



Town of Tiburon

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applicant therefore requested a continuance of the public hearing to allow time to revise the proposed plans to address these concerns.

The applicant has now submitted revised plans that have change the project from a retaining wall supporting a level lawn area to two decks on different levels, supported above the existing grade. The two decks would be connected by a stairway near the side property line.

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 revised plans involve a number of changes to the available private recreation area that would be provided on the site. The far edge of the upper deck would be pulled back approximately 5 to 6 feet from the edge of the previously proposed retaining wall. The deck edge would have a straight line roughly perpendicular to the house, as opposed to the curved edge of the previously proposed retaining wall. The elevation of the upper deck would be approximately 4 inches lower than the elevation of the lawn area that would have been created behind the retaining wall. The side of the decks would extend to within 1.5 feet of the side property line, which is closer than the 4 foot setback previously proposed for the retaining wall.

The lowered height and pulled back edge of the proposed upper deck would help address privacy concerns for the neighboring residence at 16 Place Moulin. As described in the previous Staff report for this application, a portion of the previously proposed level yard area could have been 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 have made people using this yard area visible from these areas, creating the potential for diminished privacy from these living areas. The proposed deck would reduce the amount of private space on the subject property that would be visible from the adjacent home from the previous project design. However, the rearmost portions of this upper deck would appear to still be visible from the neighboring residence.

The proposed lower deck would be situated well below the level of the adjacent home, and should not result in any privacy or visual concerns from the residence itself. However, this deck may be visible from lower portions of the neighboring property, and could result in privacy impacts to the adjacent rear yard area.

Although the proposed deck would be closer to the side property line than the previously proposed retaining wall, most of the side of the deck would be screened by a large, stepped



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screening wall along the side property line. The northeast portion of the upper deck would be more visible from the neighboring home; however, this portion of the deck is directly in front of the stairs leading to the lower deck, and is therefore unlikely to be occupied by people standing on a regular basis. The 1.5 foot setback from the side property line could result in limited space in which to construct and maintain the side of the decks, and to maintain the adjacent wall. The Design Review Board should consider whether an increased side yard setback would be more appropriate for the decks.

A group of pine trees currently screens the site of the proposed yard area from view from the adjacent home. The applicant had previously indicated that only two of these trees would have been removed during the grading process to create the proposed yard area, with fill to cover the bottoms of several other trees. The construction of the proposed upper deck would definitely require the removal of more of these trees, significantly increasing the visual exposure of the two homes to each other, and creating additional potential privacy issues between the properties.

The proposed deck design would eliminate most of the proposed grading associated with the previous project design. The proposed decks would also eliminate the issue raised regarding the height of the tallest portion of the previously proposed retaining wall.

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 wishes to approve the project, Staff would recommend that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Staff report dated September 2, 2004
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

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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 September 27, 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.