



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

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

STAFF REPORT

To: Members of the Design Review Board
From: Planning Manager Watrous
Subject: 2225 Vistazo East Street; File Nos. VAR2015022/DR2015145; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling, with a Variance for Excess Lot Coverage
Reviewed By: _____

PROJECT DATA

ADDRESS: 2225 VISTAZO EAST STREET
OWNER: SHOR CAPITAL, LLC
APPLICANT: COUTURE ARCHITECTURE
ASSESSOR'S PARCEL: 059-091-55
FILE NUMBERS: VAR2015022/DR2015145
LOT SIZE: 41,740 SQUARE FEET
ZONING: RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN: M (MEDIUM DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: FEBRUARY 2, 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 and an additional bathroom. The lower floor would include four more bedrooms and bathrooms, along with a media room, laundry room, wine

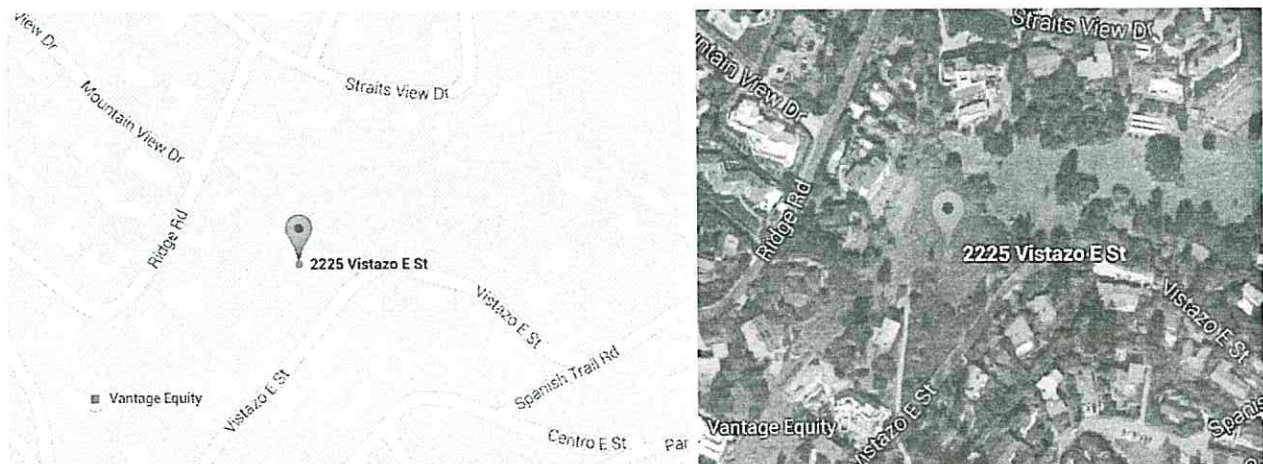
cellar and storage room. Decks would extend off both floors to the east and patios would be located at ground level on several sides of the building. A roof deck would cover much of the southern portion of the upper floor. A swimming pool would be situated off the upper floor. A 6 foot tall wood and 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.

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 and a portion of the upper floor adjacent to the proposed roof deck.

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 (**Exhibit 3**) 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 (**Exhibit 4**) 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.

ANALYSIS

Design Issues

The proposed home would be situated on the upper portion of the site. Story poles have been erected for the proposed house. Existing vegetation along the uphill side of the street provides some screening of the house site, but would likely be removed during construction of the project. However, the homes below on Vistazo East Street are oriented away from the site toward Angel Island and Raccoon Strait, with limited views uphill toward the site of the proposed house, so the removal of this screening should have little effect on views from these nearby residences.

The proposed house would be situated well below the nearest uphill homes along Ridge Road. An evaluation of the story poles indicates that the house should not intrude into water views from any of these uphill neighboring dwellings. There are no other nearby homes on the same elevation as the subject property with sideways views across the proposed house location.

The private roadway of Vistazo East Street is very narrow in the area of the site. The Tiburon Fire Protection District will require that the street be widened to 12 feet to provide better emergency access to the site and that a fire hydrant be installed near the street.

The design of the proposed home is more consistent with the design of other homes in the vicinity than the design proposed in 1997 for this property. The previous house design featured a Mediterranean theme, with stucco walls and tile roofing, and a third level below for a garage in front of the house. The driveway design also included stucco walls much taller than 6 feet. The more contemporary design of the currently proposed house would spread the house more horizontally on the site and blend with the hillside in a manner more consistent with the Hillside Design Guidelines.

The previous project review included an analysis of the floor area of 31 homes in the vicinity of the subject property and found that 25 of these 31 homes were less than half the size of the proposed house. Although the proposed house would have only a slightly smaller floor area than

the previous house design, a number of larger homes have been approved and built in the adjacent Hillhaven neighborhood since 1997. As a result, the floor area of the proposed house would appear to be more consistent with the sizes of other homes in the vicinity than that of the previously requested dwelling.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-2 zone, with the exception of the requested variance for excess lot coverage.

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

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

The subject property is very steep, with no level area upon which to develop a new dwelling or surrounding improvements. The strict application of the maximum lot coverage requirement would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity.

- 2. The Variance will not constitute a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.***

Numerous other properties in the RO-2 or similar zones have received variances for excess lot coverage, although many such variances have been approved to maintain a one-story house design, in contrast to the proposed two-story home.

