



**TOWN OF TIBURON**  
Tiburon Town Hall  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Regular Meeting  
Tiburon Planning Commission  
September 14, 2016  
7:30 p.m.

**AGENDA**  
**TIBURON PLANNING COMMISSION**

**CALL TO ORDER AND ROLL CALL**

**Chair Williams, Vice Chair Corcoran, Commissioners Kulik, Weller, and Welner**

**ORAL COMMUNICATIONS**

Persons wishing to address the Planning Commission on any subject not on the agenda may do so under this portion of the agenda. Please note that the Planning Commission is not able to undertake extended discussion, or take action on, items that do not appear on this agenda. Matters requiring action will be referred to Town Staff for consideration and/or placed on a future Planning Commission agenda. Please limit your comments to no more than three (3) minutes. Testimony regarding matters not on the agenda will not be considered part of the administrative record.

**COMMISSION AND STAFF BRIEFING**

Commission and Committee Report  
Director's Report

**PUBLIC HEARINGS**

**1. 35, 37 and 39 Lyford Drive (PD# 35)**

Consider approval of a Tentative Subdivision Map application for the creation of three lots on a 1.7 acre parcel currently developed with three single family detached residences; File #TM2016-001; Richardson Bay Land Company, Owner/Applicant; Assessor's Parcel No. 058-301-49 [DW]

Documents:

[35 37 39 LYFORD DRIVE.PDF](#)

**2. Ling (Stony Hill) Residential Project (PD #24)**

Request for extension of time on an approved Tentative Subdivision Map application for the creation of three single family residential lots on 5.6 acres of land at the end of Stony Hill Road; File #TM2016-002; Assessor's Parcel No. 055-261-10 [SA]

Documents:

## **ACTION ITEMS**

### **1. Adjacent to 4695 Paradise Drive**

Confirmation of Precise Development Plan Waiver for the Pourian property (PD #5) in association with a proposed lot line adjustment to rectify existing property encroachments; Reza and Rae Pourian and Kristin Pourian Pressman, owners; Patricia Maier and Dom Martin, Applicants; Assessor Parcel No. 038-111-05 [DW]

Documents:

[POURIAN PROPERTY.PDF](#)

### **2. Planning Commission Minutes - Meeting of July 27, 2016**

## **ADJOURNMENT**

## **GENERAL PUBLIC INFORMATION**

### **ASSISTANCE FOR PEOPLE WITH DISABILITIES**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division Secretary at (415) 435-7390. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

### **AVAILABILITY OF INFORMATION**

Copies of Design Review Board Agendas, Staff Reports, project files and other supporting data are available for viewing and inspection at Town Hall during business hours. Agendas and Staff Reports are also available at the Belvedere-Tiburon Public Library and on the Town of Tiburon website ([www.ci.tiburon.ca.us](http://www.ci.tiburon.ca.us)) after 5:00 PM on the Friday prior to the regularly scheduled meeting.

Any documents produced by the Town and distributed to a majority of the Design Review Board regarding any item on this agenda, including agenda-related documents produced by the Town after distribution of the agenda packet at least 72 hours in advance of the Board meeting, will be available for public inspection at Town Hall, 1505 Tiburon Boulevard, Tiburon, CA 94920.

Upon request, the Town will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please deliver or cause to be delivered a written request (including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service) at least five (5) days before the meeting to the Planning Division Secretary at the above address.

### **PUBLIC HEARING ITEMS AND BUSINESS ITEMS**

Public Hearing items and Business items provide the general public and interested parties an opportunity to speak regarding items that typically involve an action or decision made by the Board.

If you challenge any decision in court, you may be limited to raising only those issues you or someone else raised at the meeting, or in written correspondence delivered to the Board at, or prior to, the meeting.

### **GENERAL PROCEDURE ON ITEMS AND TIME LIMIT GUIDELINES FOR SPEAKERS**

The Design Review Board's general procedure on items and time limit guidelines for speakers are:

- Staff Update on Item (if any)
- Applicant Presentation – 5 to 20 minutes
- Design Review Board questions of staff and/or applicant
- Public Testimony (depending on the number of speakers) – 3 to 5 minutes for each speaker; members of the audience may not allocate their testimony time to other speakers
- Applicant may respond to public comments – 3 minutes
- Design Review Board closes the public testimony period, deliberates and votes (as warranted)
- Time limits and procedures may be modified in the reasonable discretion of the Chairman

Interested members of the public may address the Design Review Board on any item on the agenda.

**ORDER AND TIMING OF ITEMS**

No set times are assigned to items appearing on the Design Review Board agenda. While the Design Review Board attempts to hear all items in order as stated on the agenda, it reserves the right to take items out of order without notice.

*NOTE: ALL PLANNING COMMISSION MEETINGS ARE AUDIO RECORDED*

**TOWN OF TIBURON LATE MAIL POLICY  
(Adopted and Effective 11/7/2007)**

The following policy shall be used by the Town Council and its standing boards and commissions, and by staff of the Town of Tiburon, in the identification, distribution and consideration of late mail.

**DEFINITION**

“Late Mail” is defined as correspondence or other materials that are received by the Town after completion of the written staff report on an agenda item, in such a manner as to preclude such correspondence or other materials from being addressed in or attached to the staff report as an exhibit.

**IDENTIFICATION OF LATE MAIL**

All late mail received by Town Staff in advance of a meeting shall be marked “Late Mail” and shall be date-stamped or marked with the date of receipt by the Town. Late mail received at a meeting shall be marked as “Received at Meeting” with a date-stamp or handwritten note.

**POLICY**

For regular meetings of the Town Council and its standing boards and commissions:

1. All late mail that is received on an agenda item prior to distribution of the agenda packet to the reviewing authority shall be stamped or marked as “Late Mail” and shall be distributed to the reviewing authority with the agenda packet.
2. All late mail received on an agenda item before 5:00 PM on the Monday prior to the meeting shall be date-stamped and marked as “Late Mail” and distributed to the reviewing authority as soon as practicable. Such mail shall be read and considered by the reviewing authority whenever possible. If the Monday, or Monday and Tuesday, prior to the meeting are a Town-recognized holiday, the deadline shall be extended to the following day at Noon.
3. Any late mail received on an agenda item after the deadline established in paragraph (2) above shall be date-stamped, marked as “Late Mail” and distributed to the reviewing authority as soon as reasonably possible, but may not be read or considered by the reviewing authority. There should be no expectation of, nor shall the reviewing authority have any obligation to, read or consider any such late mail, and therefore such late mail may not become part of the administrative record for the item before the reviewing authority.

These provisions shall also apply to special and adjourned meetings when sufficient lead time exists to implement these provisions. If sufficient lead time does not exist, the Town Manager shall exercise discretion in establishing a reasonable cut-off time for late mail. For controversial items or at any meeting where a high volume of correspondence is anticipated, Town staff shall have the option to require an earlier late mail deadline, provided that the written public notice for any such item clearly communicates the specifics of the early late mail deadline, and the deadline corresponds appropriately to any earlier availability of the agenda packet.

Pursuant to state law, copies of all late mail shall be available in a timely fashion for public inspection at Tiburon Town Hall, 1505 Tiburon Boulevard, Tiburon.



TOWN OF TIBURON  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Planning Commission Meeting  
September 14, 2016  
Agenda Item: **PH-1**

## STAFF REPORT

**To:** Members of the Planning Commission

**From:** Community Development Department

**Subject:** 35-37-39 Lyford Drive (PD #35): Tentative Subdivision Map Application (File #TM2016001) for the creation of 3 Condominium Lots on a 1.7 acre Parcel; Richardson Bay Land Company, Owner; Assessor's Parcel No. 058-301-49

**Reviewed By:** \_\_\_\_\_

## PROJECT DATA

Address: 35-37-39 Lyford Drive  
Assessor's Parcel Number: 058-301-49  
File Number: TM2016001  
Lot Size: 1.7 acres  
Zoning: RPD (Residential Planned Development)  
Precise Plan: 35-37-39 Lyford Drive Precise Plan (PD #35) - 1974  
General Plan: M (Medium Density Residential)  
Current Use: Clustered Single-Family Residential  
Owner/Applicant: Richardson Bay Land Company  
Flood Zone: X (Outside 500 year flood area)

## BACKGROUND

The 35-37-39 Lyford Drive Precise Plan was originally approved in 1974. The precise plan approved the development of a 1.7 acre parcel with three detached single-family dwellings. The homes were clustered in the southern end of the site. Each dwelling contains an attached one-car garage and a separate detached 4-car garage is shared by the three residences. An open space easement deeded to the Town of Tiburon covers the northern portion of the site.

In contrast to more recent planned development projects, the site was not subdivided into individual lots. The three homes for this project were all located on the sole parcel and held under the same ownership, even though the units are detached. This form of cluster development soon fell out of fashion in development circles and has not been repeated elsewhere in Tiburon since the approval of this early precise plan.

On January 20, 2016, the Town Council approved an amendment to the precise plan for this property by adopting Resolution No. 06-2016 (**Exhibit 1**). The precise plan amendment approved

the eventual creation of three (3) separate condominium parcels to allow separate ownership of each of the existing single-family dwellings on the site. On December 14, 2015, the Planning Commission also adopted Resolution No. 2015-13 (**Exhibit 2**) approving a conditional use permit to convert the dwelling units to condominiums. The applicants are now applying for the tentative subdivision map approval that would establish the proposed lot lines for the subdivision. A parcel map would be required in the future.

## **PROJECT DESCRIPTION**

The proposal requests the subdivision of a 1.7-acre parcel located at 35-37-39 Lyford Drive to create three (3) separate condominium parcels to allow separate ownership of each of the existing single-family dwellings. The proposed project would create individual lots for each of the three homes on the site. The shared driveway, detached garage structure and the area covered by the open space easement would be situated on a remainder parcel and owned in common by the owners of the three proposed lots. The Tentative Map drawings are attached as **Exhibit 3**.

The Tentative Map application proposes no substantive changes to the project as approved in the 35-37-39 Lyford Drive Precise Plan. All conditions and specifications of the approved precise plan would continue to be in effect. No physical changes are proposed as part of this project. The existing homes and detached garage would remain in their current condition. The only requested change from the proposed condominium conversion is a change in the form of ownership of the property.

## **ANALYSIS**

The Tentative Map application stage of review in the Town of Tiburon is a secondary or “trailing permit” process for projects located in the RPD zone for which a Precise Development Plan (PDP) has been approved and CEQA review has been completed. As the residential buildings for this project have already been developed, the main thrust of review at the tentative map stage is to ensure that the drawings comply with the requirements of the Subdivision Map Act.

### General Plan Consistency and Zoning Compliance

The land areas of the 3 proposed lots are consistent with the established General Plan density for the site, and are consistent with the zoning for the property, as established in the 35-37-39 Lyford Drive Precise Plan.

