proportionally fit in with the scale of the neighborhood since the lot is so large.

The public hearing was closed.

Boardmember Cousins said that the biggest changes made to the plans were to the garage and the roof deck, which did not affect the mass of the building. He said that the other changes were minimal and were not enough to address the Board's previous concerns. He said that the house would have a lot of glazing and that the bathroom alone would have over 200 square feet of glass. He said that the building height was very high for a two-story home with a flat roof. He felt that there was a lot that could be done to revise the building design. He thought that the location of the house was acceptable and that it could be a large house, but the house did not have to be so massive and the amount of glass should be controlled.

Boardmember Chong said that he had had fewer concerns and he felt that the changes addressed most of his issues. He said that it is a shame that there are such different sized lots on the same street but a large home will be developed on this lot because of its size. He noted that the downhill neighbor would be 300 feet away from the downlights.

Boardmember Emberson stated that the applicant did the minimum necessary to avoid a lot coverage variance. She noted the Zoning Ordinance does not suggest that houses should be built to the maximum allowed. She believed that Ridge Road houses should not go on Vistazo East Street. She agreed with Mr. Peterson's comments that the reason this lot is so large is because the hill is steep. She thought that only incremental changes were made. She noted that the 12 foot tall wall around the swimming pool would be made of limestone and would be very white and large. She said that she loved the house design but felt that it did not work and needed to be tweaked more.

Vice Chair Kricensky said that he also liked the design, but not in this location. He thought that it was deceiving to compare this house to the neighboring homes above and below, as the house would have so much glass and was stretched along the hillside more like a Ridge Road house than one that belongs on Vistazo East Street. He said that the Zoning Ordinances clearly states that the FAR is not a goal to be achieved and that a house should fit in with its neighborhood. He said that the pool was artificially elevated and contrary to the Hillside Design Guidelines. He felt that the size of the pool wall was extreme and really adds to the mass of the project, which looks bigger than the house would really be. He noted that the Hillside Guidelines also state that framed views are better than large expanses of windows and said that the amount of glass on the bare hillside lit up at night would be excessive.

Chair Tollini agreed with the other Boardmembers regarding the glazing, height, wall size, pool elevation, and overall fit with the neighborhood. He appreciated the changes that were made, but said that they were modest and incremental and did not made a meaningful difference in the building massing. He felt that not enough had been done to address the Board's concerns. He said that the style of the home was dramatic and that it needed to be more subtle to coexist with the other homes on the street. He noted that the home at 2135 Vistazo East Street has much less glazing and is a more traditional home that fits in better. He also suggested finding smaller range of tree heights than the wax myrtle.

Planning Manager Watrous stated that the applicant would need to grant an extension to the Permit Streamlining Act deadlines for the application to be continued. Mr. Couture verbally agreed to the extension.

ACTION: It was M/S (Emberson/Kricensky) to continue the application for 2225 Vistazo East Street to the April 21, 2016 meeting. Vote: 5-0.

E. NEW BUSINESS

2. **73 REED RANCH ROAD:** File No. VAR2016001/DR2016005; Wesley Dodds, Owner; Site Plan and Architectural Review for construction of a fence and trellis for an existing single-family dwelling, with a Variance for excess fence height. A new fence in the rear property would be 9 feet tall, in lieu of the maximum fence height of 6 feet. Assessor's Parcel No. 038-301-07.

The applicant is requesting Design Review approval for the construction of a fence and trellis for an existing single-family dwelling on property located at 73 Reed Ranch Road. The fence and trellis would be constructed adjacent to an existing swimming pool and pool deck area in the rear of the property. The proposed fence would be 9 feet tall. As the Tiburon Zoning Ordinance restricts fences to a maximum height of 6 feet within required setbacks, a variance is requested for excess fence height.

Wes Dodds, owner, said that he shares a property line fence with his neighbor whose pool deck looks directly down into his yard. He said that he would like to build a nine foot tall fence and a trellis for privacy. He said that his neighbor supports this requests and would look directly into his yard with only a six foot tall fence.

MINUTES #7
TIBURON DESIGN REVIEW BOARD
MEETING OF MAY 5, 2016

The meeting was opened at 7:00 p.m. by Chair Tollini.

