

The **Land Development Application** form must be completed and accompany the following Planning applications:

- Conditional Use Permit
- Design Review – Minor Alterations
- Design Review – Major Additions
- Design Review – New Residences
- Lot Line Adjustment
- Minor Subdivision
- Precise Development Plan
- Precise Development Plan Amendment
- Tree Permit
- Secondary Dwelling Unit
- Sign Permit
- Variance
- Water Well

Additional information and other necessary forms for these Planning applications are available on the Town of Tiburon website under the **SERVICES** heading by clicking on the link to **FORMS**.



*Planning Division Staff (415) 435-7390
www.ci.tiburon.ca.us*

PRECISE DEVELOPMENT PLAN

[NOTE: PORTIONS BELOW ARE EXCERPTED FROM THE TIBURON MUNICIPAL CODE, TITLE IV, CHAPTER 16 (ZONING)]

16-4.8 - PRECISE DEVELOPMENT PLAN.

16-4.8.1. Purpose.

A Precise Development Plan is required in all RPD and RMP zones prior to subdivision, grading, or the making of improvements of any kind.

The purposes of the Precise Development Plan are:

- a. To provide for review by the Town a detailed development proposal for a site, in both written and graphic form, establishing the specifics normally associated with a residential zone, including but not limited to, setbacks or building envelopes, coverage limits, and height limits.
- b. To demonstrate consistency of a development proposal with the goals and policies of the Town's adopted General Plan Elements.
- c. To preserve and conserve critically limited open space for the protection of the ecology and the environment, and to safeguard against the adverse impacts of fire, noise, water pollution, the destruction of scenic beauty and hazards related to geology, fire and flood, while at the same time providing a reasonable use of the land.

16-4.8.2. Contents. [Submittal Requirements]

The Precise Development Plan shall be prepared and endorsed by qualified professionals, including an urban planner, licensed architect or registered building designer, a land surveyor or registered civil engineer, and registered landscape architect. It shall encompass all contiguous parcels under the same ownership and shall include the following:

- (a) MAPS:
 - (1) A **topographic map** of the property prepared by a registered civil engineer

or licensed land surveyor, with metes and bounds descriptions, which depicts in accurate detail the topography, existing buildings, land features (including areas subject to flooding or ponding), and pertinent features of adjacent properties that may affect or be affected by the project. Scale shall be one inch equals 50 feet for properties of four acres or more, with a contour interval of no more than five feet; and one inch equals 20 feet for properties less than four acres, with a contour interval of no more than 2 feet.

- (2) A **site plan map**, at the same scale as the topographic map, showing in detail the design and location of proposed lots, building envelopes, proposed and existing structures, and all functional use areas such as roads, trails, paths, walkways, parks, common areas, rights-of-way, public and private open spaces, parking, planting, recreation, and so forth. The plan shall also depict the relationship of proposed buildings and structures to these functional areas and with existing and/or projected uses of adjacent property to a distance of 300 feet from the subject property lines. The site plan map shall include a matrix, in tabular form, providing for each lot the proposed lot area; front, side, and rear setbacks (or their ranges for non-rectilinear building envelopes); area of the building envelope, proposed maximum height of structures, average percent of slope, and principal view direction.
- (3) A preliminary **grading plan map**, at the same scale as the topographic map, depicting at a minimum:
 - (A) existing contours;
 - (B) proposed finished contours;
 - (C) all "cut" areas, depicted by shading or other clear means, with a cubic yard estimate for each cut area;
 - (D) all "fill" areas, depicted by shading or other clear means, with a cubic yard estimate for each fill area;
 - (E) all areas where both cut and fill are proposed;
 - (F) an estimate of the total amount of cut and fill for the project, a statement as to whether cut and fill will be balanced, and an implementation program describing how surplus earth will be removed from the site or how added fill will be imported to the site. The number of truck loads necessary to accomplish this program should be estimated;
 - (G) at least three section drawings representative of the proposal, at the same scale as the grading plan.
 - (H) the location and height of all retaining walls or similar features necessary to accommodate the proposed grading scheme.

- (4) A **slope map** reflecting existing conditions and a slope map reflecting proposed finished conditions. Slope maps shall be at the same scale as the topographic map, depicting by shading or other clear means, areas of slope less than 20%, areas of slope between 20% and 30%, areas of slope between 30% and 40%, and areas of slope greater than 40%. The acreage of each slope category shall be estimated.
- (5) A **Resource Conservation Map** showing the location of any of the following features on-site and describing how they will be preserved:
 - (A) springs, streams, watercourses, drainageways, ponds, or other water areas;
 - (B) rare or endangered plant or animal species (survey may be required);
 - (C) rare or endangered animal habitat areas (survey may be required);
 - (D) areas of riparian vegetation;
 - (E) archeological or paleontological resources (survey may be required);
 - (F) rock outcroppings;
 - (G) existing trails;
 - (H) existing trees with trunks greater than 20 inches in circumference at a point two (2) feet above ground level;
 - (I) knolls, ridges, or other places on-site from which view corridors or vistas are available;
 - (J) other noteworthy or unusual site characteristics.

