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

Regular Meeting
Tiburon Planning Commission
February 24, 2016
7:30 p.m.

AGENDA
TIBURON PLANNING COMMISSION

CALL TO ORDER AND ROLL CALL

Chair Kulik, Vice Chair Williams, Commissioners Corcoran, 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. 1550 TIBURON BOULEVARD

Conditional use Permit to expand an existing commercial building (the Boardwalk Shopping Center) by a café and bakery (Rustic Bakery); File # CUP2016001; Belvedere Land Company, Owner; Rustic Bakery, Applicant; Assessor's Parcel No. 060-082-57 [KO]

Documents: 1550 TIBURON BLVD RUSTIC BAKERY.PDF

2. 3825 PARADISE DRIVE

Vesting Tentative Map for the subdivision of a 52.2-acre site (Alta Robles) into 14 single-family residential lots; File #TM2015001; SODA LLC, Owner and Applicant; Assessor's Parcel Nos. 039-301-01 and 039-021-13 [DW]

Documents: 3825 PARADISE ALTA ROBLES.PDF

3. ZONING TEXT AMENDMENTS

Consider Recommendation to the Town Council Regarding Various Amendments to Chapter 16 (Zoning) of the Tiburon Municipal Code, Including but not Limited to

Regulations Regarding Firearms, Marijuana Sales and Cultivation, Yards and Setbacks, and Use-for Use Changes; File MCA 2016-01; Town-initiated Amendments [SA]

Documents: ZONING TEXT AMENDMENTS.PDF

NEW BUSINESS

4. GENERAL PLAN ANNUAL STATUS REPORT

Consider Recommendation to Town Council to Accept the Annual General Plan Implementation Status Report for Calendar Year 2015 [SA]

Documents: GENERAL PLAN ANNUAL STATUS REPORT.PDF

MINUTES

5. Planning Commission Minutes - Meeting of January 13, 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) 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
February 24, 2016
Agenda Item: PH-1

STAFF REPORT

To: **Members of the Planning Commission**

From: **Community Development Department**

Subject: **1550 Tiburon Boulevard, Suite S; File #CUP2016001; Conditional Use Permit to Expand an Existing Commercial Building for Purposes of Accommodating a Bakery/Café Use; Belvedere Land Company, Owner; Rustic Bakery Applicant; Assessor's Parcel No. 060-082-57**

PROJECT DATA

Address:	1550 Tiburon Boulevard, Suite S
Assessor's Parcel Number:	060-082-57
File Number:	CUP2016001
Lot Size:	3.91 acres
General Plan:	Neighborhood Commercial
Zoning:	NC (Neighborhood Commercial)
Current Use:	Vacant commercial space
Owner:	Belvedere Land Company
Applicants:	Rustic Bakery/William Craig (Architect)
Flood Zone:	AE – Special Flood Hazard Area
Date Complete:	February 11, 2016

SUMMARY

The applicant, Rustic Bakery, is proposing to expand an existing commercial building located at the Boardwalk Shopping Center by 200 square feet in order to provide additional space for the business, which is currently in the tenant improvement phase and intends to open soon. The proposed expansion would occur in the "courtyard" area of the shopping center adjacent to the space occupied for many years by Jeannie's Coffee and more recently by Elements Coffee. A conditional use permit (CUP) is required for construction of additions to existing structures in the Neighborhood Commercial zone.

The Boardwalk Shopping Center is a multi-tenant commercial center that straddles the corporate boundary line separating the Town of Tiburon and the City of Belvedere. The majority of the tenant space to be occupied by Rustic Bakery is located in Belvedere, with only a small portion located in Tiburon. That portion would be comprised of a small space at the front of the building (previously occupied by Corner Books), an unenclosed front seating area, and the proposed addition. The bulk of the use would occupy the former coffee house space in Belvedere. The

café use would technically constitute a change of use when compared to the former Corner Books retail use, although the change is not substantive from a zoning regulations standpoint.

Rustic Bakery would be a small, specialized café offering a variety of small meals, drinks, pastries and breads. A small kitchen area is shown on the drawings, but it is not located in the Tiburon portion of the space. The California Alcoholic Beverage Control (ABC) has approved a license for the cafe to sell beer and wine for consumption on the premises. The proposed hours of operation would be daily from 7:00 A.M. to 6:00 P.M. The applicant indicates that a maximum of four employees would be working at the business at any one time.

PLANNING ISSUES

Commercial space expansion and floor area ratio. The primary purpose of the proposed addition is to provide improved interior circulation, as the existing space is too narrow to provide adequate space for customers to circulate freely through the cafe between the service counters and the exterior walls facing the courtyard. The addition would essentially bump out the existing glass walls into a 10 foot by 20 foot unenclosed area of the courtyard coinciding with existing support posts in the courtyard area. The new area would also provide additional seating for patrons. The exterior appearance of the addition would be similar to the existing wall, although improved and refreshed. The proposed expansion would be minor in nature and would not substantially alter the general use of that portion of the shopping center, although staff anticipates a more robust establishment and customer base at what is likely to be a popular destination. The proposed café would be compatible with and complement surrounding uses.

Section 16-22.040 of the Zoning Ordinance establishes the floor area ratio (FAR) in the NC (Neighborhood Commercial) zone at 0.37. The Boardwalk shopping center currently contains approximately 37,883 square feet of floor area, which results in an FAR of 0.22. The FAR increase caused by the proposed 200 square foot addition would be negligible and far below the allowable limit. Overall, staff estimates that the total 2,160 square foot floor area for Rustic Bakery would include 631 square feet in Tiburon (including the proposed 200 square foot addition) and 1,529 square feet in Belvedere. There are no lot coverage, height or setback issues associated with the project.

On-site parking for this shopping center is provided in the existing parking lot directly in the front of the subject use and at other on-site locations. The proposed 200 square foot addition would not substantively increase parking demand for the existing shopping center. The overall use would be similar in parking demand to prior uses in the existing tenant spaces.

Flood Hazard Zone. According to current flood hazard maps, the Boardwalk Shopping Center is located within flood hazard zone "AE," which is an area subject to inundation by the 1% annual chance of flood. However, the scale and valuation of the proposed addition would be far below the threshold for triggering compliance with the Town's flood prevention regulations.

GENERAL PLAN AND ZONING CONSISTENCY

The subject site is designated Neighborhood Commercial (NC), which typically allows resident-serving commercial uses and offices in addition to mixed (commercial/residential or

office/residential) uses. The following policies of the Land Use and Downtown Element of the Tiburon General Plan are helpful to the review of this application:

General Plan

Land Use Policy LU-2: *The Town shall limit the type and amount of uses within the Town to those that are compatible with the nature, character and image of the Town as a quiet, small-town residential community with a village-like commercial area."* Rustic Bakery is a family-owned business with existing cafes in two other locations in Marin. The bakery would contribute to the existing small town residential atmosphere of the shopping center, and likely improve the vitality of the shopping center with a type of use encouraged by the Town.

Policy LU-23: *The Town shall support a diversity of commercial uses to serve the shopping and service needs of the community.* The Boardwalk shopping center contains a variety of shops, including a bank, restaurants, local newspaper, hair salon, spa, offices, stationary store, bookstore, and a grocery store. The proposed café use would provide additional diversity to the shopping center, as this type of business is different than other businesses in the center.

Policy DT-12: *The Neighborhood Commercial land use designation shall permit primarily resident-serving commercial and residential uses. The maximum allowable intensity for lands designated Neighborhood Commercial is an FAR of 0.37, except where a Transfer of Intensity is approved consistent with Policy DT-9.* The proposed café and bakery is intended to serve the residents of Tiburon and Belvedere. The proposed addition would not cause the shopping center to exceed the allowable FAR for this site.

Policy DT-26: *Tiburon Boulevard. Retail storefronts and active outdoor spaces for community gathering, such as sidewalk cafes, are strongly encouraged, in order to make strolling along Tiburon Boulevard a stimulating and enjoyable activity.* The outdoor seating for the café would provide a community gathering space for the courtyard and for the entire shopping center. The outdoor space would be located near the walkway and parking lot, which both are adjacent to Tiburon Boulevard.

Staff concludes that the use and addition would be consistent with and further the goals and objectives of the General Plan and enhance the immediate area.

Zoning Ordinance

Section 16-52.040 (B) establishes the purposes of conditional permit review. These include:

1. Determining whether the location proposed for the conditional use is properly related to the development of the neighborhood or vicinity as a whole;

2 Determining whether the location proposed for the particular conditional use would be reasonably compatible with the types of uses normally permitted in the surrounding area;

3. Evaluating whether or not adequate facilities and services required for such use

exist or can be provided;

4. Stipulating such conditions and requirements as would reasonably assure that the basic purposes of this Zoning Ordinance and the objectives of the General Plan would be served; and

5. Determining whether the Town is adequately served by similar uses presently existing or recently approved by the Town.

As described above and below, Staff concludes that the application conforms to and would further these purposes.

Section 16-52.040 (D) of the Tiburon Zoning Ordinance lists the factors to be considered in determining whether or not any conditional use should be permitted in a specific location.

1. *The relationship of the location proposed to the service or market area of the use or facility proposed; transportation, utilities, and other facilities required to serve it; and other uses of land in the vicinity.* Staff Finding: The proposed café would be located in a neighborhood shopping center near a major signalized intersection along Tiburon Boulevard and Beach Road, and would be adequately served by utilities and other support facilities. This use would be compatible with other retail and service uses within the shopping center and Downtown Tiburon as a whole.

2. *The compatibility of the design, location, size, and operating characteristics with the existing and future land uses in the vicinity.* Staff Finding: The general design and size of the addition would be substantially similar to the current building design. The proposed hours of operation would be similar to the other retail business within the shopping center and in Tiburon.

3. *The probability of impairment to the architectural integrity and character of the zoning district in which it is to be located.* Staff Finding: The general design of the addition would be substantially similar to the current building design.

4. *The protection of the public interest, health, safety, convenience, or welfare of the Town, or any probability of injury to property or improvements in the vicinity and zoning district in which the real property is located.* Staff Finding: The re-establishment of a small cafe within the Boardwalk Shopping Center would improve the convenience of retail services serving residents in this area of Tiburon and would be compatible with surrounding uses.

5. *The need of the community for additional numbers of such uses, paying particular heed to whether the neighborhood or vicinity is already adequately served by similar uses.* Staff Finding: There are small cafés in the Downtown area on Main Street and on Ark Row, but none in the upper Tiburon Boulevard area of Downtown. This use and addition would provide a service that would better serve residents and visitors to this part of the Downtown area.

PUBLIC COMMENT

As of the date of this report, no correspondence has been received regarding this application.