### Tiburon Subdivision Ordinance

Section 14-3.6 of the Tiburon Municipal Code (Subdivisions) requires that the Planning Commission make the following findings before approving a tentative map application for a minor subdivision:

- a. Plan Consistency. As stated above, the proposed map is consistent with the Tiburon General Plan and the 35-37-39 Lyford Drive Precise Plan.
- b. Design or Improvement. The design of the proposed subdivision is consistent with the Tiburon General Plan and the 35-37-39 Lyford Drive Precise Plan.

- c. Type of Development. The existing detached single-family residential homes are consistent with the type of development suitable for the physical constraints of this property.
- d. Density of Development. Three residences on the 1.7-acre site would yield a density of 1.76 units per acre. This would be 58.8% of the maximum density of 3.0 units/acre allowed under the General Plan and an appropriate density for this property.
- e. Fish or Wildlife. The project would not include any physical changes to the site and therefore would not substantially injure fish or wildlife or their habitat.
- f. Public Health. The project would not include any physical changes to the site and has no characteristics that would cause significant public health problems.
- g. Access. A driveway leading to Lyford Drive provides the sole vehicular access to the site. The project has adequate emergency access.
- h. Dedications. There is an existing open space easement on the northern half of the site and a pedestrian easement along the northwest corner of the property. No new dedications are proposed as part of this tentative map application.
- i. Discharge of Waste. The existing homes on the site are connected to the Sanitary District No. 5 public sewer system, in conformance with the requirements of the Town of Tiburon, LAFCO and the Sanitary District.
- j. Regional Housing Needs. The subdivision of this property would not involve the construction of any new housing on the site but would preserve the three existing single-family detached homes on the property.

## **PUBLIC COMMENTS**

As of the date of this report, no letters have been received regarding this application.

## **ENVIRONMENTAL STATUS**

The project is categorically exempt from CEQA per Section 15305 of the CEQA Guidelines.

## **TIMELINE FOR DECISION**

The Permit Streamlining Act (PSA) allows a relatively short window (only 50 days from the date of application completeness) for the Town to take final action on the Tentative Map application. The PSA deadline for this application is October 4, 2016.

## **CONCLUSION**

Staff concludes that all of the required findings can be made for conditional approval of this Tentative Map application.

## **RECOMMENDATION**

Staff recommends that the Planning Commission take any public testimony on this item and adopt the draft resolution (**Exhibit 2**) granting conditional approval of this tentative map application.

## **EXHIBITS**

1. Town Council Resolution No. 06-2016
2. Planning Commission Resolution No. 2015-13
3. Draft Resolution
4. Application and supplemental materials
5. Tentative Map drawings (3 sheets)

Prepared By: Daniel M. Watrous, Planning Manager

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**RESOLUTION NO. 06-2016**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIBURON  
APPROVING AN AMENDMENT TO THE  
35-37-39 LYFORD DRIVE PRECISE PLAN (PD #35)  
ON PROPERTY AT 35-37-39 LYFORD DRIVE

ASSESSOR PARCEL NO. 058-301-49

WHEREAS, on December 14, 2015, the Planning Commission held a public hearing to consider the approval of an amendment to the 35-37-39 Lyford Drive Precise Plan (PD #35) to create three (3) separate condominium parcels to allow separate ownership of each of the existing single-family dwellings at 35-37-39 Lyford Drive; and

WHEREAS, after receiving public testimony and considering the application (File # PDPA2015003) at that hearing, the Planning Commission adopted Resolution No. 2015-12 recommending to the Town Council that the precise plan amendment be approved; and

WHEREAS, on January 20, 2016, the Town Council held a public hearing on this application and after hearing all testimony and reviewing all documents on the record, the Town Council concurred with the findings made by the Planning Commission and found that the proposed precise plan amendment to create three (3) separate condominium parcels to allow separate ownership of each of the existing single-family dwellings at 35-37-39 Lyford Drive would be consistent with the overall intention of the 35-37-39 Lyford Drive Precise Plan and the policies contained within the Tiburon General Plan; and

WHEREAS, the Town Council finds that the project is exempt from the requirements of the California Environmental Quality Act per Section 15301 (k) of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Tiburon does hereby approve the requested amendment to the 35-37-39 Lyford Drive Precise Plan, subject to the following conditions:

1. The property lines for the three residential lots for the property at 35-37-39 Lyford Drive shall be amended as reflected on the drawing labeled Exhibit-2, prepared by Meridian Surveying Engineering, Inc., dated October 26, 2015.
2. This approval shall in no way alter other provisions of the 35-37-39 Lyford Drive Precise Plan not specifically modified herein.

EXHIBIT NO. 1

PASSED AND ADOPTED at a regular meeting of the Town Council on January 20, 2016, by the following vote:

AYES: COUNCILMEMBERS: Doyle, Fraser, Fredericks, O'Donnell, Tollini

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

\_\_\_\_\_  
ERIN TOLLINI, MAYOR  
TOWN OF TIBURON

ATTEST:

\_\_\_\_\_  
DIANE CRANE IACOPI, TOWN CLERK

EXHIBIT NO. 1

RECORDING REQUESTED  
RETURN TO:  
Tiburon Planning Department  
1505 Tiburon Boulevard  
Tiburon, CA 94920

**RESOLUTION NO. 2015-13**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON  
APPROVING A CONDITIONAL USE PERMIT FOR  
A CONDOMINIUM CONVERSION OF THREE EXISTING DETACHED  
SINGLE-FAMILY DWELLINGS AT 35-37-39 LYFORD DRIVE

ASSESSOR PARCEL NO 58-301-49

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

Section 1. Findings.

- A. The Planning Commission has received an application from the owners of property at 35-37-39 Lyford Drive requesting a Conditional Use Permit for a conversion to condominium ownership of three existing detached single-family dwellings at that location. The application consists of the following:
  - 1. Application form and supplemental materials, dated October 1, 2015
  - 2. Site Plan, Floor Plans and Elevations, dated October 26,
- B. The Planning Commission has held a duly-noticed public hearing on December 14, 2015 and heard and considered any testimony from interested persons.
- C. The Planning Commission has found that the project is consistent with the Tiburon General Plan, on the basis of analysis set forth in the Staff Report dated December 14, 2015.
- D. The Planning Commission has made affirmative findings consistent with the standards required in Section 16-52.050 (C) of the Tiburon Zoning Ordinance, on the basis of analysis set forth in the Staff Report dated December 14, 2015.
- E. The project is categorically exempt from CEQA per Section 15301 (k) of the CEQA Guidelines.

Section 2. Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby approve the Conditional Use Permit for condominium conversion at 35-37-39 Lyford Drive, subject to the following conditions:

1. A Tentative Subdivision map and subsequent Parcel Map for the land division implementing the condominium conversion shall be approved by the Town. Such Parcel Map shall clearly identify on its face which yard areas outside the units are intended to be unrestricted common area.
2. A condominium plan shall be recorded for this project. The condominium plan shall be reviewed and approved in advance of recordation by the Director of Community Development as being in conformance with the Town of Tiburon approvals for the project. The common area set forth in said condominium plan shall comply with Zoning Ordinance requirements set forth in Section 16-52.050 (C[10]).
3. Covenants, Conditions, and Restrictions consistent with Section 16-52.050 (E) of the Tiburon Zoning Ordinance shall be submitted with the application for Tentative Subdivision Map, and shall be approved by the Town Attorney and Director of Community Development and recorded in conjunction with the Parcel Map.
4. All requirements of the Town Engineer shall be complied with prior to recordation of the Parcel Map.
5. All requirements of the Tiburon Fire Protection District shall be complied with prior to recordation of the Parcel Map.
6. All code deficiencies and upgrading requirements identified by the Tiburon Building Division in the three Residential Building Resale Inspection Reports dated August 21, 2015 and August 24, 2015, all of which are on file with the Town of Tiburon Community Development Department, shall be corrected and/or installed to the satisfaction of the Building Official prior to recordation of the Parcel Map. Said corrections and/or installations shall be verified by Tiburon Building Division inspection.
7. Satisfactory documentation of the completion of termite repair work, as generally set forth in the reports dated October 21, 2015 by Marin Termite Control Company, Inc., said reports being on file with the Town of Tiburon Community Development Department, shall be provided to the Building Official prior to recordation of the Parcel Map.

8. Two (2) on-site parking spaces shall be provided for each dwelling unit as required by Tiburon Zoning Ordinance Section 16-52.050 (C[9]); said parking spaces shall continue to be provided and available for use as parking at all times. The CC&R's shall include a provision to this effect.
9. This Conditional Use Permit shall not become effective until such time as a Precise Plan Amendment for this project is approved by the Town Council and becomes effective.
10. This Conditional Use Permit shall expire and become null and void one year from date of approval unless a Tentative Subdivision Map has been approved by the Town or an extension of the conditional use permit has been granted.
11. The Town of Tiburon reserves the right to amend or revoke this Conditional Use Permit for cause, in accordance with adopted regulations of the Town.

PASSED AND ADOPTED at a regular meeting of the Planning Commission on December 14, 2015 by the following vote:

AYES: COMMISSIONERS: KULIK, CORCORAN, WELLER AND WELNER

NAYS: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: WILLIAMS

\_\_\_\_\_  
DAVID KULIK, CHAIR  
TIBURON PLANNING COMMISSION

ATTEST:

\_\_\_\_\_  
DANIEL M. WATROUS, SECRETARY

\\shared\Planning\Planning Commission\Resolutions\2015\2015-13; 35-37-39 Lyford Drive condo CUP

**RESOLUTION NO. 2016-(Draft)**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON  
CONDITIONALLY APPROVING A TENTATIVE SUBDIVISION MAP  
FOR A 3-LOT SUBDIVISION AT 35-37-39 LYFORD DRIVE (PD #35)

ASSESSOR'S PARCEL NO. 058-301-49

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

Section 1. Findings.

- A. An application for a Tentative Subdivision Map to subdivide 1.7 acres of land into three (3) condominium parcels has been received from Richardson Bay Land Company. The subject property is located at 35-37-39 Lyford Drive and is identified as Assessor's Parcel No. 058-301-49.
- B. The application consists of the following:
  - 1. Land Development Application Form and supplemental application information received March 24, 2016.
  - 2. Tentative Map (3 sheets) entitled "Tentative Map, Oak Creek Town Houses," dated July 29, 2016, prepared by Meridian Surveying Engineering, Inc.
  - 3. Draft Declaration of Covenants, Conditions and Restrictions for Oak Creek Town Houses, received March 24, 2016.
- C. The Planning Commission finds that the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15305 of the CEQA Guidelines.
- D. The Planning Division and the Town Engineer have reviewed the project in accordance with applicable regulations and have recommended conditional approval of the application to the Planning Commission, as set forth in the Staff Report dated September 14, 2016.
- E. The Planning Commission held a duly-noticed public hearing on September 14, 2016, and has heard and considered testimony from interested persons.
- F. The Planning Commission finds that the application, as conditioned, is consistent with the goals and policies of the Tiburon General Plan. The Commission further finds that the application is in conformance with the provisions of the 35-37-39 Lyford Drive Precise Plan and is consistent with the provisions of Chapter 14 of the Tiburon Municipal Code regulating the subdivision of land.

