

# Town of Tiburon

## STAFF REPORT



AGENDA ITEM \_\_\_\_\_

.....

TO: **PLANNING COMMISSION**

FROM: **DANIEL M. WATROUS, PLANNING MANAGER**

SUBJECT: **FILE #30403: AMENDMENT TO THE PRESERVE PRECISE PLAN (PD #16) TO AMEND A BUILDING ENVELOPE; 6 INDIAN ROCK COURT; CHRISTOPHER SENN AND INGE HENDROMARTONO, OWNERS; MARCI CAMACHO, ARCHITECT AND APPLICANT; ASSESSOR'S PARCEL NO. 38-400-03**

MEETING DATE: **JULY 28, 2004** REVIEWED BY: SA \_\_\_\_\_

.....

### PROJECT DATA

Address:	6 Indian Rock Court
Assessor's Parcel Number:	38-400-03
File Number:	30403
Lot Size:	66,211 square feet
General Plan:	Medium Low Density Residential
Zoning:	RPD (The Preserve Precise Plan, PD #16)
Current Use:	Single-Family Residential
Owners:	Christopher Senn and Inge Hendromartono
Applicant:	Marci Camacho/Suzman & Cole Design Associates
Date Complete:	July 9, 2004
Preliminary CEQA Determination:	July 22, 2004

### PROJECT DESCRIPTION

The project is the proposed amendment to a precise plan (the Preserve Precise Plan) for property located at 6 Indian Rock Court. The applicant wishes to amend the building envelope for this lot.

Phase I of the Preserve Precise Plan was approved by the Town Council in 1985, and established building envelopes for each of the parcels in the subdivision. At that time, a scenic easement was required between the building envelopes for the homes at 6 and 8 Indian Rock Court. In 1988, a single-family dwelling was constructed on the property located at 6 Indian Rock Court in general compliance with the approved building envelope for this lot. A Site Plan and Architectural Review application has recently been approved by the Design Review Board for the construction of major additions to this house, along with certain landscaping improvements to the site.

The property owners now wish to make several modifications to the approved building envelope for this lot. The building envelope would be expanded on the western side of the lot to allow



# Town of Tiburon

## STAFF REPORT

---

fencing to extend to the side property line. A portion of the envelope would also be extended to the east to allow for additional landscaping and improvements to be planted.

### ANALYSIS

#### Compliance with the Preserve Precise Plan

The Preserve Precise Plan, as adopted by Town Council Resolution No. 2339 (Exhibit 3) includes the following requirements pertaining to the building envelopes for each lot:

- Condition of Approval No. 10: "Building envelopes have been left large by the Town Council to provide the Town's Board of Adjustments and Review with greater flexibility in applying appropriate design principles and policies to the proposed residences, and to ensure maximum compatibility with existing structures... [The Design Review Board] shall give consideration to whether reasonable efforts have been made to minimize the adverse impacts of the proposed residence on adjoining residences and open space. The Board may require modification to the design, location and size of the proposed residence, where necessary, to minimize such adverse impacts."
- Condition of Approval No. 12: "No improvements of any type, including fences, temporary or otherwise, shall be permitted outside the approved primary or secondary building envelopes. In addition, no planting of trees or shrubbery shall be allowed along property boundaries which would have the effect of appearance of fencing the property, as determined by the Board of Adjustments and Review."

#### Western Building Envelope Extension

The western portion of the site is currently undeveloped, with some shrubbery and trees planted near the front of the lot. Both this lot and the adjacent property at 4 Indian Rock Court have a 20 foot separation between the approved building envelope and the side property line. A 10 foot wide drainage easement is present along the side property line.

Design Review approval has been granted to construct a six foot (6') tall wood and wire deer fence around much of the perimeter of the building envelope. The applicants are requesting to extend the building envelope to the western side property line to allow the fence to be constructed along this boundary. The applicants have indicated that the adjacent property owners at 4 Indian Rock Court have also expressed an interest in constructing a similar fence on their property.

The location of this proposed envelope is primarily visible only from the subject property and the adjacent lot at 4 Indian Rock Court. Trees and other shrubbery toward the front of the site would screen this area from view from the street. The homes below in the Belveron East subdivision are situated at elevations well below the site, and have limited views up toward the location of the proposed fencing. The fence would therefore appear to not have any adverse visual impacts on existing structures in the vicinity.



# Town of Tiburon

## STAFF REPORT

---

The public drainage easement along the side property line was established at the time this subdivision was approved. The applicant has discussed the possibility of constructing fencing within this easement with the Town Engineer, who has tentatively indicated that the fence would be acceptable, as long as the portions extending across the width of the easement are easily detachable. Although the submitted plans show that trees would be planted within the easement, the applicant has now indicated that only shrubs and ground cover would be planted in this area.