A. ROLL CALL

Present: Chair Tollini, Vice Chair Kricensky, Boardmembers Cousins and Emberson

Absent: Boardmember Chong

Ex-Officio: Planning Manager Watrous, Associate Planner O'Malley and Minutes Clerk Rusting

B. PUBLIC COMMENTS - None

C. STAFF BRIEFING - None

D. OLD BUSINESS

1. **2225 VISTAZO EAST STREET:** File No. DR2015145; Shor Capital, LLC, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling. The applicant proposes to construct a new 5,730 square foot house. Assessor's Parcel No. 059-091-55.

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 2225 Vistazo East Street. This application was first reviewed at the February 18, 2016 Design Review Board meeting. At that meeting, several property owners in the vicinity raised concerns about the overall size and visual mass of the proposed house, compatibility with the surrounding neighborhood, and the proposed widening of the private roadway of Vistazo East Street.

The Design Review Board shared the concerns about the overall size of the house, concluding that a variance for excess lot coverage was not warranted for a house of this size on such a large lot. The Board also raised objections to a proposed rooftop deck, the amount of glazing on the front of the house and the overall roof height. The Board determined that the proposed street widening was a requirement of the Fire District and would not be a substantial change to the neighborhood. The Board directed the applicant to revise the house design to address these issues and continued the application to the March 17, 2016 meeting.

The applicant subsequently submitted revised plans for the project. The floor area of the proposed house was reduced by 100 square feet to 5,730 square feet and the garage reduced in size by 144 square feet to 716 square feet. The lot coverage of proposed house was reduced by 535 square feet to cover 6,260 square feet (15.0%) of the site, which was 1 square foot less than the 15.0% maximum lot coverage permitted in the RO-2 zone and eliminated the need for the lot

coverage variance. The rooftop deck and putting green were removed. The overall roof height was lowered by one foot. The swimming pool was shortened in depth. The overall floor plans, house layout and windows on the building elevations were not substantially changed.

At the March 17, 2016 meeting, several neighboring residents again raised concerns about the overall size of the proposed house and its compatibility with the Old Tiburon neighborhood. The consensus of the Board was that not enough had been done to substantially change the design of the house. The Boardmembers felt that 1) the house still had too much glazing; 2) the structure was too tall for a two-story home with a flat roof; 3) the retaining walls were too large; 4) the pool elevation exacerbated the wall issues; and 5) the house did not fit with the surrounding neighborhood, particularly the Old Tiburon neighborhood below the house. The application was continued to the April 21, 2016 meeting. The applicant requested a continuance to the May 5, 2016 meeting after determining that the revised story poles were not correctly installed.

The applicant has now submitted further revised plans for the project, which included the following changes:

- The lot coverage was reduced by 162 square feet to 6,098 square feet (14.5% of the site) and patio, walkway and pool areas were reduced by 350 square feet.
- The lower floor ceiling height was reduced to 10 feet, which reduced the overall roof height by one foot.
- The pool was shortened in both directions and the walls in front were reduced to a maximum height of 8 feet and made a darker color.
- Glazing was removed from most of the master bathroom on the upper level northeast elevation.
- The solar panels and the uphill deer fence were moved downhill closer to the house.

The floor area of the house was not changed. The applicant submitted a table comparing the floor area of the proposed house and the ratios of floor area to lot size to other properties above and below the site.

Scott Couture, architect, reviewed issues raised by neighbors at the previous meeting. He described changes made to the tree species, solar panel locations and fencing. He displayed a photograph of the view from 480 Ridge Road and stated that the story poles were completely out of view. He described changes to the pool design and lighting. He stated that the proposed floor area would be less than other neighboring houses in the area as a percentage of lot area. He said that they tried to directly contact all neighbors in the vicinity, and have addressed the issues of the neighbors that responded.

Mr. Couture addressed the issues brought up by the Board at the last meeting, and stated that they removed the glass out of the eastern wall of the master bedroom, dropped the roof, and reduced the visible height of the building. He requested the Board take into account the zoning of the property in their decision, as the houses downhill are smaller and zoned R-1, while the houses uphill are larger and zoned RO-2. He said that larger lots are usually allowed a larger home with more open area around it. He said that the proposed house would be located in the

middle of the site, far away from other properties, above any houses that can see it, and cut into the hillside so that one-third of the home would be below existing grade. He acknowledged that this would be a large home but much of it would be below grade and very well screened. He said that the design was very stepped back and the materials would blend into the hillside. He displayed photographs showing that not much of the home would be visible from the street, and noted that the percentage of floor area to lot size for the house would be one of the lowest in the neighborhood. He displayed photographs of several homes in the vicinity with large amounts of glass, modern designs, and large size. He acknowledged that the house would be close to its floor area ratio, but reiterated that much of the home would be below grade, it would step up the hill, and there would be a good deal of screening and landscaping.