Section 2. Approval.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby approve the 35-37-39 Lyford Drive Tentative Map application (File TM2016001) subject to the following conditions:

Public Works & Engineering

1. A Parcel map, as defined in the State Subdivision Map Act, shall be prepared by a licensed surveyor or civil engineer. The Parcel Map shall show all parcels, rights-of-way, and easement(s), and shall be submitted to the Town Engineer for review. The Parcel Map shall be in substantial conformance with the approved Tentative Map and all applicable conditions of approval. The Parcel Map is not valid until it has been approved by the Town and recorded. Closure calculations shall be provided at the time of initial Parcel Map submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the Parcel Map shall be directly verifiable by information shown on the closure calculation printout. The point(s) of beginning shall be clearly defined. All lot acreages shall be shown on the Parcel Map and shall be verifiable from information shown on the closure calculation printout. A current title report (within past 30 days) shall be submitted at the time of initial Parcel Map submittal.
2. The applicant shall transmit by certified mail a copy of the conditionally approved Tentative Map together with a copy of Section 66436 of the State Subdivision Map Act to each public entity or public utility that is an easement holder of record. Written evidence of compliance shall be submitted to the Town of Tiburon.
3. Prior to the recordation of the Parcel Map, the Applicant shall establish a Homeowner's Association (HOA) in accordance with State law with recorded Covenants, Conditions & Restrictions (CC&Rs) that are satisfactory to the Town Engineer and Town Attorney to provide long-term and ongoing maintenance of all of the common onsite private improvements and open space. Specifically, the HOA will be responsible for the long-term and ongoing maintenance of:
  - a. All driveways, parking lots, sidewalks, common area lighting, stormwater quality facilities (if any), common garbage facilities, landscaping and other improvements within the common area.
  - b. Storm drain facilities and private utilities.
  - c. The open space parcel.

The Town will have enforcement authority over the HOA's maintenance obligations and the obligation to review and approve proposed changes to the CC&R's. The CC&R's shall require the HOA to create and maintain a separate maintenance reserve fund in the amount of a percentage of the cost of constructing the HOA maintained improvements listed above. Said percentage will be determined by the Town prior to recordation of the CC&Rs. Specific cost sharing formulas for maintenance shall be shown in the document, and the approved document shall be recorded by in conjunction with the Parcel Map and shall be referenced on the Parcel Map.

4. The existing sewer line under the 37 Lyford Drive structure shall be subject to approval by the Town Building Official. Should the Town Building Official require relocation of the sewer line, it shall be relocated to be outside of the building footprint prior to the Parcel Map being recorded.
5. As a part of the Parcel Map submittal to the Town, an exhibit shall be provided showing the location of water service laterals from the meters to the point of connection at the existing buildings.
6. Private easements shall be provided within the proposed parcels for Units 1, 2, and 3 for all utilities and storm drain facilities that are serving adjacent parcels and/or the proposed common area parcel. Said easements shall be subject to Town approval and shown on the Parcel Map.
7. The existing roadway/utility easement shown as "Parcel 2 to be released roadway/utilities esmt 115 OR 216 570 OR 39" shall be abandoned prior to or on the Parcel Map in accordance with the Subdivision Map Act.

#### Affected Agencies & Utilities

8. All applicable requirements of the Tiburon Fire Protection District (TFPD) shall be met or set in place prior to approval of the Parcel Map. The project sponsor shall provide a letter from the TFPD to that effect.

#### Community Development Department

8. The Parcel Map shall contain a note indicating that this property cannot be further subdivided.
9. This approval shall be valid for three years and shall expire and become null and void unless a Parcel Map is approved and recorded, or unless a time extension is granted.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the Town of Tiburon on September 14, 2016, by the following vote:

AYES: COMMISSIONERS:

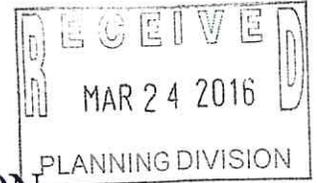
NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

\_\_\_\_\_  
ERICA WILLIAMS, CHAIR  
TIBURON PLANNING COMMISSION

ATTEST:

\_\_\_\_\_  
SCOTT ANDERSON, SECRETARY



**TOWN OF TIBURON  
LAND DEVELOPMENT APPLICATION**

**TYPE OF APPLICATION**

- Conditional Use Permit
- Precise Development Plan
- Secondary Dwelling Unit
- Zoning Text Amendment
- Rezoning or Prezoning
- General Plan Amendment
- Temporary Use Permit
- Design Review (DRB)
- Design Review (Staff Level)
- Variance(s) \_\_\_\_\_ #
- Floor Area Exception
- Tidelands Permit
- Sign Permit
- Tree Permit
- Tentative Subdivision Map
- Final Subdivision Map
- Parcel Map
- Lot Line Adjustment
- Condominium Use Permit
- Seasonal Rental Unit Permit
- Other \_\_\_\_\_

**APPLICANT REQUIRED INFORMATION**

**SITE ADDRESS:** 35, 37, 39 LYFORD DR. **PROPERTY SIZE:** 73,879.8 SF  
**PARCEL NUMBER:** 058-301-49 **ZONING:** RPD

**PROPERTY OWNER:** RICHARDSON BAY LAND COMPANY  
**MAILING ADDRESS:** 83 BEACH RD.  
BELVEDERE, CA 94920  
**PHONE/FAX NUMBER:** 415-435-2439 **E-MAIL:** merlin299@aol.com

**APPLICANT (Other than Property Owner):** \_\_\_\_\_  
**MAILING ADDRESS:** \_\_\_\_\_

**PHONE/FAX NUMBER:** \_\_\_\_\_ **E-MAIL:** \_\_\_\_\_

**ARCHITECT/DESIGNER/ENGINEER** MICHAEL HECKMANN  
**MAILING ADDRESS:** 1680 TIBURON BLVD. #7  
TIBURON, CA 94920  
**PHONE/FAX NUMBER:** 415-435-2446/435-2875 **E-MAIL:** heckmannarchitects@earthlink.net

*Please indicate with an asterisk (\*) persons to whom Town correspondence should be sent.*

**BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):**  
TENTATIVE MAP FOR CONDOMINIUM USE PERMIT CONVERTING FOUR  
DETACHED BUILDINGS ON ONE PARCEL TO THREE SEPERATE PARCELS  
WITH COMMON AREA ACCESS DRIVE AND ACCESSORY BUILDING

**EXHIBIT NO.** 4  
P. 1025

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature: \* Andrew Allen for Richardson Bay Land Co Date: 3/24/16

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners' association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature: \* Andrew Allen for PCB Date: 3/24/16

*\*If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application*

**NOTICE TO APPLICANTS**

Pursuant to California Government Code Section 65945, applicants may request to receive notice from the Town of Tiburon of any general (non-parcel-specific), proposals to adopt or amend the General Plan, Zoning Ordinance, Specific Plans, or an ordinance affecting building or grading permits.

If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

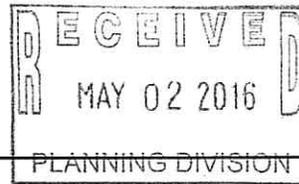
Town of Tiburon  
Community Development Department  
Planning Division  
1505 Tiburon Boulevard  
Tiburon, CA 94920  
(415) 435-7390 (Tel) (415) 435-2438(Fax)  
[www.townoftiburon.org](http://www.townoftiburon.org)

EXHIBIT NO. 4  
P. 2065

**DO NOT WRITE BELOW THIS LINE**

DEPARTMENTAL PROCESSING INFORMATION		
Application No.: <u>TM2016-001</u>	GP Designation:	Fee Deposit: <u>\$4160</u>
Date Received: <u>3/24/16</u>	Received By: <u>LS</u>	Receipt #: <u>2893</u>
Date Deemed Complete: <u>8/15/16</u>	Action:	By: <u>DCJ</u>
Acting Body:	Resolution or Ordinance # _____	Date:
Conditions of Approval or Comments: _____		

Oak Creek Townhouses  
(35, 37, 39 Lyford Dr.)



5/2/16

**Project Description**

The applicant is Richardson Bay Land Co., a California corporation. The property is located on Lyford Dr. directly behind Reed School to the northeast. The property is currently a single parcel of land consisting of approximately 1.7 acres. There are three separate houses with attached garages, as well as a separate two-story garage/storage structure that includes four enclosed parking spaces and storage space. A large portion of the property is dedicated as an Open Space Easement in favor of the Town of Tiburon. The area behind the houses, on the western side of the property, is subject to a Pedestrian Passage Easement.

The original parcel was originally conceived as a planned unit development in 1974 clustering the buildings to allow a significant portion of the property to be preserved as open space. The buildings were positioned on the lower, southwest section of .9 acres allowing the upper, northeast section of .8 acres to be retained as open, undeveloped land.

Applicant now submits a request for approval of a tentative map to allow for the subdivision of the property into three separate condominium units and a common area, as shown on the Tentative Map included with this submittal package. Each condominium unit will include the residence and all other improvements and yard areas within the lateral boundaries of the units. The common area includes the garage/storage building, a shared driveway and surrounding landscaped areas. The common area also includes the portion of the property subject to the Open Space Easement, which easement will remain in place and unaffected by the subdivision of the property into condominiums. The drainage easement and Pedestrian Passage Easement both granted to the Town of Tiburon will remain in place and unaffected. The pedestrian easement was granted to the Town of Tiburon in 1975 as part of an unfulfilled plan of a proposed Reed School Park. A copy of the plan is attached as Exhibit A. No other parties granted easements for this purpose and the easement has never been used.

EXHIBIT NO. 4  
P. 3 of 5

Applicant has previously submitted a request to amend the precise development plan and to obtain a use permit to allow for the subdivision of the property into condominiums.

On December 14, 2015, the first two requests were heard by the Tiburon Planning Commission. The Planning Commission voted to adopt a draft resolution recommending conditional approval of the Precise Plan amendment to the Town Council. A copy of the approved draft Resolution is attached hereto. The Planning Commission also voted to adopt a draft resolution recommending conditional approval of the condominium use permit. A copy of the approved draft Resolution is attached hereto.

