





# Town of Tiburon

## STAFF REPORT

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estimates that approximately 200 cubic yards of earth would be graded as part of this project. The Tiburon Zoning Ordinance requires that Site Plan and Architectural Review approval for grading projects that would move more than 50 cubic yards.

### ANALYSIS

#### Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 zone within which the subject property is situated.

#### Design Issues

The concrete retaining wall along the rear property line was approved as part of the previous Site Plan and Architectural Review application for construction of the homes on this site. The proposed 2 foot tall rock retaining wall would be situated about 5 feet horizontally from the existing wall, with fill sloping up from the top of the existing wall to the base of the proposed wall. A 4 foot tall safety railing would be constructed on top of the rock wall. The applicant has indicated that screening landscaping would be installed between the two walls, but no landscaping plans for this area have been submitted as of the date of this report.

The previously approved plans for the site indicated a gently sloping area between the retaining wall supporting a swimming pool and the retaining wall along the rear property line. These approved plans would have created an 18 foot horizontal separation between the two sets of retaining walls. The current proposal would reduce the horizontal separation between the retaining walls to only 4 feet.

The potential visual impacts of the current proposal are best evaluated from the home directly below the site at 1823 Centro West Street. The rear yard of this adjacent lot faces uphill toward the site. Currently, the 4 foot tall concrete retaining wall at the mutual property line is shielded by a series of plantings that have been installed by the owner of this adjacent property. Plywood installed by the applicant to illustrate the dimensions of the proposed rock wall and railing indicate that the view from the adjacent rear yard would change from that of a partially shielded concrete wall with a sloping grade above to one of a series of walls and fencing looming over the property below. The Design Review Board is strongly encouraged to view the proposed construction from the rear yard of this adjacent property.

#### Policy Issues

The Town of Tiburon has historically encouraged construction that minimizes grading and follows the natural contours of the site. This philosophy is captured in several different resources:

- Goal 1, Principle 4 of the Hillside Design Guidelines states that projects should “follow hillside contours and slop with building forms... to increase the integration of dwelling and site.”



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- Section 4.02.07 of the Tiburon Zoning Ordinance states that in reviewing Site Plan and Architectural Review applications, the Design Review Board shall consider “the extent to which the site plan reasonably minimizes grading.”
- Policy OSC-11 of the Open Space and Conservation Element of the Tiburon General Plan states that “the Town shall encourage location of structures in a manner which minimizes tree removal and grading. Specifically, grading shall be kept to a minimum and every effort made to retain the natural features of the land including ridges, rolling land forms, knolls, vegetation, trees, rock outcroppings and water courses. Where grading is required to stabilize areas of geologic instability, the graded area shall be returned to a natural land form. Excessive grading to stabilize soil is not in the best interest of the Town and is inconsistent with the Town’s desire to retain natural land forms. Therefore, excessive grading is to be avoided to the maximum extent feasible.”

The Town has seen an increasing tendency for developers and property owners to attempt to turn hillside properties into essentially flat lots. Town Staff frequently hears requests to level off sloping areas to provide level surfaces that can accommodate additional yard areas. These requests ignore the simple fact of geography that the Tiburon Peninsula consists primarily of sloping hillside properties. People who purchase property in Tiburon must accept this geographic fact and come to terms with living on a hillside lot; people who desire lots with extensive flat yard areas are encouraged to purchase properties that are already level.

Attempts to maximize the amount of level areas on a residential site are contrary to the above-noted policies to minimize grading and follow the natural contours of a site. The proposed project would involve 200 cubic yards of additional grading, and would extend the level portion of the rear of this property to within 4 feet of the rear property line. Therefore, the subject application would appear to be inconsistent with the policies of the Hillside Design Guidelines, Tiburon Zoning Ordinance, and the Open Space and Conservation Element of the Tiburon General Plan stated above.

### **Public Comment**

To date, no letters have been received regarding the subject application.

### **RECOMMENDATION**

The Board should review this project with respect to the Hillside Design Guidelines, Zoning Ordinance Sections 4.02.07 (Guiding Principles), and the Open Space and Conservation Element of the Tiburon General Plan. If the Board agrees with Staff’s conclusions, Staff would recommend that the Design Review Board direct Staff to prepare a resolution denying the subject application.

If the Board wishes to approve the subject application, the Board should indicate how the project would be consistent with the policies of the Hillside Design Guidelines, the Tiburon

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Zoning Ordinance and the Tiburon General Plan. The Board should then determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15304, and approve the application, subject to the attached conditions of approval.

### ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Minutes of the August 1, 2002 Design Review Board meeting
4. Minutes of the August 15, 2002 Design Review Board meeting
5. Submitted plans

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### CONDITIONS OF APPROVAL

1860 VISTAZO WEST STREET

FILE #703119

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. The development of this project shall conform to the application dated by the Town of Tiburon on August 1, 2003, or as amended by these conditions of approval. Any modifications to the plans of August 1, 2003, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Department for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Department for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Design Review Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Design Review approval is not valid and shall be subject to stop work orders and may require 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.