ENVIRONMENTAL DETERMINATION

Staff has made a preliminary determination that the subject application is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15301(e) [Existing Facilities] and 15303(c) [New Construction or Conversion of Small Structures] of the CEQA Guidelines.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Hold a public hearing on this item and hear and consider all testimony, and

2. Adopt the attached resolution (**Exhibit 2**) approving the conditional use permit.

EXHIBITS

1. Application form and supplemental materials
2. Draft resolution
3. Submitted plans

Prepared By: Kyra O'Malley, Associate Planner

TOWN OF TIBURON

LAND DEVELOPMENT APPLICATION

RECEIVED
FEB 08 2016
PLANNING DIVISION

TYPE OF APPLICATION

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

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 1550 Tiburon Blvd **PROPERTY SIZE:** 1529
PARCEL NUMBER: 060-082-60 **ZONING:** M

PROPERTY OWNER: Jim Allen
MAILING ADDRESS: _____

PHONE/FAX NUMBER: 707 696 7981 E-MAIL: _____

APPLICANT (Other than Property Owner): Carol Lovalley
MAILING ADDRESS: 3902 Cypress Drive
Petaluma CA
PHONE/FAX NUMBER: 415-827-4124 E-MAIL: carol@rustebakery.com

ARCHITECT/DESIGNER/ENGINEER William Craig
MAILING ADDRESS: 2666 Hyde St
San Francisco CA
PHONE/FAX NUMBER: 415-357-4063 E-MAIL: whcarc@gmail.com

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

BRIEF DESCRIPTION OF PROPOSED PROJECT (*attach separate sheet if needed*):

200 SQ FT Expansion of cafe

EXHIBIT NO. 1

1 OF 4

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, with the defense counsel subject to the Town's approval. 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:* _____ Date: 2-8-16

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:* _____ Date: 2-8-16

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:

RECEIVED
FEB 08 2016
PLANNING DIVISION

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

EXHIBIT NO. 1
2 OF 4

DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION

Application No.: CUP2016-001	**GP Designation:**	**Fee Deposit:** $1540.00
Date Received: 2/8/16	**Received By:** LO	**Receipt #:** R666
Date Deemed Complete: 2/11/16		**By:** LO
Acting Body:	**Action:**	**Date:**
Conditions of Approval or Comments:		**Resolution or Ordinance #**

William Craig Architect

RECEIVED
FEB 11 2016
PLANNING DIVISION

Kyra O'Malley
Associate Planner
Town of Tiburon/Tiburon Planning
1505 Tiburon Boulevard
Tiburon CA 94920

Re: Rustic Bakery at Boardwalk Shopping Center CUP

The following are the items you requested in your email dated 9 Feb 2016:

1. Letter of Authorization from property owner attached.

2. Floor plans with and without expansion attached.

3. Project Description
   Move a portion of the existing exterior glass wall to enclose 200 square feet of the adjacent deck.
   a. Summary of Rustic Bakery (history).
      Rustic Bakery was founded in Marin County in 2005 making primarily flat breads and crackers. Since that time it has developed into a series of three small cafes located in Novato, Larkspur and Larkspur Landing. The newest location is under construction at The Boardwalk Shopping Center, Tiburon.
   b. Hours of operation are 7AM to 6PM.
   c. Number of employees is 4.
   d. 35 Seats inside and 18 seats outside on the deck at the front of the café.
   e. Activities at this location include take out and dine in food, soft drinks, ABC approved on site beer and wine sales, customer counter pick-up and employee bussing.

f. The reason for the 200 sq. ft. expansion is the narrow width of the aisle in front of the order and pick-up counter. It became apparent during construction that this will cause operational difficulties. The expansion will allow more room for customers to order, pick-up and circulate through and out of the café.

4. We will ask the General Contractor to outline the 200 square foot expansion on the deck.

Attached are 6 full size sets of plans and 10 reduced 11 x 17 sets.

EXHIBIT NO. 1

4 OF 4

RECORDING REQUESTED
WHEN RECORDED, RETURN TO:
Tiburon Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920

Record without fee per GC 27383

RESOLUTION NO. 2016-DRAFT

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON APPROVING A CONDITIONAL USE PERMIT TO EXPAND AN EXISTING COMMERCIAL BUILDING FOR RUSTIC BAKERY CAFE, LOCATED AT 1550 TIBURON BOULEVARD, SUITE S
ASSESSOR PARCEL NO. 060-082-57

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

Section 1. Findings.

A. The Planning Commission has received and considered an application to expand an existing commercial building by approximately two hundred (200) square feet through construction of a small addition for Rustic Bakery on a commercially-zoned property located at 1550 Tiburon Boulevard, Suite S (File #CUP2016001). In addition to occupying a space formerly used as a coffee shop, the proposed cafe would also occupy a space formerly occupied by Corner Books, a retail sales establishment. The application consists of the following:

1. Application Form and supplemental materials received February 8, 2016
2. Site Plan and Floor Plan received February 11, 2016

The official record for this project is hereby incorporated and made part of this resolution. The record includes the staff reports, minutes, application materials, and all comments and materials received at the public hearing.

B. The Planning Commission held a duly-noticed public hearing on February 24, 2016, and heard and considered testimony from interested persons.

C. The Planning Commission finds that the project is exempt from further review under the California Environmental Quality Act (CEQA) pursuant to sections 15301(e) and 15303(c) of the CEQA Guidelines in that the project involves a minor expansion to an existing commercial building and a minor conversion of use, and there are no environmental resources of hazardous or critical concern in the project vicinity, no

EXHIBIT NO. 2
1 OF 3

hazardous substances are involved, all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive.

D. The Planning Commission finds, based upon the application materials and analysis provided in the February 24, 2016 staff report, that the project as conditioned is consistent with the Tiburon General Plan and is in compliance with applicable sections of the Tiburon Zoning Ordinance, specifically Sections 16-52.040 (B) and (D), and other applicable Town regulations. The proposed addition to the existing commercial building would be consistent with the intent of the Neighborhood Commercial zone and the General Plan land use designation of Neighborhood Commercial.

Section 2. Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby approve the Conditional Use Permit application (File #CUP2016001), subject to the following conditions of approval:

1. This use permit authorizes the construction of an up to 200 square foot addition at 1550 Tiburon Boulevard, Suite S, as generally shown on drawings (3 sheets) prepared by William H. Craig, Architect, date-stamped "Received February 11, 2016" by the Planning Division. Any substantial modification of the authorized addition, as determined in the reasonable discretion of the Director of Community Development, shall require an amendment to this use permit.

2. This use permit authorizes the use of floor area and outdoor courtyard area for a café use in substantial conformance with application materials and drawings submitted with the application. Any substantial modification of the authorized use, as determined in the reasonable discretion of the Director of Community Development, shall require an amendment to this use permit.

3. Serving of alcohol for consumption on the premises is permitted in conformance with regulations of the state department of Alcohol and Beverage Control.

4. Site Plan & Architectural Review approval shall be required for the addition.

5. The applicant shall obtain all necessary permits from the Town of Tiburon Building Division.

6. The permittee shall comply with all applicable regulations of the Marin County Health Department, the Marin Municipal Water District, Sanitary District No. 5, and the Tiburon Fire Protection District.

EXHIBIT NO. 2
2 of 3

7. The Town reserves the right to amend or revoke this Conditional Use Permit for cause, in accordance with adopted regulations of the Town.

8. This Conditional Use Permit approval shall expire and become null and void if not vested within one (1) year of final approval, unless an extension is approved.

9. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge, with defense counsel subject to the Town's approval. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.

PASSED AND ADOPTED at a regular meeting of the Planning Commission on February 24, 2016, by the following vote:

AYES: COMMISSIONERS:

NAYS: COMMISSIONERS:

ABSENT: COMMISSIONERS:

_____

DAVID KULIK, CHAIR
TIBURON PLANNING COMMISSION

ATTEST:

_____

KYRA O'MALLEY, SECRETARY

EXHIBIT NO. 2

3 OF 3

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
February 24, 2016
Agenda Item: 2

STAFF REPORT

To: **Members of the Planning Commission**

From: **Community Development Department**

Subject: **Alta Robles Residential Project (PD #20): Vesting Tentative Subdivision Map Application (File #TM2015001) for the creation of 14 lots on a 52.2 acre Parcel; 3825 Paradise Drive; SODA, LLC, Owner; IPA, Inc., Applicant; Assessor's Parcel Nos. 039-301-01 and 039-021-13**

Reviewed By: _____

PROJECT DATA

Address:	3825 Paradise Drive
Assessor's Parcel Numbers:	039-301-01 and 039-021-13
File Number:	TM2015001
Lot Size:	52.2 acres
Zoning:	RPD (Residential Planned Development)
Precise Plan:	Alta Robles Precise Development Plan (PD #20) - 2012
General Plan:	PD-R-a (Rabin) and PD-R-i (S.O.D.A.); (Planned Development-Residential; maximum density 0.4 du/ac)
Current Use:	Undeveloped/Single-Family Residential
Owner/Applicant:	SODA, LLC
Flood Zone:	X (Outside 500 year flood area)

BACKGROUND

On February 15, 2012, the Town Council approved a precise development plan application (the Alta Robles Precise Development Plan; PD #20) for this property by adopting Resolution No. 09-2012 (**Exhibit 1**). The precise development plan approved the project density and the location, maximum height and floor areas of the 14 homes (one existing single-family dwelling and 13 new homes) that could be developed on this property. The applicants are now applying for the vesting tentative subdivision map approval that would establish the proposed lot lines for the subdivision. Future applications would include a final 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 52.2-acre parcel located at 3825 Paradise Drive, extending from Hacienda Drive on the south, up to the Tiburon Ridgeline, then downward to Paradise Drive on the north. Fourteen (14) residential lots would be created. A

single-family dwelling exists on one lot, and each of the remaining 13 lots would be developed with a single-family residence. The proposed lot/parcel sizes are as follows:

Lot 1:	15.16 acres
Lot 2:	1.67 acres
Lot 3:	1.44 acres
Lot 4:	1.03 acres
Lot 5:	1.15 acres
Lot 6:	1.34 acres
Lot 7:	1.50 acres
Lot 8:	1.51 acres
Lot 9:	1.50 acres
Lot 10:	1.51 acres
Lot 11:	1.51 acres
Lot 12:	1.51 acres
Lot 13:	1.50 acres
Lot 14:	1.20 acres
SUBTOTAL	33.53 acres
Private common open space:	18.68 acres
TOTAL	52.21 acres

Private open space easements would be established over portions of all 14 lots. Combined with three separate parcels of common open space, approximately 77% of the site would be dedicated to open space per the precise development plan approval. Access would be provided to the proposed lots from a private roadway connecting to Paradise Drive at the northeast corner of the property. The Tentative Map drawings are attached as **Exhibit 3**.

The Vesting Tentative Map application proposes no substantive changes to the project as approved in the Alta Robles Precise Development Plan. All conditions and specifications of the approved precise development plan would continue to be in effect.

ANALYSIS

The Vesting 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 14 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 Alta Robles Precise Development Plan.

Tiburon Subdivision Ordinance

Section 14-3.6 of the Tiburon Municipal Code (Subdivisions) requires that the Planning Commission make the following findings before recommending approval to the Town Council of 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 Alta Robles Precise Development Plan.

b. Design or Improvement. The design of the proposed subdivision is consistent with the Tiburon General Plan and the Alta Robles Precise Development Plan.

c. Type of Development. The proposed detached single family residential lots are consistent with the type of development suitable for the physical constraints of this property.

d. Density of Development. Fourteen residences on the 52.2-acre site would yield a density of 0.27 units per acre. This would be 67.5% of the maximum density of 0.4 units/acre allowed under the General Plan and an appropriate density for this property.

e. Fish or Wildlife. As documented in the certified EIR for the project, 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 14 proposed lots would not conflict with other access easements in the area. The project has adequate emergency access.

h. Dedications. Open space easements are required over approximately 77% of the site per the precise development plan approval.

i. Discharge of Waste. The proposed houses would connect into 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 to allow the construction of 13 new single-family homes would be compatible with the identified regional need to construct additional housing within the Southern Marin

area. Substantial affordable housing in-lieu fees will be paid to meet the Town's inclusionary housing requirements.

PUBLIC COMMENTS

As of the date of this report, four letters have been received regarding this application, attached as **Exhibits 4-7**.

ENVIRONMENTAL STATUS

A Final Environmental Impact Report was certified by the Town Council in 2011 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 the Town to take final action on the Vesting Tentative Map application. The PSA deadline for this application is March 24, 2016. The item has been tentatively scheduled for the March 17, 2016 Town Council meeting.

CONCLUSION

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

RECOMMENDATION

Staff recommends that the Planning Commission take any public testimony on this item and adopt the draft resolution (**Exhibit 2**) recommending approval of the Alta Robles Vesting Tentative Map application to the Town Council.