On January 20, 2016, the Town Council reviewed the request by the Applicant to amend the precise development plan. The Town Council voted to adopt the draft resolution recommending conditional approval of the Precise Plan amendment. A copy of the approved draft Resolution is attached hereto.

The Tentative Map reflects the property lines shown in drawing Exhibit-2 prepared by Meridian Surveying Engineering Inc., dated October 26, 2015.

### Subdivider's Program

No sales of any of the proposed separate parcels are planned at this time.

### Current Tenant Status

35 Lyford - Two adults and one minor. Alfred Russo, Maria Elena Russo, Mari Russo, \$3,200 per month rent, Month-to-month tenancy

37 Lyford - One adult and two minors. Guillerault Manacorda, \$3,100 per month rent, Month-to-month tenancy

39 Lyford One adult and three minors. Nicholes Weiksner, \$4,500 per month rent, Month-to-month tenancy

EXHIBIT NO. 4  
P. 4 OF 5

### Tenant Noticing

All tenants were given notice of the intended filing of this application by prepaid U.S. Mail on 4/29/15 and the 60 day period expired on 6/28/15.

### Building Inspection

A thorough, professional inspection of all the structures was done on April 16, 2015 by certified inspector Ed Gibson of Homestead Property Inspection Inc. and his report is attached hereto. The structures were also inspected by the Town of Tiburon head building inspector, Clay Salzman, on June 9, 2015.

### Source of water supply

Each residence is separately metered to Marin Municipal Water District.

### Method of Sewage Disposal

Residences are connected to public sewage line.

EXHIBIT NO. 4

P. S'OF5



TOWN OF TIBURON  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Planning Commission Meeting  
September 14, 2016  
Agenda Item: PH-2

## STAFF REPORT

To: **Members of the Planning Commission**

From: **Community Development Department**

Subject: **Ling (Stony Hill) Residential Project (PD#24): Request for Extension of Time on an Approved Vesting Tentative Subdivision Map for the Creation of Three Single Family Residential lots on 5.6 Acres of Land at the end of Stony Hill Road**

## PROJECT DATA

Address: End of Stony Hill Road  
Assessor's Parcel Number: 055-261-34  
File Number: TM2016-003 (formerly #60901)  
General Plan: PD-R (Planned Development-Residential)—Up to 1.0 du/acre  
Zoning: RPD (Residential Planned Development)  
Property Size: 5.6 acres  
Current Use: Undeveloped Land  
Owner: Joe Ling, et al  
Applicants: Scott Hochstrasser, IPA Inc  
Flood Zone: X (outside 500 year storm event flood area)

## BACKGROUND

On September 9, 2009, the Planning Commission approved a vesting tentative subdivision map for the Ling (Stony Hill) Residential Project, which proposed three single family lots on 5.6 acres of land at the end of Stony Hill Road (see **Exhibit 1**). In March, 2008, the Town Council had approved a precise development plan application for this property. The precise development plan approved the project density, size, location, and height of homes; it also resolved the substantive issues associated with development of this property. The project review process had been lengthy and detailed, involving several years of Town review and an environmental impact report. By the time of approval, an original five-unit proposal was reduced to three lots with significant open space preserved outside of approved residential use areas.

The Town's 2009 vesting tentative map approval was valid for three years, but automatic time extensions authorized by the California State Legislature during the economic recession extended the life of the map to September 9, 2016. Under provisions of state law, the filing of this time extension request with the Town automatically extends the expiration date by either 60 days or until the date upon which the request is approved, whichever occurs first.

The staff report and Planning Commission resolution for the 2009 map approval are attached as **Exhibits 2 and 3** and provide additional background information on the project.

## **ANALYSIS**

The request before the Commission is a time extension of the approved vesting tentative map for one year. Neither the Tiburon Subdivision Ordinance nor the State Subdivision Map Act contains specific criteria for assessing time extension requests for tentative maps. Generally speaking, time extensions for tentative maps are routine and automatic, unless the project is no longer consistent with the community's general plan or circumstances in the project area have changed so dramatically that the project could no longer be reviewed in the same context. Neither of these factors exists in this case. The General Plan is virtually unchanged since 2009 and the project vicinity has changed little in the seven years since initial approval of the vesting tentative map. Furthermore, the applicants have actively pursued the Parcel Map application for this project, having filed it last year, and Town processing to finalize the subdivision is nearly complete at this time. Staff anticipates the Parcel Map will be recorded before the end of this calendar year. No required amendments to the vesting tentative map or the precise development plan are being sought or are contemplated prior to recordation of the Parcel Map.

## **PUBLIC COMMENTS**

As of the preparation of this report, no correspondence has been received regarding this application. Notification of the application was mailed out to all property owners within 300 feet of the property. Neighboring property owners are aware of the subdivision and periodically contact Town staff to ask about its progress and estimated start of construction date.

## **ENVIRONMENTAL STATUS**

An environmental impact report was certified by the Town Council for this project. No changes to the project are proposed that would require additional environmental review. All adopted mitigation measures continue to apply.

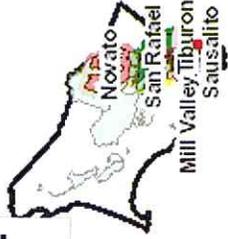
## **RECOMMENDATION**

Staff recommends that the Planning Commission take any public testimony on this item and adopt the draft resolution (**Exhibit 4**) granting a one-year time extension for the vesting tentative map, with a new expiration date of September 14, 2017.

## **EXHIBITS**

1. Vicinity Map.
2. Planning Commission Staff Report dated September 9, 2009 (without exhibits).
3. Planning Commission Resolution 2009-07.
4. Draft Resolution extending the lifetime of the tentative map approval.
5. Ling Vesting Tentative Map drawings (10 sheets).

# LOCATION MAP--LING (STONY HILL) PROJECT



**Legend**

- Condominium Common Area
- Mobile Home Pad
- City
- Community
- Marin County Legal Boundary
- Other Bay Area County
- Ocean and Bay
- Parcel Secured
- 2014 Marin 6 inch Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

1: 3,992

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

0.1 Miles  
0 0.06 0.1 Miles

NAD\_1983\_HARN\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
© Latitude Geographics Group Ltd.



TOWN OF TIBURON  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Planning Commission Meeting  
Sept 9, 2009  
Agenda Item: /

## STAFF REPORT

**To:** Members of the Planning Commission  
**From:** Community Development Department  
**Subject:** Ling Residential Project (PD #24): Tentative Subdivision Map Application (File #60901) for the creation of three lots on a 5.6 Acre Parcel; End of Stony Hill Road; Joe Ling, et al, Owners; Assessor's Parcel No. 055-261-10  
**Reviewed By:** \_\_\_\_\_

## PROJECT DATA

Address: End of Stony Hill Road  
Assessor's Parcel Number: 055-261-10  
File Number: 60901  
Lot Size: 5.6 Acres  
General Plan: Medium Low Density Residential (PD-R-u, up to 1.0 unit/acre)  
Zoning: RPD (Residential Planned Development)  
Current Use: Undeveloped (Large Undeveloped Parcel)  
Owners: Joe Ling, et al  
Applicant: Scott L. Hochstrasser/IPA, Inc.  
Date Complete: August 20, 2009  
Permit Streamlining Act Deadline: October 9, 2009

## BACKGROUND

On March 19, 2008, the Town Council approved a precise development plan application (the Ling Precise Development Plan; PD #24) for this property by adopting Resolution No. 14-2008 (**Exhibit 1**). The precise development plan approved the project density and the location and maximum height and square footage of the three homes that could be developed on this property. The applicants are now applying for the tentative subdivision map approval that would establish the proposed lot lines for the subdivision. Future applications would include a parcel map, subdivision improvement drawings, site plan and architectural review applications, and building permits for each residence.

## PROJECT DESCRIPTION

The proposal requests the subdivision of an approximately 5.6-acre parcel located off Stony Hill Road into three residential lots, each to be developed with a single family residence. An area shown on the map to be dedicated for public open space is to be offered to the Town as a public

access easement for pedestrian connection to adjacent Town-owned open space. Two small areas are proposed to be transferred to adjacent property owners as part of separate lot line adjustments. The proposed lot/parcel sizes are as follows:

Lot 1:	0.99 acres
Lot 2:	1.39 acres
Lot 3:	2.81 acres
Open space easement and lot line adjustment areas:	<u>0.42 acres</u>
TOTAL	5.61 acres

Private open space easements are required over each of the three lots, totaling approximately 58.2% of the site per the precise development plan approval.

The lots would be accessed by an extension of Stony Hill Road within an existing 50 foot wide roadway and utility easement (RUE) connecting to Gilmartin Drive. The Stony Hill Road extension would terminate at a new cul-de-sac and would be offered for dedication to the Town for public street purposes. The Tentative Map drawings are attached as **Exhibit 3**.

The tentative map application proposes no substantive changes to the project as approved in the Ling Precise Development Plan. All conditions and specifications of the approved precise development plan would continue to be in effect.

## **ANALYSIS**

The tentative map application stage of review in the Town of Tiburon is a secondary or “trailing permit” process for projects located in the RPD zone for which a Precise Development Plan (PDP) has been approved and CEQA review has been completed. The main thrust of review at the tentative map stage is to better delineate the “when”, “how”, and “by whom” of actual project implementation. Conditions of approval typically focus on project dedications, implementation of mitigation measures and PDP conditions of approval, requirements for preparation of subdivision improvement drawings, requirements for monetary security (bonding), and payment of development impact fees.

A recitation of consistency with various Town land use regulations is also required, although these issues were identified and resolved during the PDP stage of review.

### General Plan Consistency and Zoning Compliance

The land areas of the three proposed lots are consistent with the established General Plan density for the site, and are consistent with the zoning for the property, as established in the adopted Ling Precise Development Plan. The proposed building envelope lines on the tentative map have been realigned in compliance with the requirements of Condition of Approval No. 3 of Town Council Resolution No. 14-2008.

Tiburon Subdivision Ordinance

Section 14-3.6 of the Tiburon Municipal Code (Subdivisions) requires that the Planning Commission make the following findings in approving a tentative map application for a minor subdivision:

- a. Plan Consistency. As stated above, the proposed map is consistent with the Tiburon General Plan and the Ling Precise Development Plan.
- b. Design or Improvement. The design of the proposed subdivision is consistent with the Tiburon General Plan and the Ling Precise Development Plan.
- c. Type of Development. The proposed detached single family residential lots, clustered in the center of the project site, are consistent with the type of development suitable for the physical constraints of this property.
- d. Density of Development. Three residences on the 5.61-acre site would yield a density of 0.53 units per acre. This would be approximately one-half of the maximum density of 1.0 units/acre allowed under the General Plan and an appropriate density for this property.
- e. Fish or Wildlife. The design of the proposed subdivision and its improvements would not substantially injure fish or wildlife or their habitat.
- f. Public Health. The design of the proposed subdivision has no characteristics that would cause significant public health problems.
- g. Access. The private roadway providing access to the three proposed lots would not conflict with other access easements in the area.
- h. Dedications. As noted above, the roadway extension would be offered for dedication for public roadway purposes and a public access easement would also be offered. Private open space easements are required over approximately 58.2% of the site per the precise development plan approval.
- i. Discharge of Waste. The houses on the three proposed lots would connect into the Sanitary District #5 public sewer system, in conformance with the requirements of the Town of Tiburon.
- j. Regional Housing Needs. The subdivision of this property to allow the construction of three new single-family homes would be compatible with the identified regional need to construct additional housing within the Southern Marin area. Affordable housing in-lieu fees will be collected to meet the Town's inclusionary housing requirements.

