

Town of Tiburon STAFF REPORT

AGENDA ITEM E3



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TO: **DESIGN REVIEW BOARD**

FROM: **PLANNING MANAGER WATROUS**

SUBJECT: **448 GREENWOOD BEACH ROAD; FILE #20435
SITE PLAN AND ARCHITECTURAL REVIEW FOR THE
CONSTRUCTION OF FENCING AND LANDSCAPING IMPROVEMENTS,
WITH A VARIANCE FOR EXCESS FENCE HEIGHT**

MEETING DATE: **OCTOBER 21, 2004** _____

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PROJECT DATA:

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| ADDRESS: | 448 GREENWOOD BEACH ROAD |
| ASSESSOR'S PARCEL: | 55-031-32 |
| FILE NUMBER: | 20435 |
| PROPERTY OWNER: | JANE FORD |
| APPLICANT: | PEDERSEN ASSOCIATES (LANDSCAPE ARCHITECTS) |
| LOT SIZE: | 11,651 SQUARE FEET |
| ZONING: | R-1 (SINGLE--FAMILY RESIDENTIAL) |
| GENERAL PLAN: | MEDIUM HIGH DENSITY RESIDENTIAL |
| FLOOD ZONE: | C |
| DATE COMPLETE: | OCTOBER 1, 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 fencing and landscaping improvements on property located at 448 Greenwood Beach Road. A new single-family dwelling was recently approved on the site.

A wood fence is proposed to be constructed along both side property lines. A stucco wall would extend along the front of the site. A swimming pool and spa are proposed to be located in the rear yard. The application also includes a detailed landscaping plan for the property.

Portions of the proposed fence along the western side property line would exceed a height of 6 feet, with a maximum height of 10 feet. As the maximum height for a fence within the required setback is 6 feet, a variance is requested for excess fence height.



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ANALYSIS

Design Issues

During the review of the recently approved house on this property, concerns were raised by the neighboring property owner at 444 Greenwood Beach Road over the visible mass and bulk of the proposed house and potential privacy impacts. The neighbors indicated that fencing and landscaping solutions would mitigate these concerns, but stated that a 6 foot tall fence would be inadequate. The Design Review Board indicated conceptual support for such a fence, but could not approve an overheight fence as the application for the house did not include the required variance request.

The overheight portions of the property line fence would be visible primarily from the adjacent property. The location of the site below the level of Tiburon Boulevard and well below the elevation of uphill homes to the north limit the visibility of the fence from other off-site locations.

The proposed stucco wall along the front of the site would extend past the front property line at one point. It is recommended that this wall be moved back to comply with the property line and not extend into the adjacent public right-of-way.

The approved plans for the house on this property indicated that the front wall would be 5 feet tall and use either a stone or rock facing. The current application indicates that this wall would be reduced in height to 4 feet, and have a stucco finish. Most properties along Greenwood Beach Road have wood fences or walls along the street frontage, which contributes to the somewhat rural character of this neighborhood. In addition, most fences and walls along this street have been constructed on lots that slope sharply away from the front property line; the more level lots in the vicinity of the subject property have generally not been walled off in such a manner, creating a more open appearance in the vicinity. The Design Review Board should consider whether the design and location of this proposed wall would be consistent with the character of the surrounding area.

The previously approved plans for this property included a swimming pool situated at the center of the rear yard. The subject application would move the swimming pool to the west side of the site, and would add a spa near the western side yard setback. The proposed fence along the side property line should provide adequate privacy for these improvements.

The detailed landscaping plans include a number of tree species that have the potential to grow more than 30 feet in height. Although, as noted above, the site is well below the level of the uphill homes, these trees would eventually begin to intrude into the water views for several of the uphill residences. The Board may wish to consider a requirement that the landscaping plan be modified to limit the heights of trees to be planted to no more than 30 feet at maturity.



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Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 zone with the exception of the previously noted variance for excess fence height.

Variance

In order to grant the requested variance, the Board must make all of the following findings required by Section 4.03.05 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 recently approved home on the property and the adjacent residence at 444 Greenwood Beach Road have both been situated at the most reasonable locations on their respective sites, with topography that results in homes at close proximity to each other. Due to this development pattern, the strict application of the required maximum fence height would deprive the applicant of privacy privileges enjoyed by other properties in the vicinity.

2. ***The variance will not constitute a grant of special privileges, inconsistent with the limitation upon other properties in the vicinity and in the same or similar zones.***

A number of variance requests have been granted in single-family residential neighborhoods in Tiburon for overheight fences to address privacy concerns between adjacent property owners that can be resolved without impacting other homes in the vicinity. Therefore, this variance would not result in a grant of special privileges to the applicant inconsistent with the limitation upon other properties in the same or similar zones.

3. ***The strict application of this Ordinance would result in practical difficulty or unnecessary hardship.***

The recently approved house on this site would be situated with a large portion of the mass and bulk of the building directly opposite the adjacent residence at 444 Greenwood Beach Road. The construction of a 6 foot fence along the shared side property line would not provide sufficient privacy for the applicant or the neighboring property owner. Therefore, the strict application of the required maximum fence height would result in an unnecessary hardship for the applicant.

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

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As noted above, the design of the proposed fence would not appear to result in unwanted view impacts or significant visual impacts on neighboring properties.

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. Staff has discussed the front property line wall with one neighboring property owner, who has requested that the wall use stone or rock facing consistent with the previously approved plans, and that the height and location of the wall be considered for compatibility with the surrounding neighborhood.

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. Minutes of the August 5, 2004 Design Review Board meeting
4. Submitted plans

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CONDITIONS OF APPROVAL

448 GREENWOOD BEACH ROAD

FILE #20435

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 September 17, 2004, or as amended by these conditions of approval. Any modifications to the plans of September 17, 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.
6. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
7. All requirements of the Town Engineer shall be met. An encroachment permit shall be obtained from the Public Works Department for all construction work to be conducted within the Town right-of-way.
11. A revised landscaping plan shall be submitted for review by the Design Review Board. Said plan may be included with a future Site Plan and Architectural Review application for property line fencing.