

Town of Tiburon STAFF REPORT

AGENDA ITEM E5



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TO: **DESIGN REVIEW BOARD**

FROM: **PLANNING MANAGER WATROUS**

SUBJECT: **18 PLACE MOULIN; FILE #704018
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
CONSTRUCTION OF A RETAINING WALL AND LANDSCAPED AREA**

MEETING DATE: **SEPTEMBER 2, 2004** _____

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PROJECT DATA:

ADDRESS:	18 PLACE MOULIN
ASSESSOR'S PARCEL:	28-351-10
FILE NUMBER:	704018
PROPERTY OWNERS:	CLIFFORD ALM
APPLICANT:	THAYER ARCHITECTURE
LOT SIZE:	32,670 SQUARE FEET
ZONING:	RPD (RESIDENTIAL PLANNED DEVELOPMENT)
GENERAL PLAN:	MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE:	C
DATE COMPLETE:	AUGUST 18, 2004

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.

PROPOSAL

The applicant is requesting Design Review approval for the construction of a retaining wall and associated landscaping improvements on property located at 18 Place Moulin. The property is developed with a single-family dwelling.

This application was initially submitted for Staff-level Design Review, and originally included a request to add a deck to the rear of the house. Concerns were raised by several adjacent property owners regarding the proposed project. As a result, the application has been referred to the Design Review Board for review. The applicant has also subsequently eliminated the deck from this application.



Town of Tiburon

STAFF REPORT

ANALYSIS

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RPD zone and the Mt. Tiburon Units 3 & 4 Precise Plan. This precise plan does not include any building envelopes or required setbacks for each lot, stating only that the location of any structures shall be determined through the Site Plan and Architectural Review process.

Design Issues

The proposed project would involve the construction of a large, curved retaining wall on the eastern side of the lot. The intent of the wall is to create a level area on the property to be used for outdoor recreational purposes.

The tallest portion of the proposed retaining wall would be approximately 11 feet above grade, with the height of the wall gradually reducing at either end. The view of the wall from below would be screened by a dense stand of oak trees immediately below. Goal 1, Principle 7 of the Hillside Design Guidelines states that projects should “avoid large retaining walls in a uniform plane,” and suggest to “break retaining walls into elements [and] terraces.” The curved design of the retaining wall would mitigate the visual mass of the proposed wall somewhat from that of a straight wall. Given the screening of the wall and its location, the Design Review Board should evaluate whether efforts should be made to terrace this wall to alleviate any remaining concerns with the visual mass of the structure.

The adjacent property owners at 16 Place Moulin have raised concerns regarding potential privacy impacts that could be caused by the new level outdoor area. During the Design Review process for this adjacent home, all windows along the side of the house facing the subject property were eliminated, and a large, stepped screening wall was constructed along the side property line, in response to concerns raised by the owners of the subject property regarding potential privacy impacts that could be caused by the adjacent dwelling.

A portion of the proposed level yard area could be viewed from the rear deck and an angled window of the master bedroom of the neighboring house. The elevation of the proposed yard area would make people using this yard area visible from these areas, creating the potential for diminished privacy from this living areas.

A group of pine trees currently screens the site of the proposed yard area from view from the adjacent home. The applicant has indicated that only two of these trees would be removed during the grading process to create the proposed yard area, with fill to cover the bottoms of several other trees. However, many of these trees are not sufficiently large enough to require a Tree Permit to be removed, and could therefore be removed either during the construction of this project or at a future date without notice. Therefore, the long-term screening potential of the existing trees is not guaranteed. It should also be noted that removal of these trees during or



Town of Tiburon

STAFF REPORT

after construction would significantly increase the visual exposure of the two homes to each other.

The existing trees on the site provide adequate privacy screening between the proposed yard area and the neighboring residence. If the trees were removed, it would appear that the rearmost portion of the yard area would result in privacy impacts on the adjacent home. These impacts could be mitigated by one of a number of different measures:

- Lower the elevation of the proposed yard area;
- Move the edge of the wall further toward the front of the property;
- Create a yard area by digging into the hillside, rather than building up a yard area with fill; or
- Pulling the edge of the yard area away from the side property line to allow adequate room for either existing trees or replacement screening vegetation.

The Design Review Board is encouraged to visit both the subject property and the adjacent home at 16 Place Moulin to evaluate the potential privacy impacts that could be caused by the proposed project. The Board should then determine whether any modifications should be made to the project design, or whether other mitigation measures should be imposed.

Public Comment

As noted above, several letters have been received raising objections to the subject application.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (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, Staff would recommend that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Goal 1, Principle 7 of the Hillside Design Guidelines
4. Letter from David and Julie Moyne, dated March 3, 2004
5. Letter from Gunnar and Mary Ellen Wetlesen, dated March 8, 2004
6. Letter from David and Julie Moyne, dated August 25, 2004
7. Submitted plans

Town of Tiburon

STAFF REPORT



CONDITIONS OF APPROVAL

18 PLACE MOULIN

FILE #704018

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 with the application dated by the Town of Tiburon on August 3, 2004, or as amended by these conditions of approval. Any modifications to the plans of August 3, 2004, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division 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 Division 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 Planning Division 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 Planning Division 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 must be down light type fixtures.