## **PUBLIC COMMENTS**

As of the date of this report, no correspondence or phone calls have been received regarding this application.

## **ENVIRONMENTAL STATUS**

An environmental impact report was certified by the Town Council in 2006 and an Addendum to the certified EIR was accepted by the Town Council in 2008 for this project. No changes to the project are proposed that would require additional environmental review. All adopted mitigation measures apply.

## **TIMELINE FOR DECISION**

The Permit Streamlining Act (PSA) allows a relatively short window (only 50 days from the date of application completeness) for a local agency to reach a decision on a tentative subdivision map application. The PSA deadline for this application is October 9, 2009.

## **CONCLUSION**

Staff concludes that all of the required findings can be made for conditional approval of this tentative map application.

## **RECOMMENDATION**

Staff recommends that the Planning Commission take any public testimony on this item and adopt the draft resolution (**Exhibit 2**) granting conditional approval of the tentative map application.

## **EXHIBITS**

1. Town Council Resolution No. 14-2008
2. Draft Resolution
3. Ling Tentative Map drawings (14 sheets)

Prepared By: Dan Watrous, Planning Manager

RESOLUTION NO. 2009-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON  
CONDITIONALLY APPROVING A TENTATIVE SUBDIVISION MAP FOR A 3-LOT  
SUBDIVISION AT THE END OF STONY HILL ROAD  
(PD #24, LING PROJECT)

ASSESSOR'S PARCEL NO. 055-261-10

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

Section 1. Findings.

- A. An application for a Tentative Subdivision Map to subdivide 5.6 acres of land into three (3) residential lots has been received from Joe Ling. The subject property is located at the end of Stony Hill Road and above Tiburon Boulevard and is identified as Assessor's Parcel No. 055-261-10.
- B. The application consists of the following:
  - 1. Land Development Application Form received January 20, 2009.
  - 2. Supplemental application information received January 20, 2009 and June 22, 2009, prepared by IPA, Inc.
  - 3. Tentative Map (14 sheets) entitled "Stony Hill Subdivision", dated June 22, 2009, latest revision dated July 28, 2009, prepared by Oberkamper & Associates Civil Engineers, Inc.
  - 4. Draft Declaration of Restrictions and Agreement for Maintenance of Drainage Facilities and Landscaping, received January 20, 2009.
- C. The Planning Commission finds that an Environmental Impact Report was previously prepared and certified in conformance with the requirements of the California Environmental Quality Act for this development project, and that no further environmental review is required.
- D. The Planning Division and the Town Engineer have reviewed the project in accordance with applicable regulations and have recommended conditional approval of the application to the Planning Commission, as set forth in the Staff Report dated September 9, 2009.
- E. The Planning Commission held a duly-noticed public hearing on September 9, 2009, and has heard and considered testimony from interested persons.

- F. The Planning Commission finds that the project, as conditioned, is consistent with the goals and policies of the Tiburon General Plan. The Commission further finds that the project is in conformance with the provisions of the Ling Precise Development Plan and is consistent with the provisions of Chapter 14 of the Tiburon Municipal Code regulating the subdivision of land.

Section 2. Approval.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby approve the Ling Tentative Map application (File #60901) subject to the conditions:

Public Works & Engineering

1. All of the following requirements of the Town Engineer herein shall be met prior to the approval of the Parcel Map, including the ability to provide all essential utilities to the site. Two copies of a recent (within six weeks of submittal) preliminary title report, plus traverse calculations in electronic form, shall accompany the Parcel Map submittal.
2. All engineering requirements and standards, including but not limited to landslide repair, drainage, dust control, erosion control and winterization, soils stabilization, construction criteria, tree and other resource protection, roadway geometrics, and grading shall be subject to review and approval by the Town Engineer through the subdivision improvement process. Landslide repair shall be based upon the geotechnical report prepared by Earth Science Consultants dated April 28, 2003, as amended by their December 8, 2004 report, their January 24, 2005 letter and the November 5, 2007 Geotechnical Update letter, and the several prior geotechnical studies and letters referenced therein.
3. Prior to approval of the Parcel Map, project sponsor shall enter into a subdivision improvement agreement with the Town of Tiburon and post all required monetary securities. Said agreement shall be recorded with the Parcel Map.
4. The Parcel Map shall provide the location and elevation of the benchmark referenced to the NAVD of 1988 elevation datum.

Prior to approval of the Parcel Map, project sponsor shall submit detailed subdivision improvement drawings addressing all elements in Condition #2 above for review and approval by the Town Engineer, Director of Community Development, County of Marin, and other agencies.

5. Applicant shall offer to the Town for dedication for public street purposes that portion of the Stony Hill Road extension down to, and including, the project cul-de-sac. The 25 foot public access easement extending beyond the cul-de-sac to the trail easement shall also be offered for dedication to the public. Said offers of dedication shall appear on the face of the Parcel Map. All improvements within the area to be offered for dedication shall be subject to review and approval by the Town Engineer.
6. All of the 0.19-acre area shown as "Dedicated Public Open Space" on Sheet C4 of the Oberkamper drawings received July 2, 2007 shall be offered for dedication to the Town as an easement for public access purposes as part of the Parcel Map and the lot lines shall be revised accordingly to reflect this easement. Applicant shall install (or make a monetary contribution to cover fully the Town's estimated reasonable costs of installing) a traversable pedestrian trail no greater than 3 to 5 feet in width within the public access easement. Applicant-performed trail installation shall be performed as part of the subdivision improvement phase of the project. If an in-lieu monetary contribution is proposed instead of applicant installation, then said payment shall occur prior to recordation of the Parcel Map. The amount of any monetary contribution shall be based on an estimate by the Town Engineer.
7. As part of the subdivision improvement drawings submitted with the Parcel Map application; project sponsor shall incorporate storm water treatment Best Management Practices (BMPs) into the design of the project to the extent practicable. Consideration of these BMPs shall include, but not be limited to, the use of grassy swales, landscaped areas, grasscrete, and similar measures in accordance with NPDES and MCSTOPP. All storm drain inlets shall be imprinted with a sign indicating "no dumping, flows to creek."
8. In furtherance of Section 16-2.7 of the Municipal Code, all portions of each lot not included within a "building envelope", "residential use area" or a "private common landscape area" on drawings approved herein shall be contained within and protected by an open space easement or easements to be offered for acceptance to the Town of Tiburon by separate instrument as part of the parcel map application. Said open space easement or easements (if accepted) shall be recorded in conjunction with the recordation of the Parcel Map and shall be deed-referenced on the Parcel Map. All portions of said open space easement or easements shall acknowledge, if necessary, any existing or required roadway, drainage and/or utility easements and any landscape installation (e.g. entry landscaping, retaining wall screening, and mitigation planting) and maintenance agreements that are required as part of the Precise Development Plan or permits issued in reliance thereon. Open space easement grant documents shall be reviewed and approved by the Town Attorney and Director of Community

Development prior to acceptance for filing of the Parcel Map application.

9. Boundaries of the “private common open space” areas at the perimeter of the “residential use areas” of each Lot shall be clearly and permanently demarcated in the field in a manner acceptable to the Town. This demarcation shall initially occur as part of the subdivision improvements, and shall be restored as necessary prior to issuance of a certificate of occupancy for each completed residence. A suitable mechanism for this permanent demarcation shall be specified on the subdivision improvement drawings and recorded as a deed restriction or by other appropriate mechanism as determined by the Town.
10. The applicant shall fund a \$25,000 dust clean-up account to be used to clean up dust problems created by the project at surrounding residences. Town staff shall disburse money from the fund to appropriate contractors (cleaning services, power washers, etc.) as needed to clean up off-site dust residues that affect the exterior or interiors of neighboring residences. Disbursement shall be based on requests and substantial evidence submitted to Town staff by neighboring residents of dust accumulation, with emphasis on clean-up after completion of major portions of project construction (i.e. landslide repair, grading for subdivision improvements). Unused funds shall be refunded to the applicant. Details of the program are as set forth in the letter from IPA, Inc., dated June 19, 2009.
11. The Subdivision Improvement Drawings shall include a call-out or detail note to address any pad grading that may be proposed.
12. Street lighting (if any) proposed on the subdivision improvement drawings shall be limited to the minimum amount necessary to safely illuminate points of access, as determined by the Town Engineer. Street light design and specifications shall be approved in writing by the Planning Division as part of the review of the subdivision improvement drawings. Street lighting maintenance and utility expense (if any) shall be included in the private roadway maintenance agreement.
13. To the extent possible and within recommendations of the project geotechnical engineer, runoff should be directed across grassy swales and comply with C3 provisions of the NPDES permit.
14. Prior to issuance of a grading permit for the subdivision improvements, the project sponsor shall hold a preconstruction meeting with the Town, all other reviewing agencies associated with the project, and the subdivision improvement contractors. At that time, a final review of the implementation of the mitigation measures and determination of monitoring responsibilities shall be completed and agreed upon.

Affected Agencies & Utilities

15. All applicable requirements of the Tiburon Fire Protection District (TPFD) shall be met or set in place prior to approval of the Parcel Map. The project sponsor shall provide a letter from the TPFD to that effect. These requirements include the following:
  - a. There shall be no shredded bark allowed for landscaping, erosion control or any other purpose on the project site.
  - b. The fire hydrant location(s) shall be determined by the TPFD and Marin Municipal Water District.
  - c. The fire apparatus access road, water mains and new fire hydrant shall be installed and made serviceable prior to the issuance of building permits for any new structures.
  - d. The applicant shall fully fund the cost of purchasing and installing a traffic signal preemptor for the signal at the intersection of Tiburon Boulevard and San Rafael Avenue and a traffic signal emitter for one of TFPD's vehicles.
  - e. All homes shall meet Town and TFPD construction requirements including approved spark arrestors for chimneys, Class A roofs, automatic sprinklers, and approved smoke detectors.
  - f. The landscaping plan included in Appendix A of the EIR Addendum shall be implemented. It shall be subject to review by the TFPD. If the TFPD requires changes in the landscaping scheme or species of plants, these changes will be implemented in the landscaping plan.
  - g. The lot owners shall be responsible for maintaining plants in a fire resistant fashion in "common open space areas," "common landscape areas," and "private open space" areas, as shown on the Tentative Map.
16. Domestic water shall be supplied by the Marin Municipal Water District. The project sponsor shall comply with all District rules and regulations. The project sponsor shall provide a will-serve letter from the District prior to approval of the Parcel Map.
17. Connection of all lots to Sanitary District No. 5 is required. All requirements of the District shall be met. The project sponsor shall provide a will-serve letter from the District prior to approval of the Parcel Map.