- 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 proposed house design includes substantial deck and pool areas that count toward the calculated lot coverage for this project. Although these outdoor spaces could be reduced in size to comply with the maximum allowable lot coverage, the applicant contends that this space is necessary to provide usable outdoor space which would otherwise be infeasible on such a steep lot. The strict interpretation of the lot coverage requirement would result in a project design that would not accommodate outdoor uses normally associated with a new single-family dwelling.

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

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

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

Public Comment

As of the date of this report, 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 Resolution No. 97-1
4. Town Council Resolution No. 3267
5. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

CONDITIONS OF APPROVAL

2225 VISTAZO EAST STREET

FILE #VAR2015022/DR2015145

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform with the application dated by the Town of Tiburon on November 17, 2015, or as amended by these conditions of approval. Any modifications to the plans of January 14, 2016 must be reviewed and approved by the Design Review Board.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
6. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
7. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
8. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made

of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site

9. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
10. A photovoltaic energy system shall be installed in compliance with the requirements of Section 16-40.080 of the Tiburon Zoning Ordinance.
11. Prior to issuing a grading or building permit the applicant shall implement measures for site design, source control, run-off reduction and stormwater treatment as found in the Bay Area Stormwater Management Agency Association (BASMAA) Post-Construction Manual available at the Planning Division or online at the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) website at www.mcstoppp.org.
12. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
 - a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
 - b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.
 - c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.
 - d. 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.
 - e. No lot-to-lot drainage is allowed except where easements for drainage are provided. No drainage shall discharge across sidewalks.
 - f. 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

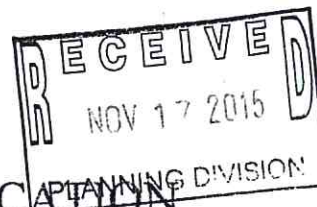
will not be greater than pre-development peak flows for the 10, 25 and 100 year, 30 minute event.

- g. 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.
 - h. 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.
 - i. Sewer easements shall be protected at all times and no construction shall take place on or beneath such easements.
 - j. 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. The automatic fire sprinkler system shall be upgraded to a NFPA 13R system. 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. 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.
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.



TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION



TYPE OF APPLICATION

- | | | |
|--|---|---|
| ☐ Conditional Use Permit | ☒ Design Review (DRB) | ☐ Tentative Subdivision Map |
| ☐ Precise Development Plan | ☐ Design Review (Staff Level) | ☐ Final Subdivision Map |
| ☐ Secondary Dwelling Unit | ☒ Variance(s) <u>1</u> # | ☐ Parcel Map |
| ☐ Zoning Text Amendment | ☐ Floor Area Exception | ☐ Lot Line Adjustment |
| ☐ Rezoning or Prezoning | ☐ Tidelands Permit | ☐ Condominium Use Permit |
| ☐ General Plan Amendment | ☐ Sign Permit | ☐ Seasonal Rental Unit Permit |
| ☐ Temporary Use Permit | ☐ Tree Permit | ☐ Other _____ |

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 2225 VISTAZO EAST ST. **PROPERTY SIZE:** 41.7404
PARCEL NUMBER: 059-091-55 **ZONING:** RO-2

PROPERTY OWNER: Shor Capital LLC
MAILING ADDRESS: 1380 N.E. MIAMI GARDENS DRIVE Ste. 250
MIAMI, FLA 33179
PHONE/FAX NUMBER: 650.281.7467 **E-MAIL:** MSHOR@SHORCAPITAL.COM

APPLICANT (Other than Property Owner): COUTURE ARCHITECTURE
MAILING ADDRESS: 15 ALLYN AVE, SAN ANSELMO CA 94960

PHONE/FAX NUMBER: 415.482.0224 **E-MAIL:** DESIGN@COUTURE
ARCHITECTURE.NET

ARCHITECT/DESIGNER/ENGINEER ABOVE: COUTURE ARCHITECTURE
MAILING ADDRESS: _____

PHONE/FAX NUMBER: _____ **E-MAIL:** _____

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, DRIVEWAY &
LANDSCAPING,

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

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

Signature: * Shor Capital LLC MGR

Date: 11.14.15

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: * Shor Capital LLC MGR

Date: 11.14.15

**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*

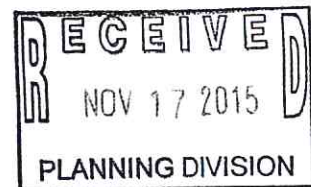
NOTICE TO APPLICANTS

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



DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION

Application No.: <u>DR2015-145//VAR2015-022</u>	GP Designation: _____	Fee Deposit: <u>\$3275.00</u>
Date Received: <u>11/17/15</u>	Received By: <u>LS</u>	Receipt #: <u>R310</u>
Date Deemed Complete: <u>2/2/16</u>	Action: _____	By: <u>DS</u>
Acting Body: _____	Resolution or Ordinance # _____	Date: _____
Conditions of Approval or Comments: _____		

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

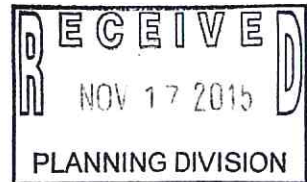
Please fill in the information requested below (attach separate sheet as needed):

