

RESOLUTION NO. 2004-(Draft)

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON RECOMMENDING TO THE TOWN COUNCIL PARTAIL APPROVAL OF AN AMENDMENT TO THE PRESERVE PRECISE PLAN (PD #16) FOR PROPERTY LOCATED AT 6 INDIAN ROCK COURT

ASSESSOR PARCEL NO. 38-400-03

WHEREAS, the Planning Commission of the Town of Tiburon does resolve as follows:

Section 1. Findings.

- A. The Town has received and considered an application filed by Christopher Senn and Inge Hendromartono for an amendment to the Preserve Precise Plan (PD #16) to amend the building envelope for the property developed with existing single-family residence at 6 Indian Rock Court. The application consists of the following:
 - 1. Application form and supplemental materials, dated June 16, 2004
 - 2. Precise Plan Amendment plans, dated June 15, 2004
- B. The Planning Commission held a duly-noticed public hearing on July 28, 2004, and heard and considered testimony from interested persons.
- C. The Planning Commission has found that the project is exempt from the requirements of the California Environmental Quality Act per Section 15301 of the CEQA Guidelines.
- D. The Planning Commission finds, based upon application materials and analysis presented in the July 28, 2004 Staff Report, as well as visits to the site and testimony received from the applicant, that the project is generally consistent with the overall intentions of the Preserve Precise Plan. 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. However, the proposed eastern envelope expansion would be inconsistent with the provisions of the Town-held scenic easement affecting this portion of the lot.
- E. The Planning Commission finds the project to be consistent with the goals and policies of the Tiburon General Plan. 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.

Section 2. Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends partial approval of the amendment to the Preserve Precise Plan (PD #16) to the Town Council, subject to the following conditions:

1. The approved building envelope for the property at 6 Indian Rock Court shall be amended as reflected on the Precise Plan Amendment plan, prepared by Suzman Design Associates, dated June 15, 2004 (one sheet), except that the eastern amendment to the approved building envelope is not approved.
2. This Precise Plan Amendment approval shall be valid for 36 months following its effective date, and shall expire unless subsequent zoning and/or building permits have been issued pursuant to this approval. A time extension may be granted if such request is filed prior to the expiration date.
3. This approval shall in no way alter other provisions of the Preserve Precise Plan not specifically described herein.
4. The expanded building envelope area approved herein shall be a "fencing only" envelope, limited to fencing no greater than six feet (6') in height and landscaping. No other structures shall be permitted in this area. Fencing design and all landscaping within the drainage easement shall be subject to approval by the Town Engineer.

PASSED AND ADOPTED at a regular meeting of the Tiburon Planning Commission on July 28, 2004, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

_____, CHAIRMAN
Tiburon Planning Commission

ATTEST:

DANIEL M. WATROUS, SECRETARY

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