18. A will-serve letter from Pacific Gas & Electric Company shall be provided prior to approval of the Parcel Map.

Community Development Department

19. All mitigation measures contained within the adopted Mitigation Monitoring Program for the project shall be implemented prior to finalization of the project by the Town of Tiburon. Project sponsor shall submit with the application for Parcel Map a detailed narrative describing how these mitigation measures are being complied with, or will be complied with, at the appropriate phase of project development.
20. No smoking shall be permitted on site by any person, contractor or employee during any portion of project construction. A water truck shall be present on the site during vegetation removal. These requirements shall be noted on the subdivision improvement drawings and shall be incorporated into construction documents for the contractor performing the work.
21. As part of the installation of the subdivision improvements, applicant shall remove dilapidated fencing and fence-posts, litter, garbage, and other junk materials from the entire site.
22. Location and size all trees to be removed shall be shown on the subdivision improvement drawings on a site plan sheet(s) prepared for that exclusive purpose.
23. Prior to issuance of a grading permit for the subdivision improvements, project sponsor shall obtain and implement provisions of a NPDES General Construction Permit. A Storm Water Pollution Prevention Plan (SWPPP) shall also be obtained and implemented.
24. Parcel Map/Subdivision Improvement Drawing application materials shall include/address all adopted mitigation measures generally, and the following Mitigation Measures (MM) specifically, to the satisfaction of the Town Engineer and Director of Community Development:
  - a. Landslide repair, grading and geotechnical improvements pursuant to MM 3.1-A.1, 3.1-A.2, 3.1-A.3, 3.1-B.1, 3.1-B.2 & 3.1-C.1-5.
  - b. Drainage and erosion control improvements pursuant to MM 3.2-A.1, 3.2-B.1, 3.2-B.2, 3.2-C.1, 3.2-C.2, 3.5-D.1, 3.5-D.2 & 3.5-D.3.
  - c. Subdivision improvement drawing notes shall include provisions of MM 3.3-C.1, 3-7-C.4 and 3-11-A.2.
  - d. Applicant shall comply with provisions of MM 3.12-B.1 & 3.12-C.1

- regarding evaluation and protection of oak trees on the site.
- e. Applicant shall comply with provisions of MM 3.12-D.1, 3.12-D.2 & 3.12-D.3 regarding cultural resources evaluations.
  - f. Applicant shall comply with provisions of MM 3.12-E.1 & 3.12-E.2 regarding asbestos testing and mitigation.
  - g. Comply with MM 3.4-B.1-5, 3.12-A.1-10 & 3-12-A.12 regarding construction. Construction notes shall be included on the drawings individually listing in full text the relevant mitigation measures for project construction.
  - h. A detailed traffic control plan as set forth in MM 3.3-D.1.
25. Appearance and vegetative screening of all public roadway retaining walls in excess of forty-two (42) inches in height shall be subject to review and approval by the Design Review Board prior to approval of the subdivision improvement drawings.
26. Timing of screening landscaping installation as shown on the approved Precise Development Plan drawings, as well as irrigation and ongoing maintenance of said landscaping, shall be determined by the Town and memorialized by an agreement to be recorded in conjunction with the Parcel Map.
27. A detailed construction staging area/construction parking/materials storage/debris box/portable restroom/protective fencing plan for the subdivision improvement installation phase of the project shall be submitted for approval by the Town Engineer as part of the subdivision improvement drawings.
28. The detailed landscape plan prepared as part of the subdivision improvement drawing submittal shall be reviewed and approved by the Design Review Board. The Board shall require additional landscaping, if needed, to buffer views from homes to the east and south of the site. This landscape plan shall include removal of any remaining invasive plant species, common area plantings, entry landscaping, retaining wall screening, and any landscaping required in adopted mitigation measures.
29. The following requirements shall be addressed by the Design Review Board during review of Site Plan and Architectural Review applications for each house in this subdivision:
- a. Individual house designs submitted for Site Plan and Architectural Review approval shall closely resemble the conceptual designs shown in the above-referenced drawings prepared by KAO Design Group. In reviewing these applications, the Design Review Board is directed to avoid changes to the conceptual house designs and the precise locations that would have

- materially greater impacts on views across the site from neighboring homes, substantially increase the heights of retaining walls, result in substantially more grading, increase the project's visibility from off-site, or otherwise substantially increase the project's impacts on the surrounding area.
- b. Colors and materials of residential improvements shall be low-reflectivity; medium and/or dark hues that minimize contrast with surroundings and reduce visual impacts as shown on the project plans (36 sheets) prepared by KAO Design Group, dated June 21, 2007
  - c. Minimize the contrast between the proposed structures and the grass/shrub backdrop by requiring that individual lot developers use hues similar to the natural palette of the grass/shrub backdrop and prohibit light, reflective hues for building exteriors. Medium to dark hues shall be required for building elements.
  - d. A photosimulation of each proposed residence and its ancillary improvements is required to be submitted at the time of the Site Plan and Architectural Review application for each residence, with the photosimulation prepared from the same location as Visualization 2 as depicted in the EIR Addendum dated December 2007. The purpose of the design-review-level simulations is to ensure that the level of visual impact is comparable to that disclosed in the EIR and is not materially greater.
  - e. Plant vegetative screens in front of the downhill retaining walls to break up the view of the walls. Alternatively, use terraced or cribbed walls planting native grasses and/or other landscaping on the benches.
  - f. Use wood and wire fencing with wire that is colored to be similar in hue to the vegetation and is minimally visible from off the site.
30. Bonding or other monetary security for maintenance and replacement of retaining wall landscaping for the lifetime of the retaining walls shall be provided by the applicant as directed by the Town prior to recordation of the Parcel Map. The amount of monetary security shall be acceptable to the Director of Public Works and the terms of the maintenance and replacement shall be acceptable to the Town Attorney.
31. A Tree Protection Plan (text and drawing), prepared by a qualified arborist or similar professional, shall be submitted with the subdivision improvement drawings to set forth protection measures for existing trees to be retained during project construction. Said Plan shall be reviewed and approved by the Director of

Community Development and Director of Public Works prior to approval of the subdivision improvement drawings.

32. Exterior lighting (for roadways and residential improvements) shall be limited to the minimum amount necessary to safely illuminate points of access and outdoor use areas. Prior to the approval of subdivision improvement drawings for the project, the Design Review Board shall review all aspects of the proposed roadway lighting. In its review of individual homes, the Design Review Board shall carefully review all proposed lighting to minimize its visibility from surrounding properties. The following lighting requirements shall be required pursuant to Mitigation Measures 3.5-E.1 through 3.5-E.6 of the adopted Mitigation Monitoring Program:
  - a. Lighting of outdoor use areas and walkways shall use low-level walkway lights and bollards.
  - b. Floodlighting of walls and rooflines will be prohibited.
  - c. Building entries would be lighted with low-level fixtures using concealed lamps.
  - d. Any security lighting of internal roads and parking areas will use low-level bollards with shielded lights.
  - e. Lighting shall be designed to provide needed security and safety without escaping from the site. Lighting shall be reviewed by the Design Review Board. It is recommended that the Design Review Board retain the authority to review project lighting once it is installed and to be able to require replacement and/or additional light shielding to minimize light escape from the site.
  - f. Align or screen the access road so that headlights do not intrude into the home at 1 Owlswood Road.
33. Final CC&R's, deed restrictions, and/or joint maintenance agreements or other similar instruments for the subdivision shall be prepared and submitted for review and approval by the Town Attorney and Director of Community Development prior to approval of the Parcel Map, and shall be recorded in conjunction with the Parcel Map. Said CC&Rs or other instruments acceptable to the Town Attorney shall contain provisions and limitations as set forth in this Precise Development Plan approval and the adopted Mitigation Monitoring Program to the satisfaction of the Town Attorney and Director of Community Development. These instruments shall contain, without limitation, provisions for ongoing maintenance

of common areas, ongoing maintenance of drainage structures and facilities, and ongoing removal of invasive plant species (French broom, pampas grass, etc.) from the property, and shall be recorded in conjunction with the parcel map.

34. A mitigation monitoring consultant shall be retained by the Town at the project sponsor's expense to provide monitoring of the project and its mitigation measures, as set forth in the approved Mitigation Monitoring Program. Prior to issuance of a grading permit for the subdivision improvements, the project sponsor shall enter into a written agreement with the Town and submit a deposit for the anticipated cost of retaining the mitigation monitoring consultant to perform said work. The agreement shall contain provisions for post-construction monitoring and vegetation replacement in addition to monitoring during project construction.
35. Traffic improvements required at the Stony Hill Road/Gilmartin Drive intersection under Mitigation Measure 3.3-B.1 shall be completed at the earliest beginnings of the subdivision improvements for the project.
36. The Parcel Map shall contain a note indicating that this property cannot be further subdivided.
37. The Parcel Map shall contain a note or notes referencing the various limitations and restrictions contained within the Precise Development Plan, including a Public Information Sheet showing building envelopes and describing other zoning limitations, as determined by and to the satisfaction of the Director of Community Development.
38. Traffic mitigation fees shall be paid prior to issuance of a building permit for each residence in accordance with the adopted fee schedule at that time.
39. Park and recreation in-lieu fees, as required by Chapter 14 of the Tiburon Municipal Code, shall be paid prior to recordation of the Parcel Map. The public access and trails easements shall be considered by the Town Council as off-sets in the final determination of the applicable fees.
40. Inclusionary housing in-lieu fees, as required by Chapter 16 of the Tiburon Municipal Code, shall be paid prior to recordation of the Parcel Map.
41. All fees and deposits required by the Town or other agencies having jurisdiction shall be paid prior to the Town's approval of the Parcel Map or issuance of any grading permit, whichever comes first.