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

Existing: VACANT PARCELS

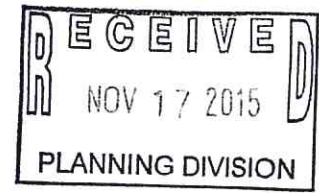
Proposed: NEW SINGLE FAMILY RESIDENCE

Square Footage of Landscape Area: 29,500 #



TO BE COMPLETED BY APPLICANT			STAFF USE ONLY	
ITEM	EXISTING (if existing building is to be demolished)	PROPOSED (reflects proposed construction)	CALCULATED	PER ZONE
Yards (Setbacks from property line)(Section 16-100.020(y)* Front	ft.	73'-3" #	ft.	ft.
Rear	ft.	25'-0" #	ft.	ft.
Right Side	ft.	41'-9" #	ft.	ft.
Left Side	ft.	27'-7" ft.	ft.	ft.
Maximum Height (Section 16-30.050)*	ft.	30'-0" ft.	ft.	ft.
Lot Coverage (Section 16-30.120(B)*	sq.ft.	6795 sq.ft.	16.3 sq.ft.	15.0 sq.ft.
Lot Coverage as Percent of Lot Area	%	%	%	%
Gross Floor Area (Section 16-100.020(F)*	sq.ft.	6090 sq.ft.	5830 HOUSE 860 GARAGE sq.ft.	6174 HOUSE 600 GARAGE 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).



COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division (415)-435-7396
www.ci.tiburon.ca.us

APPLICATION FOR VARIANCE

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

WHAT VARIANCE(S) ARE YOU REQUESTING?

<u>Condition</u>	<u>Zoning Requirement</u>	<u>Existing Condition</u>	<u>This Application Proposes</u>	<u>Magnitude Of Variance Requested</u>
Front Yard Setback	_____	_____	_____	_____
Rear Yard Setback	_____	_____	_____	_____
Left Side Yard Setback	_____	_____	_____	_____
Right Side Yard Setback	_____	_____	_____	_____
Lot Coverage	15%	0%	16%	1%
Height	_____	_____	_____	_____
Parcel Area Per Dwelling Unit	_____	_____	_____	_____
Usable Open Space	_____	_____	_____	_____
Parking	_____	_____	_____	_____
Expansion of Nonconformity	_____	_____	_____	_____
Other (Please describe):	_____			

Variance Findings: Lot coverage 16-30.120 (b)

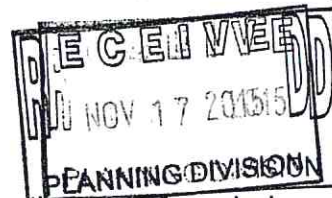
1. Two factors that are working in conjunction with this lot are the existing dead end street and the slope of the site. The existing roadway currently provides no means for a fire apparatus turnaround, which means one is required on the proposed site. To provide this, there were two viable options that we looked at;
 - a) The first option located the turnaround just uphill of the front setback line with the garage cut into the hillside below the current bedroom level. This created a three story downhill building face and 8'-12' downhill retaining walls to accommodate the turnaround size and turnaround area slope limitations. This option would still require variance to allow for the retaining wall heights while creating a driveway and house that would have a larger visual presence to the existing homes below on Vistazo East and the ridge above. This site layout was also similar to a new home proposal made by the previous property owner in 1997. This proposal was actively opposed by the neighbors at the time, was a bitter fight through the Planning Commission and the City Council on appeal and still resonates with the neighborhood.
 - b) The current option puts the turnaround further uphill into the corner of the site. At this location the long leg of the turnaround can be relatively parallel with grade helping to minimize the retaining wall heights plus sits in a area of the site that is partially screened from the uphill and downhill neighbors by an existing group of mature acacia trees. This location also allows the garage to be relocated from under the bedroom level to behind the house. With the garage in this location the garage structure will be virtually invisible from all the adjacent neighbors. While this is a benefit to the neighborhood by minimizing the visibility of both the garage and the turnaround area, it does increase the lot coverage by not placing the garage under the bedroom level thus increasing the lot coverage area by the size of the garage.

Both options above would require a variance, one for the retaining wall heights and one for the lot coverage. We feel the current proposal fits in with the spirit and intent Tiburon's Hillside Design Guidelines better and allows this property to be similar in use to the surrounding neighbors while minimizing the impact of the new home on them.

2. The granting of this variance would not result in the granting of special privileges. The design of the home is purposely horizontal in nature to minimize the new homes profile, which by its nature increases the lot coverage. In this case, the variance request is for +1% (534sqft) of additional lot coverage of which includes 865sq.ft includes a fully underground, landscaped covered, garage structure. Per Tiburon Municipal Code 16-30.120 (B), the purpose of lot coverage limitation is "...to help promote the aesthetic qualities of spaciousness and privacy...and reduce excessive run-off and help provide usable yard spaces...". The garage area, as designed, is in conformance with all of these values. Also, the proposal meets all setback, height limitations, and floor area restrictions so the granting of this variance will not provide this site with any special privileges.

3. A strict application of the zoning regulation would result in a home design that is either more of a vertical structure (three story down hill face) or in retaining walls taller than 6' in height. Either option would have a much larger impact on the visibility of the home on the neighborhood.
4. The granting of the variance would a benefit to the neighborhood and not be detrimental to the public welfare or injurious to other properties in the area. The variance allows the proposed design to be more horizontal in nature which helps minimizes the vertical visual presence on the hillside, allows lower retaining wall heights for the exposed site retaining walls, and provides a valuable fire apparatus turnaround which benefits all residences at that end of Vistazo East. The proposed design and requested variance also meets the intent of the lot coverage ordinance in helping to promote spaciousness, privacy, reduced runoff and providing usable yard space.

Design Guideline for Hillside Dwellings: Findings



Goal 1: Reduce visual bulk of a structure.