EXHIBITS

1. Town Council Resolution No. 09-2012
2. Draft Resolution
3. Application and supplemental materials
4. Letter from Sandra Swanson, dated September 27, 2015
5. Letter from Doug Dossey, dated September 27, 2015
6. Letter from John Kunzweiler, dated September 28, 2015
7. Letter from David Joyner, dated September 29, 2015
8. Alta Robles Vesting Tentative Map drawings (9 sheets)

Prepared By: Daniel M. Watrous, Planning Manager

\shared\planning\pc\staff reports\2016\February 24 meeting\Alta Robles tentative map report.doc

RECORDING REQUESTED
RETURN TO:
TOWN CLERK
TOWN OF TIBURON
1505 TIBURON BOULEVARD
TIBURON, CA 94920

RESOLUTION NO. 09-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIBURON AMPLIFYING AND SUPPLEMENTING PROVISIONS OF TITLE IV, CHAPTER 16 SECTION 16-21.020 (F) OF THE TIBURON MUNICIPAL CODE (ZONING) WITH RESPECT TO PLANNED DEVELOPMENT #20 BY APPROVING A PRECISE DEVELOPMENT PLAN (ALTA ROBLES PDP) AND ADOPTING A MITIGATION MONITORING PROGRAM

ASSESSOR PARCEL NOS. 039-021-13 and 039-301-01

WHEREAS, the Town Council of the Town of Tiburon does resolve as follows:

Section 1. Findings.

A. The Town of Tiburon has designated 52.21-acres of land located between Paradise Drive and Hacienda Drive Road as Residential Planned Development (RPD) on the Zoning Map and in the zoning regulations of the Tiburon Municipal Code, Title IV, Chapter 16, at Section 16-14.020 (B), with a further zoning designation of Planned Development #20 on the Planned Development Map in the aforesaid Section. All future Tiburon Municipal Code Section references in this resolution and its attachments shall be to Title IV, Chapter 16 (Zoning) unless otherwise specified.

B. Tiburon Municipal Code Section 16-21.030 (D[3]) provides zone regulations for the RPD zone, specifying the approval of a Precise Development Plan prior to subdivision, grading, or the making of improvements on property so designated. Basic zoning parameters such as density of development, floor area limits, height limits, and setbacks are to be specified in an approved Precise Development Plan for the property, based on site-specific characteristics to which an appropriate amount and layout of development may be tailored. The intent of the RPD zone is set forth as follows:

> The Residential Planned Development (RPD) Zone is intended to protect and preserve open space land as a limited and valuable resource without depriving owners of a reasonable use of their property for residential purposes. The regulations of the zone are designed to insure, to the extent feasible, the conservation of natural resources and the retention of land in its natural or near

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natural state in order to, among other things, assist in the containment of urban sprawl and protect the community from the hazards of fire, flood, seismic and other catastrophic activity, and to otherwise implement the goals and policies of the General Plan.

C. Tiburon Municipal Code Section 16-52.060 (B) establishes the Precise Development Plan purposes as follows:

1. To provide for review by the Town a detailed development proposal for a designated area with unique site characteristics or environmental conditions, in both written and graphic form, to ensure that new development in such areas is compatible with the existing land uses, development standards (including but not limited to, setbacks or building envelopes, coverage limits, and height limits) and identified constraints;

2. To demonstrate consistency of a development proposal with the goals and policies of the General Plan;

3. To preserve and conserve critically limited open space for the protection of the ecology and the environment, and to safeguard against the adverse impacts of fire, noise, water pollution, the destruction of scenic beauty and hazards related to geology, fire and flood, while at the same time providing a reasonable use of the land.

Section 16-52.060 (E) sets forth principles to be applied in the review of Precise Development Plan applications. Section 16-52.060 (D) declares approval of a Precise Development Plan by the Town Council to be a legislative act.

D. The Town of Tiburon has received and considered an application filed by Irving & Varda Rabin for a Precise Development Plan (the Alta Robles Precise Development Plan) to augment and supplement provisions of Section 16-21.030(D[3]) of the Tiburon Municipal Code specific to Planned Development #20 by proposing the development of fourteen single family lots and appurtenant improvements, and three open space parcels, on an approximately 52.21-acres of land. The proposed Alta Robles Precise Development Plan would establish a maximum density of 0.27 dwelling units per acre (exclusive of any secondary dwelling units), and provide a basic layout and RPD zoning district parameters for the property, including but not limited to, permanent open spaces, building footprints, residential use areas, height limits, and floor area limits.

E. The Alta Robles Precise Development Plan application consists of File #30701, on file with the Town of Tiburon Community Development Department. The official record for this project is hereby incorporated and made part of this Resolution. The record includes the staff reports, minutes, application materials, and all comments and materials received at the public hearings.

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F. The Planning Commission held duly noticed public hearings on the Precise Development Plan application on January 26 and April 13, 2011. On April 27, 2011, the Planning Commission adopted Resolution No. 2011-10 recommending to the Town Council conditional approval of the project with, among other modifications, the elimination of Lots 8, 9, 10 and 13.

G. An Environmental Impact Report (EIR) analyzing the project was certified by the Town Council on August 3, 2011.

H. The Town Council has previously and by separate resolution adopted Findings of Fact pursuant to the California Environmental Quality Act and has adopted findings of overriding considerations to approve the project despite remaining significant environmental effects.

I. The Town Council held a duly noticed public hearing on the Precise Development Plan application on August 3, 2011, at which it heard and considered testimony from interested persons. The Town Council subsequently deliberated further on the application at public meetings held on August 31, 2011, November 16, 2011, and February 15, 2012. The Town Council finds, based upon application materials and analysis presented in the staff report and the certified Final EIR that the proposed project, as modified by conditions of approval, is on balance consistent with and furthers the goals and policies of the Tiburon General Plan and in conformance with provisions of the Tiburon Zoning Ordinance. The facts in support of this finding are set forth in the official record for this project.

J. The Town Council finds that the specific design characteristics of the proposed homes, as presented by the applicant, are a critical factor in the Town's approval of the project. The applicant has publicly agreed, and it is mutually understood between the Town and the applicant, that the homes to be constructed on Lots 2 through 14 shall be closely based on, and in exterior appearance shall resemble as closely as possible, the homes as shown in the Alternative 6 drawings revised through January 25, 2012, as presented to the Town Council on February 15, 2012, as may be modified pursuant to Condition No. 2 of this Resolution.

Section 2. Conditional Approval of Precise Development Plan.

BE IT FURTHER RESOLVED that the Town Council hereby approves the Alta Robles Precise Development Plan (PD #20) subject to the following conditions and modifications:

1. **Contents.** The approved Alta Robles Precise Development Plan shall consist of the following:

   Precise Development Plan for Alta Robles, Tiburon, California, including Architectural Design Guidelines prepared by IPA, Inc., dated March 1, 2007; plans prepared by CSW/Stuber-Sroeh Engineering Group, Inc.,

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dated 05-08-07; and the Alta Robles Precise Development Plan (a.k.a. Alternative 6) prepared by Kao Design Group, January 25, 2012, and as amended and modified by mitigation measures and conditions of approval contained herein.

2. **Modifications to Precise Development Plan.** The following modifications shall be made to the Alta Robles Precise Development Plan application, as modified through Alternative 6, shall be modified as follows:

   a. No major accessory buildings or structures (including but not limited to buildings, detached garages and pools) shall be permitted between the significant ridgeline and a line parallel to the building footprint closest to the ridgeline for Lots 8, 9, 10, 11 and 12.
   b. No accessory buildings or structures (including buildings and detached garages) shall be permitted west of the significant ridgeline for Lot 12.

   Within ninety (90) days following the effective date of this Resolution, the applicant shall submit a complete set of the drawings and documents referenced above incorporating all changes required by the conditions of approval and project modifications made in this Resolution to the Community Development Department for review and acceptance as being in substantial conformance with this approval. This update shall also include and required changes to the Landscape, Tree Removal and Vegetation Management Plans prepared by Jim Catlin, Landscape Architect, dated March 2006 (16 sheets).

3. **Lot 1 Parameters.** Lot 1 is currently developed with an 8,000+ square foot single family dwelling, tennis court, pool, pond, garden and landscaped areas and other ancillary improvements. Lot 1 is subject to the 8,000 square foot floor area guideline limit as set forth in the Tiburon Municipal Code. The height limit for the main building is 28 feet and the tennis court must be unlighted. Any additional floor area on Lot 1 must first secure a floor area exception as set forth in Section 16-52.020(I) of the Tiburon Municipal Code, or successor sections thereto. Additional improvements on Lot 1 shall be confined to the residential use area except as otherwise approved herein. The Rabin Private Zone portion of Lot 1 shall be subject to the provisions of Condition No. 11 below regarding establishment of open space, scenic and/or resource conservation easements. No additional buildings are allowed in the Rabin Private Zone beyond the existing storage shed located adjacent to Lot 5, which may be maintained in good repair but may not be enlarged or the use altered without prior approval by the Planning Commission.

4. **Maximum Density Established.** In furtherance of Section 16-21.040 (C[2]) of the Municipal Code, this Precise Development Plan approval establishes a

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maximum density of 0.27 dwelling units per acre (14 primary dwellings, not including any Town-approved secondary dwelling units incidental to primary dwellings) on the 52.21 acre site and is intended to reflect the ultimate development of the property. No additional subdivision for the purpose of creating additional lots and/or building sites is permitted, and a note to that effect shall be placed on the final subdivision map.

5. **Floor Area and Height Maximums Established.** In furtherance of Section 16-52.020 (I[3]) of the Municipal Code, this Precise Development Plan approval establishes the limit of "floor area, gross", as defined in Section 16-100.020 (F) therein (except that all basement area shall be counted as floor area), and "height", as defined in Section 16-100.020 (H) therein, that may be constructed on each lot as set forth in attached **Exhibit A**, incorporated herein. If any discrepancy between the approved drawings and Exhibit A exists, the latter shall control. It is understood that the floor area for each lot as specified above is a maximum allowable square footage, and the Town may, in its reasonable discretion in reviewing Site Plan and Architectural Review applications for each lot, approve a lesser amount of square footage and/or height. Exhibit A also establishes a floor area allowance not to exceed five hundred (500) square feet for the construction or installation of detached accessory buildings. The allowance shall not be used for detached garages, carports, or secondary dwelling units, but may be used for a pool house, cabana, tool/garden shed, or similar structure, the use of which is clearly subordinate and incidental to the main building. Detached accessory buildings shall not exceed fifteen (15) feet in height above grade. No additional floor area shall be granted for a secondary dwelling unit, which may only be permitted as an attached structure within the footprint and allowable floor area of the single-family dwelling on a lot.

6. **Significant Ridgeline Setback.** No swimming pools, spas, or structures other than wood and wire fences, driveways, and retaining walls supporting driveways shall be allowed within fifteen (15) linear feet of significant ridgelines 5 and 6 as depicted on Sheets EXH 22 and 23 of the approved drawings.

7. **Accessory Buildings and Fences.** Accessory buildings or structures and other improvements, including patios, decks, pools, spas, fountains and water features, built-in barbeques, play structures, arbors, gazebos, tool sheds, fences, landscape walls, and parking areas shall be limited to the "residential use area" (RUA) of each lot as shown on the Sheets EXH 22 and 23 of the approved drawings. Fences shall not exceed six (6) feet in height and landscape walls shall not exceed four (4) feet in height. All such fences shall be a wood and wire design matching specifications approved herein.

8. **Tennis Courts.** Additional tennis courts (beyond the single existing court on Lot 1) are prohibited.

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9. **Common private open space.** In furtherance of Section 16-21.040 (A) of the Municipal Code, this Precise Development Plan approval establishes a designation of "common private open space" for Lots A, B and C, and in furtherance of Section 16-21.030(D[3] of the Municipal Code, said Lots A, B, and C shall be protected by open space, scenic, and/or resource conservation easements to be offered for acceptance to the Town of Tiburon by separate instrument as part of the final map application. Said easements (if accepted) shall be recorded in conjunction with the recordation of the final map and their official records reference shall be placed on the final map. Said easements shall acknowledge, as necessary, any existing improvements (such as the three 19 foot-high water storage tanks on Lot C), any 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 this Precise Development Plan approval or permits issued in reliance thereon. All easement or dedication documents associated with this Precise Development Plan approval shall be reviewed and approved by the Town Attorney and Director of Community Development prior to acceptance for filing of any final map application.

10. **Improvements Outside of Residential Use Area.** In furtherance of Section 16-21.040 (A) of the Municipal Code, no improvements of any type, including fencing, shall be permitted on any lot outside of the approved RUA for each lot, with the exception of driveways, retaining walls necessary to support driveways, subdivision improvements and other improvements clearly contemplated by this Precise Development Plan approval, including the project's mitigation measures.