42. Violations of the permit or permit conditions shall be subject to stop-work orders, fines, penalties, and all other enforcement methods authorized by law.
43. This approval shall be valid for three years and shall expire and become null and void unless a Parcel Map is approved and recorded prior to expiration, or unless a time extension is granted.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the Town of Tiburon on September 9, 2009, by the following vote:

AYES: COMMISSIONERS: KUNZWEILER, FRASER, CORCORAN, FRYMIER  
AND O'DONNELL

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

  
\_\_\_\_\_  
JOHN KUNZWEILER, CHAIRMAN  
TIBURON PLANNING COMMISSION

ATTEST:

  
\_\_\_\_\_  
DANIEL WATROUS, SECRETARY

**RESOLUTION NO. 2016-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON  
APPROVING A TIME EXTENSION FOR A VESTING TENTATIVE SUBDIVISION MAP  
APPROVAL FOR 3 LOTS ON 5.6 ACRES OF LAND LOCATED  
AT THE END OF STONY HILL ROAD  
ASSESSOR PARCEL NO. 055-261-34

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

Section 1. Findings.

- A. On September 9, 2009 the Tiburon Planning Commission adopted Resolution 2009-07 approving a vesting tentative subdivision map application (#60901) to subdivide 5.6 acres of undeveloped land into three single family residential lots. The approval was valid for three years and was subsequently extended by state legislation to September 9, 2016.
- B. On August 31, 2016, the Planning Division received an application (TM2016-003) for a one (1) year time extension of the vesting tentative map approval. Pursuant to state law, the filing of the time extension request further extended the map approval by either 60 days or until the date the time extension is approved, whichever occurs first.
- C. The Planning Commission finds that the time extension request is exempt from further review under the California Environmental Quality Act.
- D. The Planning Commission held a duly-noticed public hearing on September 14, 2016, and heard and considered any testimony from interested persons.
- E. The Planning Commission finds that the time extension request is consistent with state law and local regulations regarding time extensions for subdivision maps.

Section 2. Approval.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby approve a time extension of one (1) year for the Ling (Stony Hill) vesting tentative subdivision map approval, with the new expiration date for the map approval being September 14, 2017.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the Town of Tiburon on September 14, 2016, by the following vote:

AYES: COMMISSIONERS:

NAYS: COMMISSIONERS:

ABSENT: COMMISSIONERS:

\_\_\_\_\_  
ERICA WILLIAMS, CHAIR  
TIBURON PLANNING COMMISSION

ATTEST:

\_\_\_\_\_  
SCOTT ANDERSON, SECRETARY



**TOWN OF TIBURON**  
 1505 Tiburon Boulevard  
 Tiburon, CA 94920

Planning Commission Meeting  
 September 14, 2016  
 Agenda Item: **AI-1**

<b>STAFF REPORT</b>	
<b>To:</b>	<b>Members of the Planning Commission</b>
<b>From:</b>	<b>Community Development Department</b>
<b>Subject:</b>	<b>Confirmation of Decision of Director of Community Development to Waive the Requirement for a Precise Development Plan to Legalize As-Built Improvements on the Pourian Property (PD#5); File # PDPA2016001; Reza Rae Pourian and Kristin Pourian Pressman, Owners; Patricia Maier and Dom Martin, Applicants; Assessor's Parcel No. 038-111-05</b>
<b>Reviewed By:</b>	_____

**PROJECT DATA**

Address:	Adjacent to 4695 Paradise Drive
Assessor's Parcel Number:	038-111-05
File Number:	PDPA2016001
Lot Size:	1.7 acres
Zoning:	RPD (Residential Planned Development)
General Plan:	PD-R (Planned Development Residential)
Current Use:	Undeveloped
Owners:	Reza Rae Pourian and Kristin Pourian Pressman
Applicant:	Patricia Maier and Dom Martin
Flood Zone:	X (Outside 500 year flood area)

**BACKGROUND**

On August 31, 2016, the Director of Community Development approved a request to waive the requirement for a precise development plan for the Pourian property (PD#5) to legalize as-built improvements on an otherwise undeveloped property in connection with a request for a lot line adjustment. A portion of the existing single-family dwelling located on the adjacent property at 4695 Paradise Drive is situated across the property line onto a lot for which a precise development plan (the Pourian Precise Development Plan) has not been filed or approved. The applicants (Patricia Maier and Dom Martin, owners of the property at 4695 Paradise Drive) have requested a lot line adjustment to place the entirety of the existing structures onto their adjacent lot prior to approval of any precise development plan for the Pourian property.

Section 16-52.060 (A[1]) of the Tiburon Municipal Code states that "a Precise Development Plan is required in all RPD and RMP zones prior to subdivision, grading, or the making of

improvements of any kind.” Section 16-52.060 (J[1]) (Exemption from requirements of Precise Development Plan) states that the Director of Community Development “may waive the requirements of a Precise Development Plan, or various parts thereof, where the requirements are, in whole or in part, deemed inappropriate or inapplicable. Any such waiver shall be confirmed by the Planning Commission.” The purpose of this item is to secure confirmation from the Planning Commission of the decision made by the Director of Community Development.

## PROJECT DESCRIPTION

The Pourian property is an undeveloped 5.6 acre parcel situated above Paradise Drive consisting of two lots (1.7 and 3.9 acres in size). The property is described in the Tiburon General Plan Land Use Element on Page 2-7 as follows:

PD-R-f (Pourian): This approximately 5.6 acre site has poor access, is very steep and wooded, and has limited potential for development.

Maximum allowable density: 0.5 dwelling units/acre

Approximate maximum units: 3

The owners of the Pourian property and the owners of the adjacent property at 4695 Paradise Drive have determined that portions of the house and other site improvements for the home at 4695 Paradise Drive were inadvertently constructed across the shared property line and onto the otherwise undeveloped Pourian property. To resolve this issue, the property owners have agreed to adjust the lot lines to transfer land from the Pourian parcel to the adjacent lot. Staff informed the property owners that they could request a waiver of the precise development plan requirement pursuant to Section 16-52.060 (J[1]) of the Municipal Code prior to approval of the lot line adjustment, since a precise development plan application for the Pourian property is not anticipated anytime in the near future.

## ANALYSIS

The Director of Community Development approved the request for waiver after considering the following factors:

1. The existing house at 4695 Paradise Drive and other associated improvements only extend a short distance (approximately 28 feet) into the lower portion of the 5.6-acre Pourian property. The location of these improvements would not appear to substantially interfere with likely development of the Pourian property.
2. Although no CEQA analysis has been conducted for the Pourian property, the area of the lot line adjustment has been developed with the house at 4695 Paradise Drive and associated residential improvements for many years. It is therefore unlikely that any sensitive environmental resources exist in the vicinity of the lot line adjustment.
3. As noted above, the house and improvements at 4695 Paradise Drive were inadvertently constructed across the property line onto the Pourian property. This inadvertent construction by another property owner is convincing evidence that

these improvements were not an attempt to circumvent the precise development plan requirements for the Pourian property.

Based on these facts, the Director of Community Development approved the waiver from the precise development plan requirements for the requested lot line adjustment.

## **PUBLIC COMMENTS**

As of the date of this report, no letters have been received regarding this application.

## **ENVIRONMENTAL STATUS**

The project is categorically exempt from CEQA under Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines.

## **RECOMMENDATION**

Staff recommends that the Planning Commission, following a public hearing, adopt the attached Resolution (**Exhibit 2**) confirming the waiver of precise development plan requirements granted by the Director of Community Development for the Pourian property (PD#5).

## **EXHIBITS**

1. Application form and supplemental materials
2. Draft resolution
3. Grant of waiver from Director of Community Development, dated August 31, 2016
4. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

\\shared\planning\pc\staff reports\2016\September 14 meeting\Pourian PDP waiver report.doc



TOWN OF TIBURON  
LAND DEVELOPMENT APPLICATION

RECEIVED  
AUG 17 2016  
PLANNING DIVISION

TYPE OF APPLICATION

- Conditional Use Permit
- Precise Development Plan *Waiver*
- Secondary Dwelling Unit
- Zoning Text Amendment
- Rezoning or Prezoning
- General Plan Amendment
- Temporary Use Permit
- Design Review (DRB)
- Design Review (Staff Level)
- Variance(s) \_\_\_\_\_ #
- Floor Area Exception
- Tidelands Permit
- Sign Permit
- Tree Permit
- Tentative Subdivision Map
- Final Subdivision Map
- Parcel Map
- Lot Line Adjustment
- Condominium Use Permit
- Seasonal Rental Unit Permit
- Other \_\_\_\_\_

APPLICANT REQUIRED INFORMATION

Not assigned for Parcel 038-111-05 - 3.36 +/- acres  
 SITE ADDRESS: 4695 Paradise Dr, Tiburon, CA *Parcel # 038-111-03 1 +/- acre*  
 PARCEL NUMBER: 038-111-05 *zoned RPD* / 038-111-03 *zoned R01*  
 PROPERTY OWNER: Reza Rae Pourian / Kristin Pourian Pressman  
 MAILING ADDRESS: 25 Camphor Ct, Hillsborough, CA 94010  
*038-111- Owners of parcel 038-111-05, Tiburon*  
 PHONE/FAX NUMBER: \_\_\_\_\_ E-MAIL: rpourian@comcast.net

APPLICANT (Other than Property Owner): Patricia Maier / Dom Martin  
 MAILING ADDRESS: 20 Sunnyside Ave, #A134, Mill Valley, CA 94941  
*Applicant and owners of 4695 Paradise Dr, Tiburon.*  
 PHONE/FAX NUMBER: 415-968-5040 E-MAIL: dommartin9@aol.com

ARCHITECT/DESIGNER/ENGINEER CSW/Stuber-Stroch Engineering  
 MAILING ADDRESS: 45 Levean Ct, Novato, CA 94949  
 PHONE/FAX NUMBER: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

*Please indicate with an asterisk (\*) persons to whom Town correspondence should be sent.*

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):  
Lot line adjustment to accommodate encroachment of  
portion of older home on large vacant adjoining parcel.

EXHIBIT NO. 1 p. 1 of 3

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature: \*   
Patricia Maier

Date: Aug. 1, 2016

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature: \*   
Patricia Maier

Date: Aug. 1, 2016

*\*If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application*

**NOTICE TO APPLICANTS**

Pursuant to California Government Code Section 65945, applicants may request to receive notice from the Town of Tiburon of any general (non-parcel-specific), proposals to adopt or amend the General Plan, Zoning Ordinance, Specific Plans, or an ordinance affecting building or grading permits.