The contents of the Resource Conservation Map may be combined with that of the Prime Open Space Map required under paragraph (d)(1) below.

- (6) A preliminary **erosion and siltation control plan map**.
 - (7) A preliminary **landscape plan map** showing proposed treatment of common areas, roadway berms, entrances to the project, types of ground cover, types and heights of trees (at maturity), walls, irrigation, and details for walkways, paving, and fencing.
 - (8) Preliminary **project elevations or perspective drawings**.
- (b) TEXT:
- (1) A general written description of the project and its site.

- (2) A transportation analysis addressing circulation patterns (pedestrian, vehicular, and emergency), public and private; and estimating traffic generation as it may affect public streets within and adjacent to the proposed development. Consistency with General Plan Circulation Element policies shall be demonstrated.
- (3) The number and type of dwelling units and a tabulation of the total land area and per cent thereof designated for various uses. This shall include a matrix, in tabular form, providing for all lots the proposed lot area; front, side, and rear setbacks (or their ranges for non-rectilinear building envelopes); area of the building envelope and its percent of the lot area; proposed maximum height limit of structures; percent of slope of the lot, and principal view direction from each lot.
- (4) An analysis of all public, quasi-public, recreational and educational facilities both on-site and off-site, existing and proposed, in terms of the adequacy thereof to meet the project needs.
- (5) A statement of the provisions for ultimate ownership and maintenance of all areas included within the project, including streets, structures, landscaping, drainageways and open space areas.
- (6) A proposal describing how the Town's Inclusionary Housing Requirements (Subchapter 6 of the Zoning Ordinance) will be addressed.
- (7) Floor areas and proposed uses of non-residential buildings, if any.
- (8) A description (with graphics) of provisions for storm drainage, sewage, paving, fencing and public utilities.
- (9) An acoustical analysis, prepared by a properly registered firm or consultant, with analysis based upon the Town's standards and guidelines as set forth in the Noise Element of the General Plan.
- (10) A preliminary title report for all involved properties. The beneficiary property, identified by Assessor Parcel Number, shall be given for each easement burdening and/or benefiting the subject property. Copies of relevant documents referenced in the title report shall be submitted. A separate sheet plan shall be provided indicating all proposed and existing easements, their dimensions and purposes clearly labeled.
- (11) Engineering studies in sufficient detail to indicate adequacy of soils, flood control, storm drainage, sewage disposal, and public utilities. Such studies shall include in-depth geologic and soils investigations and shall fully and clearly present all pertinent data. Such studies shall also clearly demonstrate the feasibility of the project as proposed.
- (12) A statement indicating the stages of construction, or phasing, for the entire development and a statement from applicable public utilities that service is

available.

- (13) A draft of proposed deed restrictions, CC&Rs if any, and provision for circulation ways, view easements, maintenance of common or private areas and improvements, and preservation of open spaces. Any areas or improvements proposed for dedication to the Town shall be identified.
 - (14) A statement describing the proposed materials and colors for the development, its "theme" (if any), and an explanation of how the proposal will be compatible with surrounding land uses.
 - (15) A list of all other agencies from which a permit must be obtained, specifying the type of permit where known.
 - (16) A statement describing whether the development involves diking, filling, dredging or placing structures in open waters, wetlands, or riparian corridors. If yes, then describe the specific nature of the proposal in this regard and note whether an Army Corps of Engineers permit and/or a Bay Conservation and Development Commission permit has been or will be applied for.
- c. PHOTO MONTAGES of the site as seen from critical vantage points, with accurate depictions of the proposed project superimposed, as well as one or more story poles or equivalent references as necessary to verify heights.
- d. SUCH OTHER INFORMATION AS THE PLANNING DIRECTOR MAY REASONABLY REQUIRE. THIS INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING:
- (1) A **prime open space map** and accompanying written analysis of environmental constraints shall be submitted. The map shall accurately depict all site features that are described on pp. 3-4 through 3-20 (attached) of the Open Space & Conservation Element of *Tiburon 2020* as comprising "prime open space." The listed features include ridgelines (including the Tiburon Ridge and any Significant Ridgelines); water and shoreline areas; wetlands; streams and riparian corridors; flood-prone areas; wildlife and wildlife habitat; steep slopes; views; and trees and woodlands. If such features are not found on the site, a notation to that effect shall be indicated on the map. In identifying the prime open space characteristics of a property, the map shall include:
 - (A) Lines depicting a 50 foot vertical and a 150 foot horizontal setback from the Tiburon Ridge (if applicable).
 - (B) Lines showing a 75 foot horizontal setback from any Significant Ridgeline(s).
 - (C) All portions of the property where a slope in excess of 40% is present.
 - (D) Any areas on the site where slopes created by grading would be expected to exceed 30%.
 - (E) All areas located within the 100-year flood hazard zone as shown on the current Flood Rate Insurance Map(s) published by FEMA.

