

# Town of Tiburon

## STAFF REPORT



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

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TO: **PLANNING COMMISSION**

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

SUBJECT: **FILE #30601: AMENDMENT TO THE TIBURON HIGHLANDS PRECISE DEVELOPMENT PLAN (PD #15) TO AMEND A BUILDING ENVELOPE; 18 UPPER CECILIA WAY; ANDREW AND ROBIN BLOCH, OWNERS; SUTTON SUZUKI ARCHITECTS, APPLICANT; ASSESSOR'S PARCEL NO. 034-360-23**

MEETING DATE: **JUNE 28, 2006** REVIEWED BY: SA \_\_\_\_\_

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### PROJECT DATA

Address:	18 Upper Cecilia Way
Assessor's Parcel Number:	034-360-23
File Number:	30601
Lot Size:	18,200 square feet
General Plan:	Medium Density Residential
Zoning:	RPD (Tiburon Highlands Precise Development Plan, PD #15)
Subdivision:	Tiburon Highlands, Lot 27
Current Use:	Single-Family Residential
Owners:	Andrew and Robin Bloch
Applicant:	Sutton Suzuki Architects.
Date Complete:	June 8, 2006
Preliminary CEQA Determination:	June 23, 2006

### PROJECT DESCRIPTION

The project is the proposed amendment to a precise development plan (the Tiburon Highlands Precise Development Plan) for property located at 18 Upper Cecilia Way. The applicant proposes to create a new secondary envelope adjacent to the existing primary building envelope for this lot.

The Tiburon Highlands Precise Development Plan was approved by the Town Council in 1988, and established primary building envelopes for each of the lots in the subdivision. The resolution approving the precise development plan states that "no improvements of any type, including fences, temporary or otherwise, shall be permitted outside the approved building envelopes, except driveways, retaining walls associated with driveways or which support driveways, and decks." The owners of the property at 18 Upper Cecilia Way now propose to construct a spa outside the approved building envelope for their lot. A secondary building envelope would be created to the rear of the house and adjacent to the rear of the approved building envelope.

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### ANALYSIS

#### Project Design

The applicants have requested to create a secondary building envelope for this property in order to construct improvements to the outdoor living areas to the rear of the property. The area proposed for the secondary building envelope is a relatively level portion directly behind the house. Further to the rear the property slopes sharply uphill.

The secondary envelope would extend thirty feet (30') to the rear of the approved building envelope for this lot. Development within the secondary building envelope would be limited to fences, walls, decks and accessory structures; the existing house could not be expanded into this new envelope area.

The spa would be situated on the southern portion of the proposed secondary building envelope. A deck within the northern portion of the envelope is already permitted under the regulations of the Tiburon Highlands Precise Development Plan. The proposed improvements would only be marginally visible from neighboring properties, as the rear yard area is screened on both sides by dense vegetation. The applicants have submitted letters from the homeowners on both sides of the subject property supporting the proposed request.

#### Compliance with the Tiburon Highlands Precise Development Plan

The building envelopes established by the Tiburon Highlands Precise Development Plan were designed to allow adequate space for the development of each parcel, while providing a buffer between the envelopes and nearby private open space areas. The subject home was built almost right up to the edge of the building envelope for this property, leaving no room for other outdoor living improvements, but leaving a small usable rear yard space. It was not the intent of the Tiburon Highlands Precise Development Plan to prevent homeowners from more active use of areas adjacent to the residences that would not impinge on nearby open space areas or impact neighboring homes. The proposed secondary building envelope therefore appears to be consistent with the intent of the Tiburon Highlands Precise Development Plan.

#### 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." As noted previously, the proposed secondary building envelope would not result in any impacts on nearby residential properties, and would still provide an appropriate buffer between the envelope and the adjacent open space area.

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### 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 development plan is approved by the Town Council, subsequent Town permits would include Site Plan and Architectural Review and building permits for the proposed spa.

### CONCLUSION

The proposed secondary building envelope would improve the ability to fully utilize the outdoor living areas of the subject property without resulting in any impacts on nearby homes, while still providing an adequate buffer to the adjacent open space area. The project would be consistent with the overall intent of the Tiburon Highlands Precise Development Plan.

### 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 Tiburon Highlands Precise Development Plan for the property at 18 Upper Cecilia Way.

### EXHIBITS

1. Application form and supplemental information
2. Draft resolution
3. Letter from John Zervakos and Cindy Gentry, dated June 3, 2006
4. Letter from Linda Pei, dated June 4, 2006
5. Submitted plans