The submitted request would extend the primary building envelope to the side property line, which could allow buildings and other structures, such as swimming pools and spas, to be situated up to the side boundary. If the Planning Commission supports the concept of installing fencing and landscaping in this area, it is recommended that the building envelope expansion be approved as a “fencing only” envelope, with limitations that only fencing no taller than 6 feet in height and landscaping be allowed to be installed in this area.

The Preserve Precise Plan contained prohibitions on fencing outside the building envelopes in order to maintain an open visual character for this subdivision, particularly due to the high visibility of many of these lots from Tiburon Boulevard and other nearby neighborhoods. Allowing fencing to extend to the side the property line for the subject lot could set an unwanted precedent for this subdivision, and encourage other fences that would detract from the open visual character intended by the Preserve Precise Plan. However, the location of the subject fence would not be particularly noticeable from offsite, and should be consistent with the overall intent of this precise plan.

### Eastern Building Envelope Extension

The area to the east of the building envelope on the subject property is covered by a Town-held scenic easement (Exhibit 4) that extends over to the building envelope of the adjacent lot at 8 Indian Rock Court. This scenic easement states that no structures or new landscaping shall be installed in this area, which is visible from far away. The apparent intention of this easement was to preserve some of the “open hillside” visual character that existed prior to the subdivision being developed, by leaving an open, natural area between these two homes. The scenic easement area is highly visible from Tiburon Boulevard as one approaches Trestle Glen Boulevard in the westbound direction.

An exterior stairway and landing were installed within this scenic easement, presumably through Town oversight, at the time that the original house was approved on this lot in 1988. The applicant would now like to place a path of stepping stones to connect the stairway to a lower garden area within the building envelope. Low shrubs and ground cover would also be installed within an approximately 1,600 square foot area adjacent to the building envelope.

In 1999, the Town discovered that the owners of the adjacent property at 8 Indian Rock Court had installed substantial landscaping within a portion of this scenic easement close to the house on that lot. A request by the property owner to modify the scenic easement to allow this



# Town of Tiburon

## STAFF REPORT

---

landscaping to remain was denied by the Town Council, and the vegetation and other encroachments within the easement have since been removed.

The landscaping proposed by the applicant would not be as extensive as that improperly planted on the adjacent lot, and the proposed stepping stones would continue erroneously-approved low-lying improvements that have been in place on this lot for many years. However, it would appear to be unfair to allow the additional landscaping on the subject property within the scenic easement, particularly in light of the Town Council decision to deny a similar request for 8 Indian Rock Court; the visual protections afforded by the strict terms of the scenic easement should be evenly maintained for both properties. Staff believes that the scenic easement provisions should be uniformly and consistently enforced.

### General Plan Consistency

The proposed project has been reviewed for consistency with the Tiburon General Plan and with the requirements of the Tiburon Zoning Ordinance regarding precise plan amendments. Open Space and Conservation Element Policy OSC-2 states that “while accommodation of growth is an accepted reality, it should be so directed as to preserve and enhance views, ridgelines, significant vegetation, habitats and environmentally sensitive areas to the maximum extent feasible. New development shall be in harmony with adjacent neighborhoods and surrounding open space areas.” The proposed western building envelope expansion would be situated in the relatively narrow area between the building envelopes for 4 and 6 Indian Rock Court, which is not the most environmentally sensitive portion of the lot. However, the proposed eastern building envelope expansion would be situated within a scenic easement that has been specifically protected over the years; this proposed building envelope area would not “preserve and enhance views” across this easement to the maximum extent feasible.

### **ENVIRONMENTAL REVIEW**

Staff has preliminarily determined that the subject application is categorically exempt from the requirements of CEQA per Section 15301 of the CEQA Guidelines.

### **FUTURE ACTIONS REQUIRED**

Any affirmative action by the Planning Commission's on this project would be in the form of a recommendation to the Town Council. Should the Commission vote to deny the project, that decision would be final, unless appealed to the Town Council. If the amendment to the precise plan is approved by the Town Council, subsequent Town permits would include Site Plan and Architectural Review and building permits for the proposed fencing.

### **CONCLUSION**

The proposed western building envelope expansion, if limited to fencing and landscaping, would not result in visual changes to the property that would be significantly inconsistent with other homes in the general vicinity. Although the fencing could set an unwanted precedent for the construction of other, more visible fencing on other lots within this subdivision, the proposed



# Town of Tiburon

## STAFF REPORT

---

fence would not be particularly noticeable from offsite, and should be consistent with the overall intent of the Preserve Precise Plan. However, the proposed eastern envelope expansion would be inconsistent with the provisions of the Town-held scenic easement affecting this portion of the lot.

### RECOMMENDATION

Staff recommends that the Planning Commission:

1. Hold a public hearing on this application; and
2. Consider the draft resolution recommending approval to the Town Council of the amendment to the Preserve Precise Plan for the establishment of a western secondary building envelope for the property at 6 Indian Rock Court.

### EXHIBITS

1. Application form and supplemental materials
2. Draft resolution
3. Town Council Resolution No. 2339
4. Scenic easement, dated March 20, 1986
5. Submitted plans