The public hearing was opened.

James Bernheisel said he thinks it is important to look at the big picture. He said that this is an open lot and whatever happens with this property will affect the other lots that will be developed. He said that he was told 18 years ago that this was a "dead lot."

Carol McKegney said she is part-owner of the vacant lot that adjoins this property. She believed that the retaining walls were still large, the pool elevation is an issue, and she felt that the house did not fit in with the Old Tiburon neighborhood below the site. She was concerned about a house that would set a precedent.

David Peterson said that it was clear at the last meeting that the glazing, height, amount of decking, and high walls around the pool were concerns of the Board. He thought that minimal work was done to address these points and he noted that this was the third time the project was reviewed by the Board.

Chris Miller said that many of the photos taken on Vistazo East Street did not address her main concerns. She said that there is a character to this area and they would be looking up at a corner from the homes below. She characterized the appearance as looking at the side of a freight train and said that the house would be spread out across the expanse of the site. She thought that the percentages were meaningless and was concerned about the precedent this would set in the area.

Mr. Couture pointed out that this is a private lot and is not open space. He said that although his client is from out of town that does not mean that he has fewer rights. He said that many of the neighboring lots are underdeveloped, but that did not mean that they have less of a right to develop their property.

The public hearing was closed.

Boardmember Cousins said that he had no objection to the size of the house, but this particular design was more massive than it needed to be and did not adhere to the Hillside Design Guidelines. He said that the design was dug back in some places, but the section drawings show that the house would be 75 feet from front to back, with large areas well above the existing grade. He said that there were things that could be done to mitigate the height and all of the

previous suggestions and comments had been ignored. He said that the house would loom over the neighborhood and that he could not support it unless those comments were addressed.

Boardmember Emberson agreed with Boardmember Cousins' comments. She said that the Board gave clear direction at the last meeting. She said that this house would be one of the largest homes in the area. She did not feel that the issues raised by the Board were addressed. She said that there were ways to mitigate the mass of the house and she did not believe that the house would look like it was presented in the photo simulations from most vantage points. She noted that the overall height was only lowered by one foot. She said that it was important to look at how the house would integrate into the whole neighborhood. She said that the Board wanted to see meaningful changes to the design. She said that she liked the design, but not at this location.

Vice Chair Kricensky complemented the architect on the presentation, but said that there were some things that the Board takes into account that were not addressed. He said that the design cannot be defended based on other neighborhoods or by comparative numbers and ratios, as numbers can be presented in different ways. He said that he was not opposed to the floor area, but how it was presented. He said that the upper floor would be 120 feet long, and with the pool and 60%-70% floor to ceiling glass there would be a huge impact. He said that other homes have windows broken into smaller units and this would be like be a beacon stretching across the hillside. He said that this lot is in a transition area between the lower houses and the upper houses, and he would like to see the design of the house reflect that. He noted that the newer house on Vistazo East Street has a smaller lineal impact when viewed from the street.

Chair Tollini stated the other Boardmembers' comments were consistent with his own thoughts. He said that the Board's focus is mostly about neighborhood fit and the applicant has a different idea about that. He said that this is not a contiguous neighborhood and this lot is large like those above on Ridge Road, but the lot is on Vistazo East Street. He said that these neighborhoods feel very different and this house would not fit with the neighborhood the way it needs to. He felt that the large, monolithic glazing would not fit as well in the neighborhood. He said that the apparent size of the nearby home on Vistazo East Street was mitigated by having other materials and less glazing, so it fits better with the neighborhood. He said that he had no issue with the floor area and views, but rather the issues were the apparent size of the house and its fit with the neighborhood. He acknowledged that this site will be visible, but felt that placing so much floor area on one flat plane creates issues and that the lateral size of the project and its large amount of glazing did not fit in with the neighborhood.

Planning Manager Watrous stated that the Board should consider either a continuance or directing staff to prepare a resolution of denial and suggested asking the applicant which option they preferred. The applicant indicated that they preferred that the Board make a decision on this design.

ACTION: It was M/S (Tollini/Emberson) to direct staff to prepare a resolution to deny the application for 2225 Vistazo East Street. Vote: 4-0.

2. **17 ACELA DRIVE:** File Nos. DR2016002/VAR2016015; Miraj and Nisha Shah, Owners; Site Plan and Architectural Review for construction of additions to an existing