

# Town of Tiburon

## STAFF REPORT



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

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TO: **PLANNING COMMISSION**

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

SUBJECT: **FILE #30404: AMENDMENT TO THE PRESERVE PRECISE PLAN (PD #16) TO AMEND A BUILDING ENVELOPE; 4 INDIAN ROCK COURT; KIM GRAVES AND MICHAEL HERBERT, OWNERS; SUZMAN DESIGN ASSOCIATES, ARCHITECT AND APPLICANT; ASSESSOR'S PARCEL NO. 38-400-02**

MEETING DATE: **OCTOBER 13, 2004** REVIEWED BY: SA \_\_\_\_\_

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### PROJECT DATA

Address: 4 Indian Rock Court  
Assessor's Parcel Number: 38-400-03  
File Number: 30404  
Lot Size: 27,789 square feet  
General Plan: Medium Low Density Residential  
Zoning: RPD (The Preserve Precise Plan, PD #16)  
Current Use: Single-Family Residential  
Owners: Kim Graves and Michael Herbert  
Applicant: Suzman & Cole Design Associates  
Date Complete: September 16, 2004  
Preliminary CEQA Determination: October 8, 2004

### PROJECT DESCRIPTION

The project is the proposed amendment to a precise plan (the Preserve Precise Plan) for property located at 4 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. 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 eastern and western sides of the lot to allow fencing to extend to the side property line.

### 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:



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- 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.”

### Eastern 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 6 Indian Rock Court were originally approved with a 20 foot separation between the approved building envelope and the side property line.

The applicants are requesting to extend the building envelope to the eastern side property line to allow a six foot (6') tall wood and wire deer fence to be constructed along this boundary. A similar fence was recently approved for the adjacent property owners at 6 Indian Rock Court.

The location of this proposed envelope is primarily visible only from the subject property and the adjacent lot at 6 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.

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. 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.



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### Western Building Envelope Extension

The applicants are requesting to also extend the building envelope to the western side property line to allow a wire deer fence to be constructed along this boundary. The area to the west of the building envelope on the subject property is similar to the area on the east side of the lot, and is adjacent to the property at 2 Indian Rock Court. There is less vegetation along the street in this area, although the location of the proposed fence would still be generally screened by landscaping near the street. The area between the two neighboring homes is more visually open, but additional mature landscaping exists below the buildings.

A “fencing only” envelope in this area would seem to have the same limited visual impact as the fencing proposed on the eastern side of the property. However, the Planning Commission may wish to consider if this extension would, in turn, encourage a similar request for the property at 2 Indian Rock Court, with fencing permitted to the property lines for most of this portion of the subdivision.

### Recent Application for 6 Indian Rock Court

A similar application to amend the Preserve Plan was recently partially approved for the adjacent property to the east at 6 Indian Rock Court (File #30403). A “fencing only” envelope, limited to fencing no greater than six feet (6’) in height and landscaping, was approved between the western edge of the building envelope for that lot and the side property line shared with the subject property. A request for a similar envelope expansion, which would have extended into a Town-held scenic easement, was not approved.

### 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 building envelope expansions would be situated in the relatively narrow areas between the building envelopes between the home at 2, 4 and 6 Indian Rock Court, which are not the most environmentally sensitive portions of these lots.

## **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



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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 building envelope expansions, 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 fence would not be particularly noticeable from offsite, and should be consistent with the overall intent of the Preserve Precise Plan. However, the proposed western envelope expansion could encourage further fencing of this type through other portions of this subdivision.

### RECOMMENDATION

Staff recommends that the Planning Commission:

Hold a public hearing on this application; and

1. Consider the draft resolution recommending approval to the Town Council of the amendment to the Preserve Precise Plan for the establishment of "fencing only" envelopes for the property at 4 Indian Rock Court.

### EXHIBITS

1. Application form and supplemental materials
2. Draft resolution
3. Town Council Resolution No. 2339
4. Submitted plans