11. **Lot Areas Outside the RUA.** In furtherance of Section 16-21.030(D[3]) of the Municipal Code, all portions of private lots outside the RUA shall be protected by an open space easement or easements offered for acceptance to the Town of Tiburon by separate instrument as part of the final map application. Said open space easement or easements shall be recorded in conjunction with the recordation of the final map and their official records reference shall be placed on the final map. The open space easement limitations shall not apply to improvements clearly contemplated in this Precise Development Plan, such as, without limitation, the private roadways serving the subdivision; driveways, retaining walls necessary to support driveways; utilities; landslide repair devices and re-vegetation; drainage ditches; existing water tanks and other existing improvements, or other ancillary improvements necessary for installation of the subdivision improvements.

12. **Rabin Private Zone on Lot 1.** In furtherance of Section 16-21.030 (D[3]) of the Municipal Code, the area designated as Rabin Private Zone on Lot 1 shall be reserved for natural resource protection and scenic view preservation. A natural resource protection and scenic view preservation easement shall be offered for acceptance to the Town of Tiburon by separate instrument as part of the final map

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application. Said easement shall be recorded in conjunction with the recordation of the final map and its official records reference shall be placed on the final map. Said easement shall acknowledge, if necessary, any existing improvements, any required roadway, drainage and/or utility easements and any landscape installation (e.g. mitigation planting) and maintenance agreements that are required or reasonably foreseeable in this Precise Development Plan approval.

13. **Design Guidelines.** All residential improvements constructed on the property shall substantially conform to the Alta Robles Architectural Design Guidelines dated 3/6/2007, as amended by this approval. Within ninety (90) days following the effective date of this Resolution, said Guidelines shall be updated and revised to reflect mitigation measures and conditions of approval herein to the satisfaction of the Director of Community Development. Said guidelines shall also be part of the draft CC&R's submitted for review and acceptance by the Town Attorney with the tentative subdivision map application and shall be recorded in conjunction with the final map.

14. **House Designs and House Footprints.** Individual house designs and house footprints submitted for Site Plan and Architectural Review approval for Lots 2 through 14 shall be closely based on, and in exterior appearance shall resemble as closely as possible, the homes as shown in the Alternative 6 drawings as approved herein. It is the express intent of the Town Council that future amendments to the adopted Precise Development Plan regarding exterior house design characteristics (including footprint) be avoided to the maximum extent feasible through strict adherence to the approved PDP drawings. In reviewing Site Plan and Architectural Review applications, Town staff and the Design Review Board are directed to disallow substantive exterior changes, except for a reduction in house size and/or height, to the drawings approved herein, as being inconsistent with this Precise Development Plan.

15. **Colors and Materials.** Colors and materials of homes and accessory buildings and structures shall be low-reflectivity, medium and/or dark hues that minimize contrast with surroundings and reduce visual impacts.

16. **Retaining Walls and Screening.** The appearance of any publicly-visible project retaining walls (including debris catchment fences or walls) shown on the subdivision improvement drawings in excess of forty-two (42) inches in height shall be subject to review and approval by the Design Review Board (DRB) prior to approval of said drawings. Where publicly visible, all subdivision improvement-related retaining walls and bridge piers shall have the appearance of rock, such as would be found native on the site, to provide a natural look, and shall be medium to dark in color to reduce contrast. Any DRB approval shall include appropriate landscape screening for such structures. Bonding or other monetary security for the irrigation, maintenance and replacement of retaining

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wall landscaping for the lifetime of the retaining walls shall be secured by the Town prior to recordation of the final 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.

17. **Landscaping.** Any disturbed open space areas shall be landscaped with native plants immediately following the landslide repair and/or subdivision improvement/home construction work. Additionally, all landslide repair areas shall be hydro-seeded with native grasses following grading for dust control and soil stability in accordance with geotechnical engineering recommendations. No new landscaping or vegetation shall be planted on any private open space area other than that approved as part of a detailed landscape plan and native plant palette to be submitted with the tentative subdivision map application and incorporated into the subdivision improvement drawings.

18. **Landscape Transition.** The Precise Development Plan landscape drawings for the private lots shall be revised to require a gradual transition of landscaping within the residential use areas from the suburban-type landscaping of the RUA to the more natural-appearing vegetation found in the private open space portions of lots and areas outside the residential use area.

19. **Detailed Landscape Plan.** A detailed landscape plan for the subdivision improvement phase of the project shall be prepared as part of the subdivision improvement drawing submittal and shall be reviewed and approved by the Design Review Board. This landscape plan shall include removal of any remaining invasive plant species; review of common area plantings, entry landscaping, retaining wall screening, and any landscaping required in adopted mitigation measures. Infrastructure and subdivision improvement-related landscaping must be supported by a functional, reliable, and appropriate irrigation system for which maintenance is guaranteed by the homeowner association. Mechanisms shall be instituted in the CC&R's and/or elsewhere as appropriate that provide the Town the right, but not the obligation, to compel maintenance of such landscaping at homeowner association expense if deemed necessary by the Town.

20. **Tree Plan.** A detailed Tree Protection and Replacement Plan shall be submitted with the subdivision improvement drawings to set forth protection measures for trees to be retained during project construction and to implement Mitigation Measure 5.5-5 and shall be reviewed and approved by the Director of Community Development and Director of Public Works. Said Plan shall be subject to third party review by a professional biologist of the Town's choosing at the applicant's sole expense.

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21. **Private Open Space Bollards.** As described on p. 49 of the Alta Robles Draft EIR, three-foot high permanent bollards with plaques shall be installed at intervals of approximately 60 feet between the boundary of the residential use areas and the private open space areas of each lot. Said bollards shall be maintained in good condition at all times by the homeowner's association for the subdivision.

22. **Roadway Lighting.** If lighting is proposed for the project roadways, lighting details shall be reviewed by the Design Review Board prior to the approval of subdivision improvement drawings for the project. All roadway lighting shall be shielded downlights to the satisfaction of the Design Review Board.

23. **Restrictions and Agreements.** Draft CC&R's, deed restrictions, and/or joint maintenance agreements or other similar binding and recordable instruments for the subdivision shall be prepared and submitted for review and approval by the Town Attorney and Director of Community Development as part of the tentative subdivision map application ("CC&Rs"). Said CC&Rs 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 CC&Rs shall contain, without limitation, provisions for ongoing maintenance of the private roadway, common areas, ongoing maintenance of drainage structures and facilities, ongoing maintenance and replacement of open-space bollards, landslide mitigation structures, and ongoing removal of invasive plant species (French broom, pampas grass, etc.) from the property, and shall be recorded in conjunction with the final map. Said CC&Rs shall also include the house design limitations set forth in Condition No. 14 and shall establish, to the satisfaction of the Town Attorney, the property owner and/or homeowners association for the Alta Robles subdivision as the primary and principal enforcer(s) of said house design limitations, such that Precise Plan Amendment requests to the Town of Tiburon regarding house designs or other lot development parameters are limited to the maximum extent feasible

    The CC&Rs shall grant to the Town of Tiburon the authority but not the obligation to ensure that the provisions of the Precise Development Plan are adhered to and implemented in an ongoing manner for the life of the subdivision. The Town of Tiburon will be a third-party beneficiary with independent rights of enforcement, as determined in the reasonable discretion of the Director of Community Development and Town Attorney. The CC&R provisions pertaining to the Precise Development Plan may not be amended without Town of Tiburon's prior consent, and shall contain a separate clause to that effect.

24. **Vehicular Access to Project.** All vehicular access shall be from the primary access road connecting to Paradise Drive near the northern edge of the property, except as otherwise allowed by Condition No. 26 below. There shall be no

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vehicular access from Hacienda Drive except for emergency vehicle purposes.

25. **Traffic Study at Project Entry.** The certified EIR concluded that at present, traffic speeds near the proposed project entry are such that adequate sight distance would be achieved without additional mitigation. Applicant has agreed that this situation could change prior to installation of the subdivision improvements at some unknown future date, and that an updated study may reach a different conclusion than was reached in the EIR. Applicant has therefore agreed that, not more than ninety (90) days prior to submitting the final map application and subdivision improvement drawings, applicant will retain a qualified traffic consultant to perform a traffic study, at applicant's expense and to the Town Engineer's specifications. The traffic stuffy will ascertain the average speed of vehicles near the proposed project entry. The Town Engineer will determine, in his sole discretion, whether the retaining wall and associated improvements set forth in Mitigation Measure 5.1-4 from the Draft EIR are required as mitigation at that time, in which event such improvements must be installed. Mitigation Measure 5.1-7 shall be applied in any event.

26. **Existing Project Entry.** Upon completion of the improvements for this subdivision, the existing access roadway leading from Paradise Drive to the residence at 3825 Paradise Drive, located at the farthest eastward edge of the property, shall be used for emergency vehicle and Lot 1 access only and shall be secured and gated for that purpose to the satisfaction of the Town Engineer and the Fire Marshal of the Tiburon Fire Protection District. This access point shall not be used for project construction.

27. **Public Recreational Trail.** Applicant shall survey, design, and install a traversable public access recreational trail within the easement immediately north of Hacienda Drive. Said trail shall be designed as part of the subdivision improvement drawings. The design shall include installation of six (6) foot-high solid fencing at the northwestern edge of the trail nearest 139 Hacienda Drive that will to the maximum extent feasible prevent trail users from approaching the shared property line of that property with the Alta Robles property and thus protect the privacy of occupants of 139 Hacienda Drive. Applicant-performed trail work shall be done as part of the subdivision improvement phase of the project. Alternatively, with Town Engineer consent, applicant may make a monetary contribution to cover fully the Town's estimated reasonable costs of designing, surveying and installing said path. If an in-lieu monetary contribution is proposed instead of applicant installation, then said payment shall occur prior to recordation of the final map. The amount of any monetary contribution shall be based on an estimate by the Town Engineer. Notwithstanding this condition, Town and applicant may agree to an earlier installation of the public path improvements by separate agreement that would satisfy this condition.

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28. **Removal of Junk Materials.** As part of the installation of the subdivision improvements, applicant shall remove or replace dilapidated fencing and fence-posts, and shall remove litter, garbage, and other junk materials from the entire site.

29. **Debris catchment fences.** All proposed debris catchment fences and/or walls shall be shown on the subdivision improvement drawings. Where such fences or walls are proposed to be located in, or would require access through, sensitive resource areas, alternative solutions shall be explored that would avoid to the extent feasible impacts on sensitive resources.

30. **Fire Access Easements.** Fire apparatus access areas shown on Lot 1 shall be shown as easements for emergency vehicle use and offered for dedication as such on the final map to the satisfaction of the Town Engineer and Fire Marshal.

31. **Construction Management Plan.** The Construction Management Plan contained in the March 2007 Alta Robles project submittal is illustrative only. A detailed Construction Management Plan shall be prepared and submitted with the final map application and subdivision improvement drawings for review and approval by the Town Engineer and Director of Community Development. The Construction Management Plan shall, without limitation, outline the sequence and estimated timing of subdivision improvement installation; and shall comprehensively address construction staging areas, construction parking, materials storage, soil stockpiling, debris boxes, portable restrooms, and protective fencing for the subdivision improvement installation phase of the project. The Construction Management Plan shall specify an aggressive subdivision improvement installation schedule. In no event shall installation exceed a period of three (3) calendar years. No parking or staging of construction vehicles shall be permitted along or adjacent to Paradise Drive.

32. **Grading Period.** All grading involving the use of heavy construction equipment shall be limited to the period between April 15 and October 31. The Building Official may authorize limited extensions of time to this period in his reasonable discretion.

33. **Smoking.** No smoking shall be permitted on site by any person, contractor or employee during any phase 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 the contract and the construction documents for the contractor(s) performing the work.

34. **Expiration.** This Precise Development Plan approval shall be valid for thirty-six (36) months following its effective date, and shall expire unless a time extension is granted or a tentative subdivision map has been approved in reliance on this

EXHIBIT NO. 1

Precise Development Plan, in which instance the Precise Development Plan shall remain valid coterminous with the tentative map approval.