- (F) All areas on the site comprising jurisdictional wetlands or other jurisdictional waters. If any such wetlands are present, a recent “wetlands delineation” approved by the Army Corps of Engineers shall be submitted with the map.
- (G) A line or lines showing the location of the Bay Conservation & Development Commission (BCDC) 100-foot shoreline band jurisdiction (if applicable).
- (H) All permanent water bodies on the property.
- (I) All perennial, intermittent and ephemeral streams on the property. On properties greater than five acres in area, lines showing 100-foot setbacks from the “top of bank” of such streams shall be drawn on the map. On properties less than five acres in area, lines showing 50-foot setbacks from the “top of bank” of such streams shall be drawn on the map.
- (J) Vistas, viewpoints, and view corridors on the property.
- (K) All areas containing significant habitat for special-status species.
- (L) All areas containing sensitive plant species.
- (M) All significant trees (trunk circumference exceeds 20 inches at 24” above the ground surface), tree stands, and tree clusters shall be shown.
- (N) Public and private open spaces on adjoining properties.

The text shall provide a written description and assessment of environmental constraints and Prime Open Space characteristics found on the property. The assessment shall be prepared by a qualified professional.

- (2) If the property contains landslides, debris flow areas, or other areas of instability or weak soils, or if the property or proposed improvements may be affected by any such off-site features, then three (3) copies of the following shall be submitted:

- (A) A **geotechnical report and associated mapping** that analyzes the entire property. The report shall include a map (approximately 24” X 36”) showing proposed lot lines, building envelopes, roadways and driveways and other proposed improvements superimposed over the geotechnical mapping. The report shall also address off-site geologic features that could impact the subject property or any proposed project improvements.
- (B) A separate landslide repair plan (map and text) describing how each landslide or other feature of instability will be repaired in accordance with the Town’s Landslide Mitigation Policy (attached). The landslide repair plan shall also show lot lines, building envelopes, roadways and other proposed improvements and shall describe and depict the total estimated extent of grading or other disturbance on the property in order to implement the project. It shall estimate cuts, fills, and any import or export of earth (for the subdivision improvements, landslide repairs and/or stabilization, and eventual building construction); and shall show the height, location, and type of retaining wall or other landslide mitigation feature proposed in association with the project.

3. A **preliminary story pole and staking plan** showing the location of story poles and stakes representing major project elements in the field. Story poles representing the structures proposed as part of the project will be required to be erected upon commencement of the environmental review process in order to assist with the evaluation of visual impacts and to facilitate meaningful field evaluation. Staking of proposed building envelopes and roadway alignments will also be required. Staff will assist you with defining the layout for actual installation once the application has been deemed "complete".
4. A **preliminary drainage study and plan**, with calculations, depicting drainage facilities for the project designed to accommodate a 100-year storm. On-site detention of stormwater runoff shall be utilized to ensure that post-development peak flow rates from the site resulting from both the two-year and 100-year design rainstorms are not increased by the project. Calculations shall verify the adequacy of drainage design capacities.
5. A **hydraulic and geomorphic assessment** shall be submitted analyzing on-site and downstream drainageways that are affected by project area runoff. Characteristics pertinent to channel stability would include bank erosion, excessive bed scour or sediment deposition, bed slope adjustments, lateral channel migration or bifurcation, and the condition of riparian vegetation. In the event existing channel instabilities were noted, you may either propose a channel stabilization program, or defer to the mitigations generated during the Town's environmental review. Any proposed stabilization measures shall anticipate any project-related changes to the drainageway flow regime.

The relevancy of some of the above requirements will necessarily depend upon the nature and extent of the particular property and project being proposed. Upon written request, the Planning Director shall advise the applicant of those requirements which may not be required to constitute a "complete" application.

16-4.8.3. Precise Development Plan Procedure.

Applications for Precise Development Plan shall be reviewed by the Planning Commission, which after holding at least one public hearing, shall forward its recommendation by Resolution to the Town Council. The Town Council shall consider the recommendation of the Planning Commission, and after holding at least one public hearing, shall take final action on the application. Final action shall be by Resolution of the Council. Approval of a Precise Development Plan is a legislative action by the Town, and as such shall not be effective until 30 days after adoption of the Resolution by the Council.