- Principle 1:
 - The proposal utilizes the hillside to reduce the effective bulk from below and afar. The majority of the proposal is 10'-15' below the 30' height limit.
- Principle 2:
 - The proposal includes the majority of outdoor spaces that are provided by using on grade side patios and lower level roof areas as decks.
- Principle 3:
 - The proposed design includes breaking the upper floor into four articulated sections including one that is fully underground. The lower floor is stepped down the hill and utilizes grading below to reduce the understory exposure.
- Principle 4:
 - The roof scape utilized several flat/low slope roofs arranged to follow the site contour lines and break up the roof into smaller pieces.
- Principle 5:
 - The home, driveway and patios utilize the hillside contours by laying the home out horizontally along the contours and by stepping the home down the hill.
- Principle 6:
 - We have utilized roof overhangs to help protect against excessive sunlight. By locating them primarily on the southern portion of the building and minimizing them on the northern side we have located them to reduce the effective bulk while providing solar shading where it is most valuable.
- Principle 7:
 - We have limited retaining wall height on the driveway by the careful location of the driveway on the site and using stepped retaining walls to limit the height to less than 6'. On the house, all taller retaining walls are hidden from off-site views by locating building structures in front of them or using grading to minimize the visual height.
- Principle 8:
 - The proposal includes four basic building materials, wood, glass, concrete & stone tile. These materials enhance the composed broken up forms of the home.
- Principle 9:
 - The spaces behind the bedrooms on the lower level, the family room and adjacent patio are all located in below grade to take advantage of the thermal protection. The garage is completely located underground. Most of the living spaces are aligned to take advantage of the morning sun while being shaded from the afternoon western exposure.
- Principle 10:
 - The 3-dimension composition of the proposal balances the horizontal and vertical forms while placing an emphasis on the horizontal cues of the topography.

Goal 2: Reduce general environmental impact of a structure on the neighborhood.

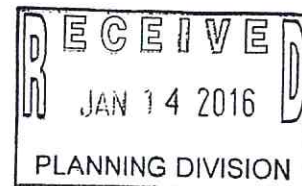
- Principle 1:
 - The wood, stone tile and concrete material pallet will blend in with the site both during the winter rainy and the summer dry months. The broken up forms of the home and the native landscaping will help blend the proposed home into the existing neighborhood.
- Principle 2:
 - The roof shapes, building forms and outdoor areas are well broken up to reduce large expansive forms and create harmonious composed forms.
- Principle 3:
 - The proposal includes four basic building natural materials, wood, glass, concrete and stone tile. The window frames, building trim and concrete will be darker tones to help blend the overall pallet into the hillside.
- Principle 4:
 - The proposal includes no skylights or reflective roof surfaces to reduce the glare potential for uphill neighbors. The window trim is proposed as dark bronze and the roof overhang will help reduce any potential of reflective glare.
- Principle 5:
 - There are no unsightly exposed structural or mechanical elements proposed. The home is designed to be visually pleasing from above and below.
- Principle 6:
 - Great care has been taken to locate windows to take advantage of the wonderful bay views, take in morning and early afternoon sunlight while avoiding the afternoon sun and provide privacy between the uphill, downhill and side neighbors.
- Principle 7:
 - The building orientation and fenestration is primarily northeast to take advantage of the morning solar gain when desirable while shielding the afternoon western sun. The upper floor utilizes a single room wide layout to capture cross ventilation primarily from the cool areas of the motor court and side patios. We have located evaporative cooling features (pool and reflecting pool) close to the living areas to help draw cross ventilation through the home from the cooler areas of the motor court and side patio. The roof overhangs are designed to be wider in the western portion and thinner in the eastern portion to provide the shading when it is needed. Wide door openings in the upper level should help provide ample cross ventilation and the perfect open living the Marin environment calls for. The lower level is tucked into the hillside with only a northeastern exposed face.
- Principle 8:
 - The landscaping is designed to shade the proposed home from the western exposure and help screen the home from the uphill, downhill and side neighbors. All plants are drought tolerant and selected to thrive in the specific location. Earth berms and landscaping have been used to reduce the overall visual impact of the new home.
- Principle 9:
 - The outdoor area locations and the large distances between the new home and the adjacent neighbors will provide acoustic privacy

- Principle 10:
 - This proposal includes no outbuildings
- Principle 11:
 - The home siting is tucking into the side of the hill and the forms are broken up so it should not have any excessive prominence.
- Principle 12:
 - Great care has been employed to locate the driveway, fire truck turnaround and garage to minimize the visual impact on the neighborhood. The driveway is designed to reduce the downhill retaining wall by using a long sweeping approach along the site contours as much as possible. The fire truck turnaround location was located tucked into an existing acacia tree cluster to reduce the visual impact. The garage is fully underground and located behind the home and should be virtually invisible to adjacent neighbors.
- Principle 13:
 - The proposal conforms to the 30' height limit plus the majority of the proposed structure is 10'-15' below the height limit.

Goal 3: Preserving existing views

- Principle 1:
 - The location of the proposed dwelling has no view blockage on existing neighbor's views of the bay, shoreline, San Francisco or GGB.
- Principle 2:
 - The proposed landscaping is design and selected to provide screening from neighbors while tree and plant selection has been chosen to limit the mature heights of the plant to prevent future view blockage.
- Principle 3:
 - The location of the proposed dwelling has no view blockage on existing neighbor's views of the bay, shoreline, San Francisco or GGB.
- Principle 4:
 - There are no existing foreground trees on site currently.
- Principle 5:
 - Great care has been taken to locate windows to take advantage of the wonderful bay views, take in morning and early afternoon sunlight while avoiding the afternoon sun and provide privacy between the uphill, downhill and side neighbors.
- Principle 6:
 - Fortunately this site and proposed home location avoid the privacy and view conflict.
- Principle 7:
 - The location of the proposed dwelling has no view blockage on existing neighbor's views of the bay, shoreline, San Francisco or GGB.
- Principle 8:
 - Fortunately "borrowed views" are not an issue with this site and proposed home location.