Section 3. Adoption of Mitigation Monitoring Program.

BE IT FURTHER RESOLVED that the Town Council hereby adopts a Mitigation Monitoring Program (MMP) for the project, attached hereto as **Exhibit B** and incorporated herein. Applicant shall bear all costs associated with implementation of the MMP.

Section 4. Effective Date.

BE IT FURTHER RESOLVED that this Precise Development Plan approval shall become effective thirty (30) days after adoption of this Resolution, pursuant to Section 16-52.060 (D) of the Tiburon Municipal Code.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon held on February 15, 2012 by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

_____
JIM FRASER, MAYOR
Town of Tiburon

ATTEST:

_____
DIANE CRANE IACOPI, TOWN CLERK

Attachments: Exhibit A (Table of Floor Areas and Heights)
Exhibit B (Mitigation Monitoring Program)

EXHIBIT NO. 1

RESOLUTION NO. 2016-(Draft)

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON RECOMMENDING APPROVAL OF A VESTING TENTATIVE SUBDIVISION MAP FOR A 14-LOT SUBDIVISION AT 3825 PARADISE DRIVE (PD #20, ALTA ROBLES PROJECT)

ASSESSOR'S PARCEL NOS. 039-021-13 AND 039-301-01

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

Section 1. Findings.

A. An application for a Vesting Tentative Subdivision Map to subdivide 52.21 acres of land into fourteen (14) residential lots has been received from SODA, LLC. The subject property is located between Paradise Drive and Hacienda Drive and is identified as Assessor's Parcel Nos. 039-021-13 and 039-301-01.

B. The application consists of the following:

1. Land Development Application Form and supplemental application information received September 8, 2015.
2. Vesting Tentative Map (9 sheets) entitled "Vesting Tentative Map, Rabin Subdivision," received December 22, 2015, prepared by CSW/Stuber-Stroeh Engineering Group, Inc.
3. Draft Declaration of Covenants, Conditions and Restrictions of Alta Robles, received September 8, 2015.
4. Mitigation Monitoring, and Reporting Program for Biological Resources, prepared by LSA Associates, Inc., dated May 3, 2013.
5. Biological Assessment Alta Robles Residential Development, prepared by LSA Associates, Inc., received September 8, 2015.
6. Biological Information to Support the Vesting Tentative Map Application, Alta Robles Project, prepared by LSA Associates, Inc., dated December 16, 2015.

C. The Planning Commission finds that a Final Environmental Impact Report was certified by the Town Council in 2011 for this project in conformance with the requirements of the California Environmental Quality Act, 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, as set forth in the Staff Report dated February 24, 2016.

EXHIBIT NO. 2

E. The Planning Commission held a duly-noticed public hearing on February 24, 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 Alta Robles Precise Development Plan and is consistent with the provisions of Chapter 14 of the Tiburon Municipal Code regulating the subdivision of land.

Section 2. Recommendation for Approval.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby recommend approval of the Alta Robles Vesting Tentative Map application (File #TM2015001) to the Town Council, subject to the following conditions:

Public Works & Engineering

1. All of the following requirements of the Town Engineer shall be met prior to the approval of the Final 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 Final Map submittal. The Final Map shall be prepared in conformance with the standards of the Town of Tiburon and the standards of the State Subdivision Map Act.

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 Preliminary Landslide Assessment dated February 28, 2007, prepared by Kleinfelder, Inc.; the Preliminary Geotechnical Investigation dated March 5, 2007 and the Response to Geotechnical Peer Review Comments dated January 28, 2008, prepared by Miller Pacific Engineering Group; the Geotechnical Peer Review dated April 16, 2007 and the Review of Response to Geotechnical Peer Review, prepared by Herzog Geotechnical; and the several prior geotechnical studies and letters referenced therein.

3. Prior to approval of the Final 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 Final Map.

EXHIBIT NO. 2

4. Prior to approval of the Final Map, project sponsor shall submit detailed subdivision improvement drawings addressing without limitation all elements in Condition #2 above for review and approval by the Town Engineer, Director of Community Development, and other applicable agencies.

5. The Final Map shall include all easements shown in the title report dated December 3, 2015, on file with this application, including, but not limited to Items 5, 6, 9, 12, 25, 26, 28, 30, 34, and 36 in the title report, and shall include all elements shown on the approved Vesting Tentative Map and Precise Development Plan drawings.

6. The Final Map shall include a site reconnaissance statement in compliance with Section 14-3.4 (a) of the Tiburon Municipal Code.

7. Elevations on the Final Map shall reference current National Geodetic Survey data (NAVD 88), or as required by the Town Engineer.

8. As part of the subdivision improvement drawings submitted with the Final Map application, project sponsor shall incorporate storm water treatment Best Management Practices (BMPs) into the design of the project to the extent practicable and shall include all measures required by Mitigation Measure 5.4-4 of the adopted Mitigation Monitoring Program for the Alta Robles Precise Development Plan. Consideration of 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."

9. All portions of private lots outside the residential use areas (RUAs) shall be protected by an open space easement or easements offered for acceptance to the Town of Tiburon or, with the approval of the Town, to other public or non-profit entities, by separate instrument as part of the Final Map application. This protection limitation does not apply to improvements and the maintenance thereof contemplated for installation in the Alta Robles Precise Development Plan, such as, without limitation, the private roadways serving the subdivision; driveways, retaining walls necessary to support driveways; utilities; landslide repair devices and re-vegetation; drainage ditches; existing water tanks and other existing improvements, or other ancillary improvements necessary for installation of the subdivision improvements contemplated in the Precise Development Plan or permits issued in reliance thereon, including the subdivision improvement drawings. Open space easement or dedication documents shall be reviewed and approved by the Town Attorney and Director of Community Development prior to acceptance for filing of the Final Map application. Said open space easement or easements (if accepted) shall be recorded in conjunction with the recordation of

EXHIBIT NO. 2

the Final Map and their official records reference numbers shall be noted on the Final Map.

10. The area designated as Rabin Private Zone on Lot 1 shall be reserved for natural resource protection and scenic view preservation. A natural resource protection and scenic view preservation easement for the Rabin Private Zone shall be offered for acceptance to the Town of Tiburon by separate instrument as part of the Final Map application. Said easement shall be recorded in conjunction with the recordation of the Final Map and its official records reference shall be placed on the Final Map. Said easement shall acknowledge, if necessary, any existing improvements, any required roadway, drainage and/or utility easements and any landscape installation (e.g. mitigation planting) and maintenance agreements that are required or reasonably foreseeable in the Alta Robles Precise Development Plan approval.

11. As described on p. 49 of the Alta Robles Draft EIR, three-foot high permanent bollards with plaques shall be installed at intervals of approximately 60 feet between the boundary of the residential use areas and the private open space areas of each lot. Said bollards shall be maintained in good condition at all times by the homeowner's association for the subdivision. 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.

12. As detailed in the Certified EIR for this project, each residential lot shall be provided with a cistern sufficient to store the additional stormwater runoff generated by the construction of lot impervious surfaces (such as roof surfaces, driveways, patios, etc.). The cisterns shall store sufficient runoff to enable the proposed project to maintain site peak flows at pre-project levels for the 100-year design rainstorm.

13. If lighting is required by the Town Engineer for the project roadways, lighting details shall be reviewed by the Design Review Board prior to the approval of subdivision improvement drawings for the project. All roadway lighting shall be shielded downlights to the satisfaction of the Design Review Board. Lighting 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 lighting maintenance and utility expense (if any) shall be included in the private roadway maintenance agreement.

EXHIBIT NO. 2

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.

15. Not more than ninety (90) days prior to submitting the Final Map application and subdivision improvement drawings, the applicant shall retain a qualified traffic consultant to perform a traffic study, at applicant's expense and to the Town Engineer's specifications. The traffic stuffy will ascertain the average speed of vehicles near the proposed project entry. The Town Engineer will determine, in his sole discretion, whether the retaining wall and associated improvements set forth in Mitigation Measure 5.1-4 from the Draft EIR are required as mitigation at that time, in which event such improvements must be installed. Mitigation Measure 5.1-7 shall be applied in any event.

16. Upon completion of the improvements for this subdivision, the existing access roadway leading from Paradise Drive to the residence at 3825 Paradise Drive, located at the farthest eastward edge of the property, shall be used for emergency vehicle and Lot 1 access only and shall be secured and gated for that purpose to the satisfaction of the Town Engineer and the Fire Marshal of the Tiburon Fire Protection District. This access point shall not be used for project construction.

17. Applicant shall survey, design, and install a traversable public access recreational trail within the easement immediately north of Hacienda Drive. Said trail shall be designed as part of the subdivision improvement drawings. The design shall include installation of six (6) foot-high solid fencing at the northwestern edge of the trail nearest 139 Hacienda Drive that will to the maximum extent feasible prevent trail users from approaching the shared property line of that property with the Alta Robles property and thus protect the privacy of occupants of 139 Hacienda Drive. Applicant-performed trail work shall be done as part of the subdivision improvement phase of the project. Alternatively, with Town Engineer consent, applicant may make a monetary contribution to cover fully the Town's estimated reasonable costs of designing, surveying and installing said path. If an in-lieu monetary contribution is proposed instead of applicant installation, then said payment shall occur prior to recordation of the Final Map. The amount of any monetary contribution shall be based on an estimate by the Town Engineer. Notwithstanding this condition, Town and applicant may agree to an earlier installation of the public path improvements by separate agreement that would satisfy this condition.

EXHIBIT NO. 2

Affected Agencies & Utilities

18. All applicable requirements of the Tiburon Fire Protection District (TFPD) shall be met or set in place prior to approval of the Final Map. The project sponsor shall provide a letter from the TFPD to that effect. Fire apparatus access areas shown on Lot 1 shall be shown as easements for emergency vehicle use and offered for dedication as such on the Final Map to the satisfaction of the Town Engineer and Fire Marshal.

19. 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 Final Map.

20. 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 Final Map.

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

Community Development Department

22. 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 Final Map and the Subdivision Improvement Drawings a detailed narrative describing how these mitigation measures are being complied with, or will be complied with, at the appropriate phase of project development.

    The Final 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: Mitigation Measures C.4, D.1(a); D.1(b); D.1(c); D.1(d); D.2(a); D.2(b); D.3; D.4; E.2; F.1; I.1; I.3; and I.4.

23. No smoking shall be permitted on site by any person, contractor or employee during any phase 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(s) performing the work.

EXHIBIT NO. 2

24. 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.

25. The appearance of any publicly-visible project retaining walls (including debris catchment fences or walls) shown on the subdivision improvement drawings in excess of forty-two (42) inches in height shall be subject to review and approval by the Design Review Board (DRB) prior to Town approval of said drawings. Where publicly visible, all subdivision improvement-related retaining walls and bridges shall have the appearance of rock to provide a natural look, and shall be medium to dark in color to reduce contrast. The DRB review and approval shall include appropriate landscaping screening for such walls. Where such fences or walls are proposed to be located in, or would require access through, sensitive resource areas, alternative solutions shall be explored that would avoid to the extent feasible impacts on sensitive resources.

26. A detailed landscape plan for the subdivision improvement phase of the project shall be prepared as part of the subdivision improvement drawing submittal and shall be reviewed and approved by the Design Review Board. This landscape plan shall include removal of any remaining invasive plant species; review of common area plantings, entry landscaping, retaining wall screening, and any landscaping required in adopted mitigation measures. Infrastructure and subdivision improvement-related landscaping must be supported by a functional, reliable, and appropriate irrigation system for which maintenance is guaranteed by the homeowners association. Mechanisms shall be instituted in the CC&R's and/or elsewhere as appropriate that provide the Town the right, but not the obligation, to compel maintenance of such landscaping at homeowner association expense if deemed necessary by the Town.

27. A detailed Tree Protection and Replacement Plan shall be submitted with the subdivision improvement drawings to set forth protection measures for trees to be retained during project construction and to implement Mitigation Measure 5.5-5 and shall be reviewed and approved by the Director of Community Development and Director of Public Works. Said Plan shall be subject to third party review by a professional biologist of the Town's choosing at the applicant's sole expense.