If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

Town of Tiburon  
Community Development Department  
Planning Division  
1505 Tiburon Boulevard  
Tiburon, CA 94920  
(415) 435-7390 (Tel) (415) 435-2438(Fax)  
[www.townoftiburon.org](http://www.townoftiburon.org)

EXHIBIT NO. 1  
P. 20F3

DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION		
Application No.: <u>DDPA2016-001</u>	GP Designation:	Fee Deposit: <u>\$800</u>
Date Received: <u>8/1/16</u>	Received By: <u>LS</u>	Receipt #: <u>21709</u>
Date Deemed Complete:	Action:	By:
Acting Body:		Date:
Conditions of Approval or Comments:		Resolution or Ordinance #



Planning Division (415) 435-7390  
www.ci.tiburon.ca.us

## APPLICATION FOR LOT LINE ADJUSTMENT

**PLEASE ANSWER THE FOLLOWING:**

1. Existing area of each parcel in square feet: 038-111-03 43,560 +/-  
038-111-05 146,362 +/-
2. Proposed area of each parcel in square feet: 038-111-03 45,256 +/-  
038-111-05 144,666 +/-
3. Existing use of each parcel: 038-111-03 Residential  
038-111-05 Vacant - zoned R
4. Proposed use of each parcel: 038-111-03 Residential  
038-111-05 To be determined
5. Surrounding land use:  
North: Residential  
South: ~ ~ ~  
East: ~ ~ ~  
West: ~ ~ ~
6. Please indicate the reason for the lot line adjustment: \_\_\_\_\_  
Accomodate encroachment of portion of  
older home  
\_\_\_\_\_

EXHIBIT NO. 1

P. 3 OF 3

**RESOLUTION NO. 2016-(Draft)**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON  
CONFIRMING A WAIVER OF PRECISE DEVELOPMENT PLAN REQUIREMENTS FOR A  
PORTION OF THE POURIAN PROPERTY (PD#5)

ASSESSOR'S PARCEL NO. 038-111-05

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

Section 1. Findings.

- A. On August 17, 2016, Reza Rae Pourian and Kristin Pourian Pressman, and Patricia Maier and Dom Martin, filed an application requesting to waive the requirement to prepare a precise development plan to legalize as-built improvements on an otherwise undeveloped property in connection with a request for a lot line adjustment on property zoned Residential Planned Development (RPD). The parcel (A.P. #038-111-05) is commonly known as the Pourian property and is identified in the Zoning Ordinance as Planned Development #5. A portion of the existing single-family dwelling located on the adjacent property at 4695 Paradise Drive is situated across the property line onto the Pourian property.
- B. On August 31, 2016, the Director of Community Development waived the requirement to prepare a precise development plan for the lot line adjustment. In accordance with the requirements of Section 16-52.060 (J[1]) of the Tiburon Municipal Code, this decision has been forwarded to the Planning Commission for confirmation.
- C. The Planning Commission held a duly-noticed public hearing on September 14, 2016, and has heard and considered testimony from interested persons.
- D. The Planning Commission considered the following facts in confirming the request for waiver:
  1. The existing house at 4695 Paradise Drive and other associated improvements only extend a short distance (approximately 28 feet) into the lower portion of the 5.6-acre Pourian property. The location of these improvements would not appear to substantially interfere with likely development of the Pourian property.
  2. Although no CEQA analysis has been conducted for the Pourian property, the area of the lot line adjustment has been developed with the house at 4695 Paradise Drive and associated residential improvements for many years. It is therefore

unlikely that any sensitive environmental resources exist in the vicinity of the lot line adjustment.

- 3. As noted above, the house and improvements at 4695 Paradise Drive were inadvertently constructed across the property line onto the Pourian property. This inadvertent construction by another property owner is convincing evidence that these improvements were not an attempt to circumvent the precise development plan requirements for the Pourian property.

E. The Planning Commission finds that the project is Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15305 of the CEQA Guidelines.

Section 2. Approval.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the Town of Tiburon hereby confirms the waiver of precise development plan requirements granted by the Director of Community Development on August 31, 2016 for a portion of the Pourian property, Planned Development #5.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the Town of Tiburon on \_\_\_\_\_, 2016, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

\_\_\_\_\_  
ERICA WILLIAMS, CHAIR  
TIBURON PLANNING COMMISSION

ATTEST:

\_\_\_\_\_  
SCOTT ANDERSON, SECRETARY



Community Development Department

August 31, 2016

Reza Rae Pourian and Kristin Pourian Pressman  
25 Camphor Court  
Hillsborough, CA 94010

Erin Tollini  
Mayor

Jim Fraser  
Vice Mayor

Frank X. Doyle  
Councilmember

Alice Fredericks  
Councilmember

Emmett O'Donnell  
Councilmember

Greg Chanis  
Town Manager

SUBJECT: Planned Development (PD) #5; Pourian Property; APN 038-111-05

Dear Mr. Pourian and Ms. Pressman:

I am in receipt of your request to waive the requirement for a precise development plan for the above-referenced property in order to legalize as-built improvements on an otherwise undeveloped property in connection with a request for a lot line adjustment. I find that the existing improvements only marginally encroach into the Pourian property and do not substantially affect the probable pattern of development of this property. Based upon this evaluation, I have approved your request to waive the requirement for a precise development plan and to allow processing of the lot line adjustment.

Pursuant to the requirements of Section 16-52.060 (J[1]) of the Tiburon Municipal Code, this waiver must be confirmed by the Planning Commission. A hearing has been scheduled for the September 14, 2016 Planning Commission meeting for that purpose.

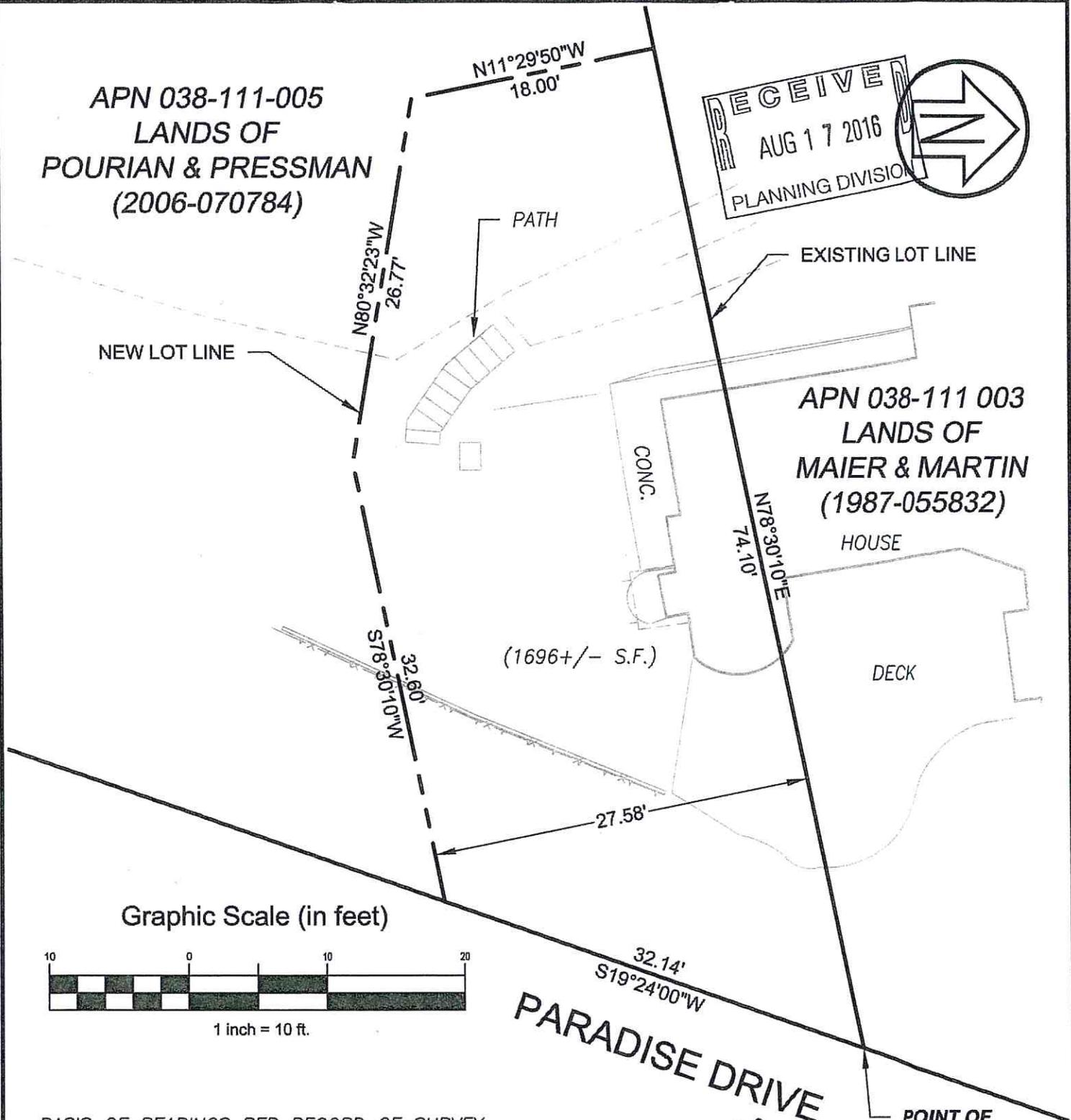
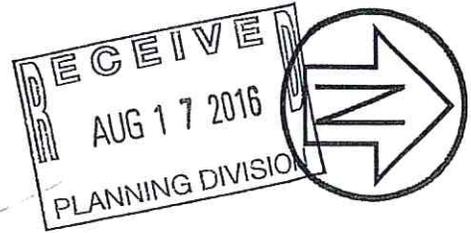
If you have any questions about this letter, please contact me at (415) 435-7392 or by e-mail at [sanderson@townoftiburon.org](mailto:sanderson@townoftiburon.org).

Sincerely,

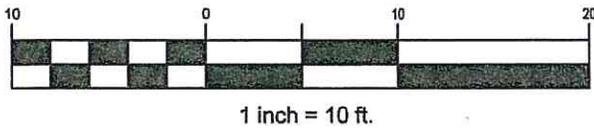
Scott Anderson  
Director of Community Development

c: Patricia Maier and Dom Martin  
20 Sunnyside Avenue #A134  
Mill Valley, CA 94941

APN 038-111-005  
 LANDS OF  
 POURIAN & PRESSMAN  
 (2006-070784)



Graphic Scale (in feet)



BASIS OF BEARINGS PER RECORD OF SURVEY  
 FILED IN BOOK 2011 OF MAPS, PAGE 68,  
 MARIN COUNTY RECORDS

EXHIBIT NO. 4

POINT OF BEGINNING

PAGE 2 OF 2

**CSW ST2**

**CSW/Stuber-Stroeh Engineering Group, Inc.**

Civil & Structural Engineers Surveying & Mapping Environmental Planning  
 Land Planning Construction Management

45 Leveroni Court  
 Novato, CA 94949

tel: 415.883.9850  
 fax: 415.883.9835

<http://www.cswst2.com>

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Rev. X  
 Job No. 5.1337.01

Date: 07/08/2016  
 Scale: 1" = 10'

**MAIER-MARTIN  
 EXHIBIT A**

PLAT TO ACCOMPANY LEGAL DESCRIPTION  
 TIBURON MARIN COUNTY CALIFORNIA