2225 Vistazo East, Tiburon, 94920



Neighborhood Outreach: as of 1-11-16

In an effort to minimize the impact a new may have and coordinate our proposal into the fabric of the neighborhood we have completed the following neighborhood outreach listed below.

- 9-12-15: Pre-design project intent letter send out to adjacent neighbors to notify of planned project and will meet at their request to hear any concerns or request as we begin the site plan and house design process
 - Letter sent out to 15 adjacent neighbors
- 9-16-15: meeting with Steve Schwartz, 490 Ridge Rd.
 - Concerns
 - Landscaping for privacy – not too short-not too tall (deed restriction?)
 - Roof appearance.
- 9-16-15: email from Chris Armstrong 2160 VE
 - I replied to set up meeting.
- 9-18-15: meeting with Chris & Judy Armstrong
 - Contentious nature of Frankovich proposal on this lot, 1997
 - Visual impact was huge
 - Drainage concerns, mostly coming from other properties up the street
 - Private roadway (maintenance) & private sewer (in bad shape).
 - Driveway entrance, concern danger while Armstrongs are backing out.
- 9-23-15: phone meeting with Angiola Laviziano of 1940 Straits View Drive
 - Not too concern about visual impact, (except skylights)
 - Interested in Solar or green design in proposal
- 10-8-15: outreach letter to new resident of 1910 Straits View Drive
- 10-10-15: Meeting with Jay & Laura Cohen of 460 Ridge Road.
 - Concern over view blockage (none) and landscape screen in between.
- 10-15-15 phone conversation with Catherine Halpern
 - She gave me her address (daughter now lives at 2151V.E.)
 - She opposed Frankovich project
 - Would like not to have 2221 V.E. connect to her private sewer line
 - Does not want the street widened –told her we will be required to widened maybe just 2 feet and not on her property (in ROW)
 - She said there are no springs on her or the 2221 V.E. property
- 10-15-15: Project intent letter send out to Michael Schirmer's residing address
- 10-16-15: phone conversation with Lark Halpern of 2151 VE
 - Concerns are view blockage (east bay)
 - Street widening (not in favor of)
 - Side to side privacy
- 10-23-15: Spoke with Michael Schirmer of 2220 V.E.
 - Described house location, driveway access and drainage concept.
- 11-5-15: Project Design letter send out to adjacent neighbors to notify that design layout has been completed and we will review with them at their request.
 - 13 neighbors
- 11-12-15: Meeting with Jennifer Woo, 1910 Straits View Drive
 - Concerns over construction noise/duration and visibility from upper floor

2225 Vistazo East, Tiburon, 94920

- 11-14-15: received project support letter email from Bruce Powel 2180 Vistazo East.
- 11-19-15: phone conversation with Lark Halpern,
 - Reviewed project details and set up meeting to review project at 2151 VE.
- 11-23-15: Meeting with Chris & Ian Armstrong (2160 VE)
 - Reviewed site, floor plans & 3d model
 - Supported project & street widening
 - Supports adding (n) sewer line down hill
 - Reviewed localized drainage issues, most/all comes from up the street
- 11-30-15: meeting with Lark & Catherine Helpen
 - Reviewed project plans and review process
 - They generally supported the project, did not support road widening, did not want new house to connect to their sewer system (not proposed).
- 12-4-15: Met with Jay Cohen & Laura Cox, 460 Ridge Road.
 - Reviewed project plans and 3d model from their home
 - Walked project site and proposed home location
 - Reviewed landscaping
 - They generally supported the project
- 12-7-15: Met with Steve Swartz, 490 Ridge Road.
 - Reviewed plans and 3d model
 - They generally supported the project
 - Would like to review landscaping between homes once story polls are up.
- 12-16-15: phone conversation with Carol McKegney.
 - Did not receive 9/12 & 11/5 mailers (renter id not forward them to here)
 - Questions on septic connection: described proposed and that her lot has a septic easement across 2225.
 - Described project size, location, driveway and neighbor outreach and current support.
 - Will send all future notices to her Petaluma address.
- 1-5-16: phone conversation with Lark Halpern,
 - Reviewed road widening requirements of 14 per TFPD, she does not support this.

RESOLUTION NO. 97-1

**A RESOLUTION OF THE DESIGN REVIEW BOARD OF THE TOWN OF TIBURON
DENYING A SITE PLAN AND ARCHITECTURAL REVIEW APPLICATION
FOR A NEW SINGLE-FAMILY DWELLING AT 2225 VISTAZO EAST**

ASSESSOR PARCEL NO. 59-091-55

WHEREAS, the Design Review Board of the Town of Tiburon does resolve as follows:

Section 1. Findings.