16-4.8.4. Principles.

Principles to be applied in making a determination to approve, disapprove or modify an application for Precise Development Plan approval are as follows:

- (a) Significant open space shall be preserved, through dedication or other means acceptable to the Town, consistent with policies of the Open Space and Conservation Element of the Tiburon General Plan.
- (b) Preservation of the natural features of the land shall be achieved to the maximum extent feasible through minimization of grading and sensitive site design. Features worthy of preservation include ridgelines, prominent knolls, desirable native vegetation, trees, significant rock outcroppings, water courses, and riparian corridors.
- (c) Slopes created by grading should not exceed 30 percent. Final contours and slopes should reflect natural land features.
- (d) Every reasonable effort shall be made to preserve view corridors, mature trees, rare plants, significant native flora and fauna, areas of historical significance, access corridors, and habitats of endangered species.
- (e) Location of development well below ridgelines shall be achieved, in accordance with General Plan and other policies.
- (f) Prominence of development and construction should be minimized by appropriate location of grading and placing of buildings so that they are screened by wooded areas, rock outcroppings and depressions in topography or other features.
- (g) Due consideration shall be given to avoidance of areas posing geologic hazards.
- (h) Minimization of significant adverse impacts, as detailed in the Environmental Impact Report, if one is required.
- (i) Roads shall be designed for minimum slopes, grading, cut-backs and fill. Narrowing of roadways may be allowed to reduce grading, retaining walls, and other scarring of the land.
- (j) Proposed arrangement of residential units and design of circulation system shall provide harmonious transition from and be compatible with, neighboring development and open space. Monotony in design shall be avoided.
- (k) Adequate consideration shall be given to the need for privacy and with minimum visual and aural intrusion into indoor and outdoor living areas from other living areas.
- (l) Improvements shall be placed so as to minimize intrusion of noise on nearby areas.
- (m) Landscaping shall be designed so as to result in the least possible disturbance of natural and/or open areas and shall be compatible with the

natural setting. Consideration shall be given to fire protection, water conservation, protection of views and trail areas, and buffering of noise.

- (n) Utilities shall be underground and street lights, if needed, shall be of low intensity and low in profile.
- (o) Materials and colors used in improvements shall blend into the natural environment to the extent reasonably possible.
- (p) Consistency with other goals and policies of the General Plan Elements shall be demonstrated.

16-4.8.5. Expiration of Precise Development Plan.

Any Precise Development Plan approval shall expire and become null and void unless one of the following happens within 36 months after its effective date:

- (a) A Tentative Subdivision Map is approved consistent with the approved Precise Development Plan; or
- (b) If no subdivision map is necessary, subsequent zoning or building permits have been issued pursuant to the approved Precise Development Plan.
- (c) An extension has been granted. A request for extension must be filed prior to the expiration date and shall be accompanied by a filing fee to be established by resolution of the Council. The permit holder shall submit sufficient information to the Town to determine whether good cause for an extension exists. Consideration of the extension shall be in accordance with Section 16-4.8.7 pertaining to amendments.

Upon expiration of a Precise Development Plan, the zoning for the site shall revert to that which existed prior to the Precise Development Plan approval, or if such zoning designation no longer exists, to its nearest equivalent as determined by the Council.

16-4.8.6. Denial, Conditional Approval of Plan.

If from the facts presented, the Council is unable to make the findings to approve a Precise Development Plan, the application shall be denied. In taking action, the Council may deny the Precise Development Plan as submitted, or may approve said plan subject to specified amendments or conditions.

16-4.8.7. Amendment.

Amendments to an adopted Precise Development Plan shall be processed using the same procedure as described in Section 16-4.8.3 pertaining to original adoption except that in cases where the Planning Commission votes to deny an application for Precise Plan Amendment, then the action of the Commission shall be final, and

no action of the Council shall be required. Decisions of the Planning Commission may be appealed as provided in Section 16-3.8.

16-4.8.8. Moratorium.

The period of time specified for the expiration of the Precise Development Plan shall not include any period of time during which a development moratorium, imposed after the approval of the Precise Development Plan, is in existence, provided, however, the length of the moratorium does not exceed five years.

Once a moratorium is terminated, the Precise Development Plan shall be valid for the same period of time as was left to run on the approval at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the approval shall be valid for 120 days following the termination of the moratorium.

16-4.8.9. Exemption From Requirements of Precise Development Plan.

The Director may waive the requirements of a Precise Development Plan, or various parts thereof, where the requirements are, in whole or in part, deemed inappropriate or inapplicable. Any such waiver shall be confirmed by the Planning Commission.

Refusal of the Director to waive the requirements of the Precise Development Plan or various provisions thereof, upon written request by an applicant, may be appealed to the Planning Commission by the applicant.