28. All grading involving the use of heavy construction equipment shall be limited to the period between April 15 and October 15. The Building Official may authorize limited extensions of time to this period in his reasonable discretion.

29. Inclusionary housing in-lieu fees, as required by Chapter 16 of the Tiburon Municipal Code, shall be paid prior to recordation of the Final Map.

EXHIBIT NO. 2

30. 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.

31. A detailed Construction Management Plan shall be prepared and submitted with the Final Map application and subdivision improvement drawings for review and approval by the Town Engineer and Director of Community Development. The Construction Management Plan shall, without limitation, outline the sequence and estimated timing of subdivision improvement installation; and shall comprehensively address construction staging areas, construction parking, materials storage, soil stockpiling, debris boxes, portable restrooms, and protective fencing for the subdivision improvement installation phase of the project. The Construction Management Plan shall specify an aggressive subdivision improvement installation schedule. In no event shall installation exceed a period of three (3) calendar years. No parking or staging of construction vehicles shall be permitted along or adjacent to Paradise Drive.

32. 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 Final Map, and shall be recorded in conjunction with the Final Map. Said CC&Rs or other instruments acceptable to the Town Attorney shall contain provisions and limitations as set forth in the Alta Robles Precise Development Plan and the certified Final Environmental Impact Report to the satisfaction of the Town Attorney and Director of Community Development. These instruments shall contain, without limitation, provisions for ongoing maintenance of the private roadway, common areas, ongoing maintenance of drainage structures and facilities, and ongoing removal of invasive plant species (French broom, pampas grass, etc.) from the property.

33. A mitigation monitoring consultant may, in the Town's discretion, 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.

34. The Final Map shall contain a note indicating that this property cannot be further subdivided.

EXHIBIT NO. 2

35. The Final Map shall contain a note or notes referencing the various limitations and restrictions contained within the Alta Robles Precise Development Plan, and shall include one or more Public Information Sheets showing building envelopes and describing other zoning limitations, as determined by and to the satisfaction of the Director of Community Development.

36. 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, unless said building permits are issued within the one-year vested time period of this approval, in which case said fees shall be based on the fee schedule in effect on the date of approval of the Vesting Tentative Map.

37. All fees and deposits required by the Town or other agencies having jurisdiction shall be paid prior to the Town's approval of the Final Map or issuance of any grading permit, whichever comes first.

38. Violations of the permit or permit conditions shall be subject to stop-work orders, fines, penalties, and all other enforcement methods authorized by law.

38. This approval shall be valid for three years and shall expire and become null and void unless a Final 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 February 24, 2016, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

_____

DAVID KULIK, CHAIR
TIBURON PLANNING COMMISSION

ATTEST:

_____

DANIEL WATROUS, SECRETARY

EXHIBIT NO. 2

RECEIVED
SEP 08 2015
PLANNING DIVISION

TOWN OF TIBURON

LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

- o Conditional Use Permit
- o Precise Development Plan
- o Secondary Dwelling Unit
- o Zoning Text Amendment
- o Rezoning or Prezoning
- o General Plan Amendment
- o Change of Address
- o Design Review (DRB)
- o Design Review (Staff Level)
- o Variance(s)_____#
- o Floor Area Exception
- o Tidelands Permit
- o Sign Permit
- o Tree Permit
- x Vesting Tentative Subdivision Map
- o Final Subdivision Map
- o Parcel Map
- o Lot Line Adjustment
- o Condominium Use Permit
- o Certificate of Compliance
- o Other_____

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 3825 Paradise Dr., Tiburon PROPERTY SIZE: 52 ac
PARCEL NUMBER: 039-021-13 & 039-301-01 ZONING: RPD

PROPERTY OWNER: SODA, LLC
MAILING ADDRESS: 200 Pine St 8th Floor, San Francisco, CA 94104
PHONE/FAX NUMBER: c/o Ariel Rabow (415) 522-5700 E-MAIL: ariel.rabow@rabow.com

APPLICANT (Other than Property Owner): IPA, Inc (Scott L. Hochstrasser)
MAILING ADDRESS: 141 Bolinas Road, Fairfax CA 94930
PHONE/FAX NUMBER: (415) 459-6224 E-MAIL: slh2ipa@aol.com

ARCHITECT/DESIGNER/ENGINEER CSW/ST2
MAILING ADDRESS: #45 Leveroni Court, Novato CA 94805
PHONE/FAX NUMBER: (415) 883-9850 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*): _____
Vesting Tentative Map, 14 Single Family Lots, 52 acres
Per Town Council PDP Resolution # 09-2013 & 09-2014

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: Ariel Rabow - by SLH * Date: 9-8-15

**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*

DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION

Application No.: TM2015001
Date Received: 9/8/2015
Date Deemed Complete: 2/3/16
Acting Body:
Conditions of Approval or Comments:_____

GP Designation:
Received By: LS
Action:

Fee Deposit: $27505.00
Receipt #: 29589
By: DCJ
Date:
Resolution or Ordinance # _____

EXHIBIT NO. 3
P. 1 OF 3

Scott L. Hochstrasser
IPA, Inc.

E-Mail slh1ipa@aol.com *141 Bolinas Road * Fairfax, CA 94930 USA * Tele (415)459-6224 * Cell 415-572-2777

September 8, 2015 HAND DELIVERED

RECEIVED
SEP 08 2015
PLANNING DIVISION

Scott Anderson, Director Community Development
Dan Watrous, Planning Manager
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, C A94921

RE: Vesting Tentative Map Application for Alta Robles (PDP Resolution #09-2012)
Address: 3825 Paradise Drive: APN 039-301-01

Dear Scott/Dan,

As you know on February 12, 2012 the Tiburon Town Council adopted Resolution #09-2012 approving the Alta Robles Precise Development Plan with conditions & a Mitigation Monitoring Program.

On November 19, 2014 the Town Council approved Resolution #49-2014 granting an 18 month time extension of the approved Precise Development Plan extending the expiration date to August 12, 2016.

Attached herewith please find the following Vesting Tentative Map Application for the Alta Roble Precise Development Plan (PDP) approval. Where the PDP approval conditions or mitigation monitoring program required specific additional studies, reports and draft CCR's the requirement has been so noted.

1. Town of Tiburon – Land Development Application – Vesting Tentative Subdivision Map, Completed, Signed and Dated
2. Fee Check – SODA, LLC -Wells Fargo Bank-412, To: Town of Tiburon in the amount of $27,505.00. (Dated: 8-31-15)
3. Town of Tiburon Community Development Department Cost Based Fee System Agreement. Completed, Signed and Dated.
4. "Vesting Tentative Map for Alta Robles, Tiburon California : File #30701, - 15 each sets 24"x36" - including 9C sheets, prepared by CSW, St2, Dated 9-1-15, and 2 each sets 11"x17".
5. Draft –"Declaration of Covenants and Conditions and Restrictions of Alta Robles" (Addressing PDP Conditions of Approval: 13, Design Guidelines; 19 Detailed Landscape Plan; 23 Restrictions and Agreements
6. "Mitigation Monitoring, and Reporting Program for Biological Resources," prepared by LSA

EXHIBIT NO. 3
P. 2 OF 3

in consultation with multiple regulatory agencies. Mitigation Measures 5.5-1(a, b, c,); Mitigation Measure 5.5-5 Conflict w/Tiburon Tree Ordinance & Wetland Policies; Mitigation Measure 5.7-7 Water Service Impacts (See CSW VTM Page C-3.0)
7. "Biological Assessment Alta Robles Residential Development" prepared by LSA in consultation with multiple regulatory agencies.
8. Letter dated July 8, 2013 – From: LSA; To: Daniel Rabin: Subject: BA, MMRP and Responsible Agency Consultations – pursuant to Mitigation Program requirements 5.5- 1 (a,b,c) and 5.5-5 note above in item #6.

It is our hope that there will be no need for a further time extension and that the attached Vesting Tentative Map can be approved before the PDP expiration. It is the full intention of the applicants to proceed with the Vesting Tentative Map approval thereby vesting the PDP. Accordingly, please let me know if in staff's opinion there is a potential the attached application is not likely to be approved prior to the PDP expiration date.

Thank you in advance for your continued assistance and cooperation regarding this project. As always I look forward to working with you to complete this application and move it forward for Planning Commission recommendations and Town Council approval. Please feel free to contact me and/or anyone on the consulting team with specific questions regarding the above note application materials.

Sincerely,

Scott L. Hochtrasser, President

CC: SODA, LLC

EXHIBIT NO. 3

P. 3 OF 3

September 27, 2015

TO: The Tiburon Planning Commission
RE: 3825 Paradise Drive Subdivision

On September 25, the Seafirth Estates Company, a community of 30 households along Paradise Drive; directly below, and about a quarter mile from 3825 Paradise Drive's entry drive, received notice of the "tentative plan to subdivide 52.2 acres into 14 single family residential lots located at 3825 Paradise Drive" with comments and concerns to be sent to the Tiburon Planning Commission by September 28, 2015.

Over the years, our community has read all documents generated by and for this proposed development, attended every public meeting, commented and stated our concerns both in writing and at the mic. We are extremely disappointed that the Town Council did not agree with the Planning Commission's measured, carefully considered and insightful recommendations for the development. We have four major concerns.

Recently, we saw the single family Chen home being constructed just below 3825 Paradise and abutting Seafirth. We watched it rise to tower over the homes along Seafirth Road; to become the "new view." Twenty workers' trucks arrived daily at 6:30 a.m., to park along the Seafirth fence on Paradise Drive and all along the narrow shoulders. Erecting an enormous house to loom over our small Seafirth homes and taking over the neighborhood with work vehicles compromises the enjoyment of our properties and diminishes our property values.

1. Please eliminate Lot 13 as per the Planning Commission recommendation: Citation: "Lot 13 would be eliminated due to its visual massiveness when viewed from Paradise Drive, the Seafirth Estates area and Acacia Drive consistent with the direction of General Plan Policies 1LU3 and O1S2C." Moving Lot 13 slightly to the north does not help solve the imposition.

EXHIBIT NO. 4

P. 1 OF 2

2. Please require that all staging, work and support vehicles for the "Alta Robles" project be contained within the project site.

3. Please increase clustering of all houses to the maximum extent possible.

4. We strongly support the important "Condition of Approval No. 14" regarding Alta Robles house designs. Please do not erode this condition in any way.

We are not opposed to the property rights of the developer. But we 30 Tiburon homeowners also have property rights.

Sandra J. Swanson
2 Seafirth Lane
Tiburon

EXHIBIT NO. 4

P. 2 of 2

Dan Watrous

From: Douglas Dossey [DDossey@tensilecapital.com]
Sent: Sunday, September 27, 2015 5:28 PM
To: Dan Watrous
Cc: 'Kathrin Dellago'; Douglas Dossey
Subject: Alta Robles Comments

Dan:

My wife, our two sons and I are Seafirth residents (7 Seafirth Place) and, according to Zillow, own the most valuable home in the Seafirth Community. It's also the home that will most likely be impacted to the largest extent in the long term by the over-development of Alta Robles, as our entire home is situated to face the wooded hillside that comprises a portion of the development. Therefore, while I am generally pro-development and, if I owned the land, would also want to maximize financial gain, I very respectfully write to request that the Town of Tiburon, at minimum, eliminate Lot 13 from the plan. I am aware that this change was also proposed by the Planning Commission (only to be rejected by the Town Council):

"Lot 13 would be eliminated due to its visual massiveness when viewed from Paradise Drive, the Seafirth Estates area and Acacia Drive consistent with the directionofGeneralPlanPolicies1LU3andO1S2C."

If allowed, any home built on Lot 13 will dominate our view and irreparably harm our enjoyment of our property, as well as our property value.

Seafirth is a community of 30 households, paying a not insubstantial amount of city and other local taxes, so I therefore hope this reasonable request can be accommodated to the betterment of our community and the Town of Tiburon.