- A. On March 7, 1997, the Town of Tiburon received an application for a Site Plan and Architectural Review for the construction of a new single-family dwelling (Application #797029) on property located at 2225 Vistazo East. The application consists of the following:
1. Application Form received March 7, 1997
 2. Site Plan, Elevations and Landscaping Plan, prepared by Cowan and Associates, Carlenzoli and Associates, and Geared for Growing Landscape Services
- C. The Design Review Board held duly-noticed public hearings on May 15, 1997, June 19, 1997, and September 18, 1997, and heard and considered testimony from interested persons.
- D. Applicant originally proposed to construct a 6,668 square foot residence on the subject property. At the May 15, 1997, meeting, concerns were raised by the Design Review Board and surrounding residents and property owners regarding the design, size and massing of the proposed house in comparison to the surrounding neighborhood. The Design Review Board directed the applicant to prepare a detailed landscaping plan, to make the color of the roof and trim darker, and to address the mass and bulk of the building. The request was continued to the June 19, 1997, meeting.
- E. At the meeting of June 19, 1997, the applicant presented a more detailed landscaping plan and a rendering showing darker colors for the proposed house. Concerns were again raised by the Design Review Board and surrounding residents and property owners regarding the size and scale of the proposed house, and its inappropriateness compared to the Old Tiburon neighborhood. The Design Review Board expressed concerns over the lack of information available in the submitted plans, which were found to be insufficient to properly analyze the proposed residence. After reviewing the plans, the Design Review Board directed the applicant to provide: 1) information on why the proposed water tanks cannot be buried more

than two feet into the ground; 2) a grading plan; 3) a landscaping plan for treatment of the site, house, retaining walls and water tanks; 4) elevations that indicate the height of the retaining walls; 5) complete plans that precisely explain the project as to how the entire site would be developed; and 6) a color rendering that is closer to the actual colors proposed for the house. Emphasis was to be placed in this information on the retaining walls and how the house fits in with the fabric of the neighborhood. The request was continued to the September 18, 1997, meeting.

- F. The applicant subsequently presented a revised plan that reduced only 15 square feet in the overall size of the proposed building. A colored elevation was presented at the September 18, 1997, meeting purporting to show the front view of the house and the proposed retaining walls; however, the architect for the project admitted that the drawing was inaccurate, as it did not reflect the true dimensions of the proposed retaining walls along the driveway which would be visible from the front of the site.
- G. The Staff report prepared for the September 18, 1997, meeting included a table analyzing the sizes of 31 homes within 300 feet of the subject property. A total of 25 of these 31 homes are less than half the size of the proposed 6,655 square foot house.
- H. The Design Review Board reviewed the revised plans for the proposed project in accordance with Section 4.02.06 (d) of the Tiburon Zoning Code (Guiding Principles for Site Plan and Architectural Review), which states that the "height, size or bulk of the proposed building in relation to the character of existing buildings in the vicinity" shall be considered in the evaluation of Site Plan and Architectural Review applications. The Design Review Board finds, based upon application materials and analysis presented in the May 15, June 19 and September 18, 1997 Staff Reports, public testimony from surrounding residents and property owners, as well as visits to the site, that the size and bulk of the proposed house do not conform to the character of existing buildings in the vicinity of the subject property. The physical size of the proposed house is significantly larger than the majority of homes in the vicinity. The bulk and scale of the proposed house would be much larger than the predominant appearance of homes in the vicinity.

Section 2. Denial.

NOW, THEREFORE BE IT RESOLVED that the Design Review Board of the Town of Tiburon does hereby deny the proposed Site Plan and Architectural Review application for the reasons set forth above.

PASSED AND ADOPTED at a regular meeting of the Design Review Board of the Town of Tiburon on October 2, 1997, by the following vote:

AYES:
NOES:
ABSENT:

BOARDMEMBERS:
BOARDMEMBERS:
BOARDMEMBERS:

HOWARD, BEALES, DOANE
NONE
FYFFE, SNOW

ORIGINAL SIGNED BY CARLA HOWARD

CARLA HOWARD, CHAIRMAN
TIBURON DESIGN REVIEW BOARD

ATTEST:

Irene L. Borba
IRENE BORBA, ASSOCIATE PLANNER

DB797029.RES

RESOLUTION NO. 3267

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF TIBURON
REGARDING THE DENIAL OF AN APPEAL BY THOMAS FRANKOVICH
OF THE DENIAL OF SITE PLAN AND ARCHITECTURAL REVIEW
FOR PROPERTY LOCATED AT 2225 VISTAZO EAST**

WHEREAS, on May 15, 1997, the Design Review Board held a public hearing to consider the approval of a Site Plan and Architectural Review application for construction of a new 6,668 square foot single-family residence at 2225 Vistazo East, proposed by Thomas Frankovich ("Owner"); and

WHEREAS, after receiving public testimony, including concerns raised by neighboring property owners regarding the size and colors of the proposed house and its compatibility with the surrounding neighborhood, the Board continued the request, with direction that the applicant make efforts to address the mass and bulk of the building, prepare a detailed landscaping plan, and make the colors of the house darker; and

WHEREAS, on June 19, 1997, the Design Review Board held the continued public hearing, and, after considering the modifications made to the plans to show more detailed landscaping and a revised color palette, but no changes to the overall size and design of the house, and receiving additional public testimony, the Board continued the request, with direction to the applicant to provide additional information regarding the scale of the retaining walls and how the house could better fit in with the fabric of the Old Tiburon neighborhood in which it was proposed to be located; and

WHEREAS, on September 18, 1997, the Design Review Board held the continued public hearing, and considered: 1) revised plans which reduced the size of the proposed house by 15 square feet (0.22%), reduced the height of the garage, and which included several driveway changes, some roof articulation, and columns along the side of the house; 2) an analysis prepared by Town Planning Staff of the sizes of 31 homes within 300 feet of the subject property, which indicated that the average size of these homes was 2,577 square feet, and that 25 of these 31 homes were less than half the size of the proposed house; and 3) additional public testimony from surrounding property owners regarding the incompatibility of the proposed house with its Old Tiburon neighborhood; and

WHEREAS, after receiving public testimony, the Design Review Board determined that the proposed house was incompatible with the development pattern of the surrounding Old Tiburon neighborhood, as expressed by a statement read into the record by Board Chairman Carla Howard (attached as Exhibit 'A'), and directed Staff to prepare a resolution denying the Site Plan and Architectural Review application for this property; and

WHEREAS, on October 2, 1997, the Design Review Board adopted Resolution No. 97-1, denying the Site Plan and Architectural Review application for the construction of a new single-family residence on property located at 2225 Vistazo East; and

WHEREAS, on October 10, 1997, the Owner filed an appeal of the Board's decision to deny this application; and

WHEREAS, after several continuances made at the request of the Owner, the appeal came before the Town Council of the Town of Tiburon on February 4, 1998, at which time the Town Council held a duly-noticed public hearing on the appeal; and

WHEREAS, on February 4, 1998, after hearing all testimony and reviewing all documents in the record, the Town Council found that: 1) the Council concurs with Board Chairman Howard's analysis of the issues presented by the proposed house under the Town's Municipal Code and the Town's Guiding Principles for Site Plan and Architectural Review, as set forth in the statement attached as Exhibit A, which statement is hereby incorporated herein by reference; 2) the Council further concurs with the findings of the Design Review Board as set forth in their Resolution No. 97-1, which resolution is hereby incorporated herein by reference; 3) the existing homes in the neighborhood are generally much smaller than the proposed house, both in appearance and in actual square footage; 4) the development on the other properties in the neighborhood is generally much less intensive than that proposed by the Owner, in that the actual floor area ratio ("F.A.R.") on those properties is only 61% of the maximum allowed under the Zoning Ordinance, whereas the F.A.R. of the proposed home would be 99.7% of the maximum; 5) the larger size of the subject parcel does not justify the size of the proposed residence, and 6) the mass, bulk and size of the proposed house would be incompatible with the character of the Old Tiburon neighborhood; and

WHEREAS, based on the above findings, the Council determined to deny the appeal by the Owner (a vote of 5-0);

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Tiburon memorializes that the appeal of Thomas Frankovich was denied, on February 4, 1998, as set forth in this resolution.

PASSED AND ADOPTED at a regular meeting of the Town Council on February 18, 1998, by the following vote:

AYES:	COUNCILMEMBERS:	Bach, Gram, Hennessy, Matthews & Thompson
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None


HARRY S. MATTHEWS, MAYOR
TOWN OF TIBURON

ATTEST:



DIANE L. CRANE, TOWN CLERK

READ INTO RECORD BY CARLA HOWARD 9/18/97

Thoughts on the Frankovich application, September 17, 1997

Re: Size, bulk and mass:

Reflecting the will of this community, the town of Tiburon has legally adopted the *Guiding Principles for Site Plan and Architectural Review*. This means that the principles stated within it are to be given equal weight to those town ordinances which govern the maximum floor area, height and lot coverage for a specific site. The obligation to do so applies equally to the Design Review Board, to the town staff and to the Town Council (should a decision be appealed), when considering the appropriateness of a proposed project to be built within the town's boundaries.

It is, therefore, the will of the town of Tiburon that the Design Review Board, which serves at the pleasure of the Town Council, review as stated in these Guiding Principles, the "height, size, or bulk of the proposed building in relation to the character of existing buildings in the vicinity."

The proposed home is to be built on a parcel of land that is situated in a "transition area" between two already-developed neighborhoods, considered for the purposes of this review as "the vicinity." This application's floor area is more than double that of over 80% of the homes in the vicinity. Therefore, in doing our duty by following the guidelines as quoted above, the board must be sensitive to what—in the context of this "vicinity"—is the exceptional square footage of the house proposed.

In addition, because of, as the applicant Mr. Cowan characterized it, the "very steep slope" of this site, he proposes building extensive retaining walls to provide both a flat building site for the house above and a flat site for the garage and carport below. Additionally, the steep site will require more retaining walls to support a driveway which climbs up some 28 feet from the street. Plus there's also the additional visual impact of the 24'-wide facade of a pair of 12'-wide water tanks placed side by side and exposed 5' above ground level.

The net result is that, in addition to the elevations of a house and garage stacked on four levels as viewed from below, the impact of the supporting structures for the house and the driveway must also be considered. These structures, as required by this steep site, would otherwise be nonexistent in a flat location elsewhere in town, making the bulk a less sensitive issue.

Frankovich, page 2

According to an estimate made at a recent meeting by a member of our board who is also a fellow of the American Institute of Architects, the net visual impact of these retaining walls could as much as double the presence of the house on this site. Therefore, again following the above-stated guidelines, the board must also be sensitive to the appearance of height (although the proposed house itself does not exceed the 30' limit) as well as the bulk of this house. Such sensitivity is especially important because of the exceptional square footage when considered within the context of this vicinity as noted above.