Best,

Doug Dossey
917-273-9254

EXHIBIT NO. 5

Dan Watrous

From: john kunzweiler [johnkunzweiler@yahoo.com]
Sent: Monday, September 28, 2015 12:42 PM
To: Dan Watrous
Cc: Michelle Farabaugh
Subject: Alta Robles / Rabin Subdivision

Dan,
Please forward to the Tiburon Planning Commission.

I'm writing on behalf of the Norman Way Homeowners Association.

We recognize that the Vesting Tentative Map for Alta Robles process is a "routine" one and that the important Precise Plan, approved by the Town Council, remains unchanged. We do want to go on record at this time to cover some developments that have emerged in the years since this project was approved.

Managing the impact of these huge projects. The "Chen project" (in the County) illustrates the problem as it created a significant safety hazard wit upwards of 60 construction-related cars parked daily along the shoulder of Paradise during this multi-year project. Paradise is narrow, heavily used, deteriorating and never intended to be a parking lot. We ask that for the Rabin project all construction-related vehicles be parked on-site and that all staging be done on site, from day one.

The cumulative impact of these huge projects. Lack of coordination between the County and the Town have led to a situation where, in my rough estimation, between Norman Way and Seafirth, in ***excess of 125,000 sq. feet of luxury housing*** will be constructed in the next few years (Alta Robles, Sorokko properties, Kilgore lots, 3680 Paradise). From a planning policy standpoint as well as from any consideration of safety and neighborhood "peace" this is a horrible cumulative situation. While we are where we are with the various applications, for the sake of health and safety, the planning agencies must work together and consider some kind of logical sequencing of the projects to create a reasonable balance fair to all.

Furthermore, such a large supply of new luxury housing in such a small area will saturate the local market, degrade the immediate area and lead to inevitable construction complications and delays. The General Plans of Tiburon and the County project modest population growth through-out the county, so to have so much high-end inventory in one very small area seems very contrary to the General Plans, not to mention the Paradise Visioning Plan and basic economic sense. Maybe there is a way for all interested parties to get together to mitigate this risk.

As mentioned above, we will continue to assume that the Alto Robles plan proceeds as specifically approved by the Tiburon Town Council. This project went through extensive discussion and review and we expect all agreements to be honored.

Thank you for your consideration

John Kunzweiler
+1 415 706 1996
Tiburon, CA 94920

EXHIBIT NO. 6

September 29th, 2015

To: The Tiburon Planning Commission
Re: 3825 Paradise Drive Subdivision

On September 25, the Seafirth Estates Company, a community of 30 households along Paradise Drive; directly below, and about a quarter mile from 3825 Paradise Drive's entry drive, received notice of the "tentative plan to subdivide 52.2 acres into 14 single family residential lots located at 3825 Paradise Drive" with comments and concerns to be sent to the Tiburon Planning Commission.

Over the years, our community has reviewed the documents generated by and for this proposed development, attended public meetings, commented and stated our concerns. I am very disappointed that back in 2012 the Town Council did not agree with the Planning Commission's measured, carefully considered and insightful recommendations for the development. We have four major concerns detailed below.

Recently, we saw the single family Chen home being constructed just below 3825 Paradise and abutting Seafirth. We watched it rise to tower over the homes along Seafirth Road with a mass and bulk that is far in excess of the neighborhood norm. Workers' trucks arrived daily at 7:00 a.m., to park along the Seafirth fence on Paradise Drive and along the narrow shoulders. Erecting an enormous house to loom over our small Seafirth homes and taking over the neighborhood with work vehicles compromises the enjoyment of our properties and diminishes our property values. I fear that this process will be multiplied many times with the proposed construction at 3825 Paradise Drive.

1. Please eliminate Lot 13 as per the Planning Commission recommendation:
Citation: "Lot 13 would be eliminated due to its visual massiveness when viewed from Paradise Drive, the Seafirth Estates area and Acacia Drive consistent with the direction of General Plan Policies 1LU3 and O1S2C." Moving Lot 13 slightly to the north does not help solve the impact on the ridgeline.

2. Please require that all staging, work and support vehicles for the "Alta Robles" project be contained within the project site.

3. Please increase clustering of all houses to the maximum extent possible.

4. We strongly support the important "Condition of Approval No. 14" regarding Alta Robles house designs. Please do not allow this essential condition to be eroded in any way.

We are not opposed to the reasonable property rights of the developer, but neighboring homeowners also have rights, and the scale of this project will have significant negative impacts on our quality of life.

David S. Joyner
3 Seafirth Lane
Tiburon

EXHIBIT NO. 7

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
February 24, 2016
Agenda Item:

STAFF REPORT

To: Members of the Planning Commission

From: Community Development Department

Subject: Consider Recommendation to the Town Council Regarding Various Amendments to Chapter 16 (Zoning) of the Tiburon Municipal Code, Including but not Limited to Regulations Regarding Firearms, Marijuana Sales and Cultivation, Yards and Setbacks, and Use-for Use Changes; File MCA 2016-01; Town-initiated Amendments

BACKGROUND

This item is for consideration of various zoning ordinance text amendments, all of which are Town-initiated. The role of the Planning Commission is to hold a public hearing on the proposed amendments and make a recommendation to the Town Council regarding adoption.

ANALYSIS

There are two separate sets of proposed text amendments. The first set deals with firearms regulations and are tied to amendments proposed by the Town Council to Municipal Code Chapter 32 (Regulation of Firearms), wherein the zoning text changes complement and implement those more extensive amendments where they would interface with the zoning ordinance. The second set deals with a variety of amendments relating to topics such as yards and setbacks, marijuana sale and cultivation, and use-for-use changes in commercial zones.

Firearms-related Amendments

In January 2016, the Town Council discussed amendments to the Town's existing provisions regarding firearms and ammunition (Municipal Code Chapter 32) in an effort to strengthen local control over certain aspects of firearms regulation that are not preempted by state or federal law. Implementation of certain firearms provisions proposed for inclusion in a revised Chapter 32 would require coordination with zoning regulations, necessitating amendments to the latter. Specific zoning text amendments proposed would add a definition for "firearms sales", add "firearms sales" to the list of conditionally permitted uses in the commercial zones, and prohibit "firearms sales" as an allowable type of home occupation. The latter would effectively prevent the sale of firearms and ammunition in residential zones. The proposed amendments to Chapter 32 do not require review or recommendation by the Planning Commission, but will be considered by the Town Council at the same public hearing as the proposed zoning text amendments being reviewed by the Commission as part of this item. Draft minutes of the Town's Council's discussion on the item are attached as **Exhibit 4**.

Miscellaneous Amendments

A majority of these amendments clarify the relationship between "setbacks" and "yards", which was an area of debate at a recent Town Council appeal hearing on a design review approval. The amendments replace the generic term "yard" with the more specific term "setback" in all relevant instances, including in graphic representations, and modify the definitions accordingly. The proposed amendments reflect actual practice and interpretation over the past several decades and do not constitute a change in that regard.

Other amendments prohibit the sale and cultivation of marijuana in all zones by adding these to the list of uses prohibited in all zones. The Town Council recently adopted a resolution banning such uses (in response to a deadline created by State legislation) based on the principle of "permissive zoning", but the superior practice is to specifically prohibit the uses outright in the text of the ordinance. The proposed amendments would do so.

A final proposed amendment would modify the existing provision regarding "use-for-use" changes in the Neighborhood Commercial and Village Commercial zones by clarifying the circumstances under which a conditional use permit would not be required. Additional text is proposed to be added to make this clarification.

Attached **Exhibit 1** sets for the text amendments in redline format in their actual context. Draft resolutions recommending approval of the amendments are attached as **Exhibits 2 and 3**.

ENVIRONMENTAL REVIEW

Staff has preliminarily determined that the proposed amendments are exempt from further review under the California Environmental Quality Act (CEQA) on the basis that they constitute Minor Alterations in Land Use Limitations pursuant to CEQA Guidelines Section 15305, and that it can be seen with certainty that the amendments have no potential to result in an adverse affect on the environment pursuant to Section 15061(b)(3) of the CEQA Guidelines. The Town Council would finalize this determination if it approves the amendments. The Commission's role is to "consider" the preliminary CEQA determination in making its recommendation to the Town Council.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Hold a public hearing and take any testimony from interested persons.
2. Deliberate upon the proposed text amendments, considering all evidence and testimony in the record.
3. Move to adopt the attached resolutions recommending approval of the text amendments to the Town Council.

EXHIBITS

1. Redline sheets showing proposed amendments in actual context.
2. Draft resolution recommending approval of the firearms-related zoning text amendments.
3. Draft resolution recommending approval of the remaining proposed zoning text amendments.
4. Town Council minutes (excerpt) of January 20, 2016, regarding firearms regulations.

Prepared By: Scott Anderson, Director of Community Development

Redline Showing Amendments in Context

16-10.050 - Applicability of zoning ordinance.

A. Applicability. This zoning ordinance shall apply, insofar as legally permissible, to all property within the incorporated limits of the town, including the public streets and waterways, public utility poles, lines, and underground facilities for primary distribution systems, whether such property is owned by the United States of America or any of its agencies, the State of California or any of its agencies or political subdivisions, any county or city including the town or any of its agencies, any authority or district organized in compliance with the laws of the State of California, or private persons, firms, corporations, utilities, or organizations. The scope of this zoning ordinance is limited by certain preemptions set forth in state and/or federal law.

B. Vested right exception. Except in cases where a property owner can establish a vested right to be regulated by any prior ordinance or town-recognized document, the provisions of this zoning ordinance shall apply to all property development in the town.

C. Master and precise plan exception. Nonvested properties for which master and/or precise plans or their functional zoning permit equivalent have been adopted prior to December 26, 1990, shall continue to be governed by the provisions of those approvals, except that all such properties shall be subject to the floor area limit provisions of this zoning ordinance, where such provisions are more restrictive than the floor area limit provisions, if any, contained in the master and/or precise plans or their equivalent.

D. New land uses, structures, and changes to them. Compliance with the following requirements is necessary for any person or public agency to lawfully establish a new land use or structure, or to alter or replace any land use or structure:

   1. Allowable use. The proposed use of land shall be listed as an allowable land use in article II of this zoning ordinance (zones and allowable land uses) within the zone that applies to the site;

   2. Development standards. The proposed use of land or structure shall satisfy all applicable requirements of this zoning ordinance, including, but not limited to, minimum lot area, height limits, required ~~yard and street~~ setbacks, residential density, lot coverage, floor area limits, etc.; and

   3. Permit/approval requirements. Any land use permit or other approval required by article II (zones and allowable land uses) shall be obtained. The preparation, filing, and processing of land use permit applications shall comply with article V (zoning permit procedures).

E. Issuance of building permits. The building division may issue building permits only when:

   1. The proposed land use and/or structure satisfy the requirements of subsection D above; and

   2. The director determines that the permit application contains all materials necessary to determine compliance with this section.

F. Continuation of an existing structure or land use. An existing land use is lawful and not in violation of the Tiburon Municipal Code when operated and maintained in compliance with all applicable provisions of this zoning ordinance. However, the requirements of this zoning ordinance are not retroactive in their effect on a land use that was lawfully established before this zoning ordinance or any applicable amendment became effective. See division 16-62 (nonconforming uses, structures and lots).

G. Alteration or expansion of an existing structure or land use. Any alteration, expansion or modification of an existing land use shall comply with all provisions of this zoning ordinance, specifically including division 16-62 (nonconforming uses, structures and lots).

H. Effect of zoning ordinance changes on projects in progress. The enactment of this zoning ordinance or amendments to its requirements may impose different standards on new land uses than those that applied to existing development. For example, this zoning ordinance, or a future amendment, could require larger building setbacks for a particular land use than former zoning ordinance provisions.

EXHIBIT NO. 1

c. Referral for determination. The director may refer the question of whether a proposed use qualifies as a similar and compatible use directly to the commission for a determination at a public meeting.

d. Appeal. A determination of additional uses, similar or accessory to those allowed, may be may be appealed in compliance with division 16.66 (appeals).