On May 15, 1997, the applicant made the first presentation on this application before the Design Review Board. ~~No landscaping plan accompanied this proposal prior to, or at this meeting.~~ The attending members of the Design Review Board, having each visited the site and the surrounding area prior to this meeting, specifically expressed their concerns during that meeting about both the size and the mass of this house in relation to its effect on the character of Old Tiburon. At that meeting, Mr. Cowan suggested that landscaping devices such as "vines and ivy" would address the bulk issue and promised that a detailed landscape plan would be prepared for the next meeting. The board granted a continuance to June 5 to allow the applicant time to develop a more detailed response to how specifically landscaping could resolve the bulk and mass issue.

The proposal was subsequently continued at your request to June 19.

On June 19, 1997, the occasion of the second presentation of this application before the board, Mr. Cowan offered a detailed landscaping proposal to the board. However, board members did not receive a reduced copy in advance of this meeting, as is customary. An advance copy would have enabled members to adequately evaluate the landscape material choices from the specific and complex standpoint of their effectiveness in reducing the effect of this house's bulk.

During the meeting, members of the Design Review Board stated that their concerns about the bulk of the total application were still unresolved and that it was also necessary to be able to see elevations of how the retaining walls for the driveway up the hillside—just brought to their attention in

Frankovich, page 3

the landscape plan—would also affect the overall mass and bulk of the proposal. The applicant was additionally given the suggestion from several members of the board that he look directly at the design of this house to find ways to minimize its size and bulk on the hillside. Again, a continuance was granted so that this time the applicant would be able to prepare, among other things, a grading plan and elevations that would indicate how high the retaining walls would be. As is stated in the minutes of that meeting "The main issues are the retaining walls and how the house will fit in with the fabric of the neighborhood." The application was granted a 90-day extension to the time limit imposed by the Permit Streamlining Act. The board approved this so that the applicant might have time to prepare a response to these still unresolved concerns. The applicant agreed to a continuance for the meeting of July 13, 1997.

The proposal was subsequently continued at the applicant's request to tonight's meeting, September 18.

Tonight marks the third appearance before the board on this item. We have received the landscape plan which promises that 75% of the retaining and under-deck walls will be covered by vines in three years. The exact proposed location of these plantings is unspecified. This is the only solution the applicant has put forth to reduce the bulk of the proposed structure.

The revised architectural plans we received in preparation for this evening indicate a reshuffling of square footage from the house to the garage, yielding a net reduction of 15 sq. ft of floor area. This is less than 1/4 of 1% of a reduction in size from the original proposal of 6,668 square feet. This is the only solution the applicant has proposed to reduce the size of this structure.

As the applicant's site is defined as a "transitional site" between two different neighborhoods, the issue for our review of size tonight is best considered in the statistical review of neighboring properties which I requested of staff prior to this meeting. The results have been included in the Staff Report which was completed for public review as of last Friday, September. 12.

Frankovich, page 4

Of the 31 homes within 300 feet of the applicant's property, only one is slated to exceed the size of this application. The house on this site does not do so now. However, the 10,270 square foot application was granted to the owners of 1960 Straits View Drive for the following reasons—none of which are analogous to- or supportive of- the proposal before us: 1. that site exceeds two acres and the building area is more level than this one; 2. the square footage is spread over four detached structures; 3. the retaining walls for the driveway are uphill behind the house and are hidden from sight downhill; 4. the house and its dependencies are hidden from the street above; and 5. they are also nearly invisible from immediate neighbors as well as from the community at large.

The second largest home in the area is the 4,768-square-foot chateau the applicant presented on May 15 in photos as an example of appropriate neighborhood context. While Ms. Kelly, the chateau's owner, supports the applicant's plans according to Mr. Frankovich's letter of September 16, her home is situated well above this site so that the building of the proposed home should have no effect on the enjoyment of her property whatsoever.

As the staff report continues, the next largest home out of the 29 remaining is 3,715 sq. ft.—nearly 3,000 square feet smaller than the proposed residence. And out of the remaining 29 houses, 25 have even less than half the floor area of the proposed 6,655 square foot house—representing a considerable size disparity with most of this "vicinity" any way you look at it.

I would like the board to consider three possible options we might pursue in our discussions on tonight's proposal: One might be to grant a conditional approval. This would be appropriate if you believe that we can fulfill our duty as outlined in the Guiding Principles by relying on landscaping and color as both effective and lasting solutions to the issues of size and bulk. An approval might be offered conditional to the satisfactory review of "a more detailed, fully dimensioned set of plans which clearly indicates that the house is within the maximum floor areas ratio for this parcel," as the staff report suggests. Additionally, a conditional approval might also be subject to a review of the specific elevations of the driveway retaining walls, and their exact plantings (as well as the precise color rendering of the buildings, if still not done).

Frankovich, page 5

Another option might be to grant a continuance. This would be designed to allow the applicant the time remaining on their extension to search for further ways to tweak this design with the goal of reducing its bulk on the hillside. Some ideas might be proposed such as breaking up the building into two or three structures, digging it further into the hillside, returning the arches to the deck wall, etc. The board might also suggest an amount by which to reduce the square footage (if the applicant has expressed a willingness to make the house smaller).

Lastly, however, you may wish to vote for a denial. This would be appropriate if you believe that this application, as currently designed or even possibly tweaked, is incapable of conforming in either size or bulk "to the character of existing buildings in the vicinity." Under this option, the applicant may again go through the design review process within the year as long as the new proposal is for a "substantially different" project. Otherwise he must wait a year before returning with an application. To exercise this option, we would state the reasons for the denial in the motion. We would also instruct staff to return with a resolution at the next meeting which formalizes the reasons for our finding.