4. Prohibited uses.

a. Marijuana Dispensaries are prohibited in all zones.
b. The sale of marijuana is prohibited in all zones.
c. The cultivation of marijuana is prohibited in all zones. For purposes of this section, "cultivation of marijuana" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

B. Permit requirements. Division 16-21, table 2-1; section 16-21.030; section 16-22.030; section 16-23.030; section 16-24.030; section 16-25.030; section 16-26.030; section 16-27.030; and section 16-28.030 provide for land uses that are:

1. Allowed subject to compliance with all applicable provisions of this zoning ordinance, including site plan and architectural review, where required, and subject to first obtaining any building permit or other permit required by the Municipal Code;

2. Allowed subject to the approval of a conditional use permit (section 16-52.040); and

3. Not allowed in particular zones.

A land use authorized through the approval of a conditional use permit may also require site plan and architectural review approval (16-52.020), a building permit, or other permit required by the Municipal Code. Uses listed as allowed by a conditional use permit, as determined by the director or commission as conforming to the purposes of such zone, are not permitted in such zone unless a conditional use permit has been granted.

(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010; Ord. No. 552 N.S., § 2(A), 9-3-2014)

16-20.040 - Exemptions from zoning permit requirements.

The zoning permit requirements of this zoning ordinance do not apply to the land uses, structures, and activities identified by this division. These are allowed in all zones subject to compliance with this division.

Exempt activities and land uses. The following are exempt from the zoning permit requirements of division 16-21, table 2-1; section 16-21.030; section 16-22.030; section 16-23.030; section 16-24.030; section 16-25.030; section 16-26.030; section 16-27.030; and section 16-28.030. The following are also exempt from site plan and architectural review in compliance with section 16-52.020 (site plan and architectural review), unless otherwise noted.

1. Decks and platforms less than three feet above grade; paths. Decks and platforms and their associated components that do not constitute a "structure" as defined herein; paths that do not require a building or grading permit.

2. Fences and walls three and one-half feet (forty-two inches) or less in height. See section 16-30.040 (fences and walls).

3. Interior remodeling. Interior alterations that do not increase the gross floor area of the structure, change the permitted use of the structure, or result in any physical exterior alterations to the structure.

(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010)

16-21.020 - Purposes of the residential zones.

The purpose of each residential zone is as follows.

A. R-1 (single-family residential) zone. The R-1 zone is intended to promote and encourage the maintenance of a suitable environment for suburban family living on smaller single-family residential lots in older developed areas of the town. The R-1 zone conforms with general plan land use designation medium high density (MH).

B. R-1-B zones. The R-1-B zones are comprised of properties formerly located in unincorporated Marin County that were annexed to the town after incorporation in 1964. These properties were generally developed under County of Marin zoning districts with setbacks that do not correspond to other single-family residential zones in the town. The R-1-B zones conform with general plan land use designation medium high density (MH). R-1-B zones have modified setbacks in order to reduce the creation of nonconforming structures that would otherwise result from annexation of properties that were generally developed with different setback requirements.

1. R-1-B-A (Bel Aire single-family residential) zone. The R-1-B-A zone serves the same purpose as the R-1 zone but is intended to reflect the different front and side ~~yard~~ setbacks historically found in the Bel Aire Estates neighborhood. The principal uses, conditional uses, and development standards for the R-1-B-A zone shall be the same as the R-1 zone with the exception of the front and side ~~yard~~ setbacks established in section 16-21.040 (residential zones development standards).

2. R-1-B-2 (modified single-family residential) zone. The R-1-B-2 zone serves the same purpose as the R-1 zone but is intended to reflect the different front and side ~~yard~~ setbacks with which the properties were developed. The principal uses, conditional uses, and the development standards for the R-1-B-2 zone shall be the same as the R-1 zone with the exception of the front and side ~~yard~~ setbacks established in section 16-21.040 (residential zones development standards).

C. RO (residential open) zone. The RO zone is intended to promote and encourage the maintenance of a suitable environment for low-density, single-family development on lots larger than those typically found in the R-1 zone. There are two RO zones, RO-1 and RO-2, each having its own development standards. The permitted and conditional uses are the same for both zones. The RO-1 zone conforms with general plan land use designation medium low density (ML). The RO-2 zone conforms with general plan land use designation medium density (M).

D. R-2 (two-family residential) zone. The R-2 zone is intended to promote and encourage the establishment and maintenance of a suitable environment for suburban family living in areas appropriate by location and character for single-family and two-family dwellings. The R-2 zone conforms with general plan land use designation high density (H).

E. R-3 (multifamily residential) zone. The R-3 zone is intended to promote and encourage the establishment and maintenance of a suitable environment for residence in areas appropriate by location and character for multifamily dwellings. The R-3 zone conforms with general plan land use designation very high density (VH).

F. Planned residential development zones. There are numerous planned developments where applicable zoning regulations have been previously established by adoption of master plans, precise plans, precise development plans, conditional use permits, or similar zoning permits. These planned developments are depicted on the map entitled "Planned Development Map," incorporated as section 16-14.020 (zoning map and zones). A current list of the applicable ordinances and/or resolutions governing the planned developments is on file at the community development department.

16-22.030 - Commercial zones allowable land uses and permit requirements.

A. NC Zone.

1. Permitted uses in the NC zone.

a. Use-for-use changes (e.g., restaurant to restaurant) or minor structural alterations when no substantive intensification of use, as determined by the Director, is proposed; except as set forth in Subsection A.1.e below. Substantive intensification of use shall be measured in terms of parking requirements, number of employees at maximum shift, total floor area occupied, vehicular trip generation, or other factors within the reasonable discretion of the Director. The term "use for use changes" is qualified to limit its applicability to situations where the replacement use is substantially similar to the prior use in the reasonable discretion of the Director.

b. Lawfully existing uses established prior to December 26, 1990, shall be permitted to operate under the authority and limitations of applicable zoning permits.

c. The Point Tiburon Plaza commercial area shall continue to be regulated by provisions of the Point Tiburon precise plan and master conditional use permit. Conditional use permits for new uses in the Point Tiburon commercial area may be issued in accordance with provisions herein provided that such approvals are consistent with the Point Tiburon precise plan and master use permit.

d. Drive-through restaurants, and restaurants that primarily offer fast-food and/or take-out service, are discouraged.

e. Tiburon Boulevard-fronting ground floor office uses shall not be permitted in newly-constructed or redeveloped buildings located along "Upper Tiburon Boulevard", as that area is defined in the Tiburon General Plan Downtown Element on Diagram 4.4-1, without the granting of a conditional use permit in compliance with section 16-52.040 (conditional use permits) and an exception in compliance with subsection 16-22.040.B.1 (exception for street-fronting ground floor office use in the NC zone). Street-fronting ground floor office uses shall not be permitted on street addresses 1690 through 1698 Tiburon Boulevard inclusive without the granting of a conditional use permit in compliance with section 16-52.040 (conditional use permits) and an exception in compliance with subsection 16-22.040.B.2 (exception for street-fronting ground floor office use in the VC zone and 1690 through 1698 Tiburon Boulevard).

f. Emergency shelters in compliance with Section 65582 of the California Government Code (see section 16-40-060 [emergency shelters]).

2. Conditional uses permitted in the NC zone. The following uses shall be permitted only when a conditional use permit is granted, as provided in section 16-52.040 (conditional use permit). Additional uses, similar or accessory to those listed below, may be conditionally permitted by resolution of the commission.

Artist supply stores	Newsstands
Banks	Nursery for the propagation and/or sale of

(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010)

16-30.030 - Setback requirements and exemptions.

A. Purpose. This section provides standards for the use and minimum size of setbacks. Setbacks provide open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation between incompatible activities; and space for privacy, landscaping, and recreation. Setbacks can also provide a sense of low density, spaciousness, and aesthetic pleasure.

B. Setback requirements. Unless exempted in compliance with subsection E. below, all structures shall conform with the setback requirements established for each zone by article II (zones and allowable land uses), and with any special setbacks established for specific uses by this zoning ordinance, except as otherwise provided by this section.

C. Measurement of setbacks. Required setbacks shall be measured horizontally from the front, side or rear property line as appropriate to the measurement, to a line parallel thereto at the nearest point of a structure on the site. On a site that is not rectangular or approximately rectangular in shape, required setbacks shall be determined by the director, and a record of such determination kept in the town building file.

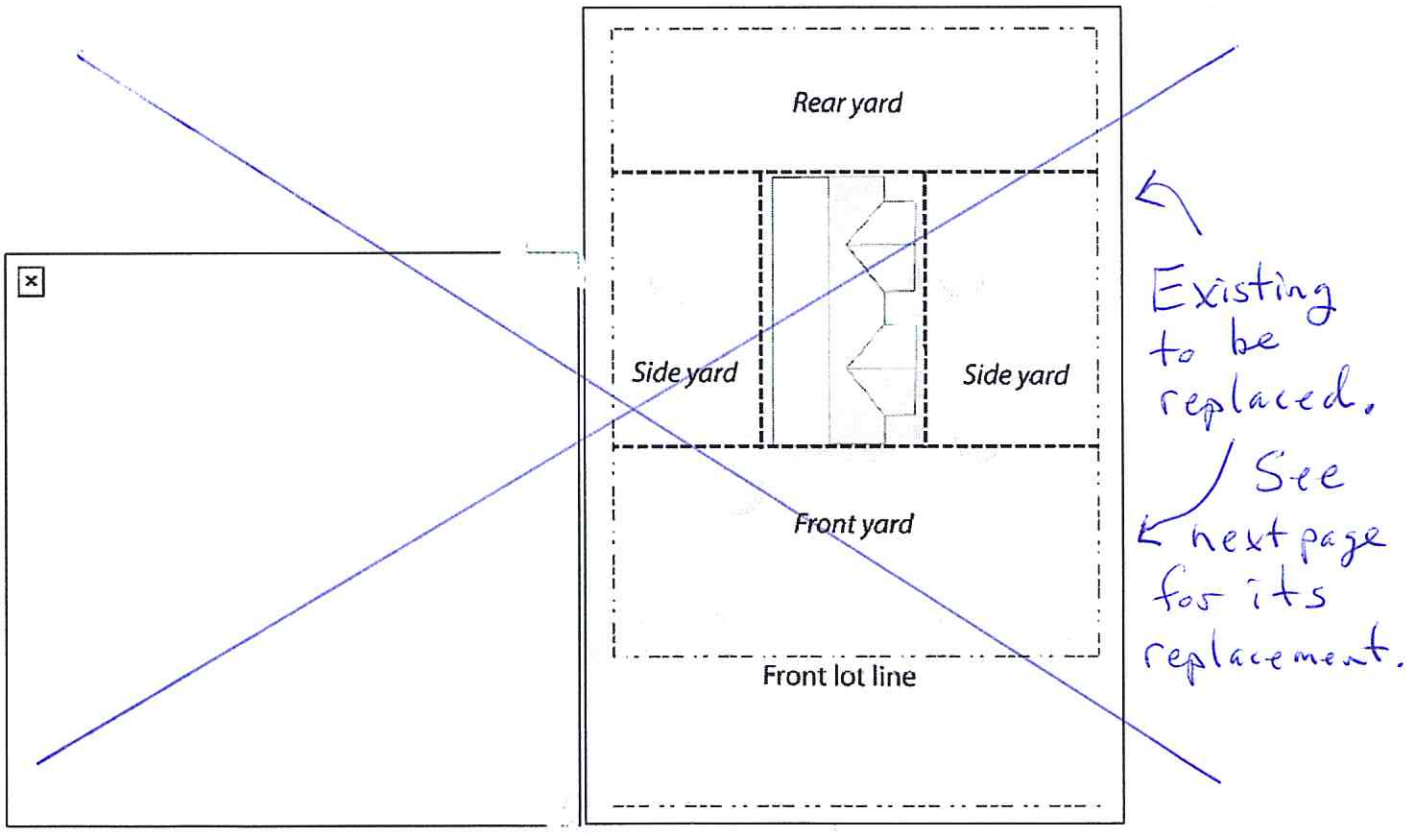


Figure 3-1. Yards

D. Front setback reduction. Where more than half the lots on one block in the same zone have been improved with buildings, the required front setback on that block is the average of the front setbacks on improved lots, but need not exceed the minimum required front setback in that zone.

E. Limitations on the use of setbacks.

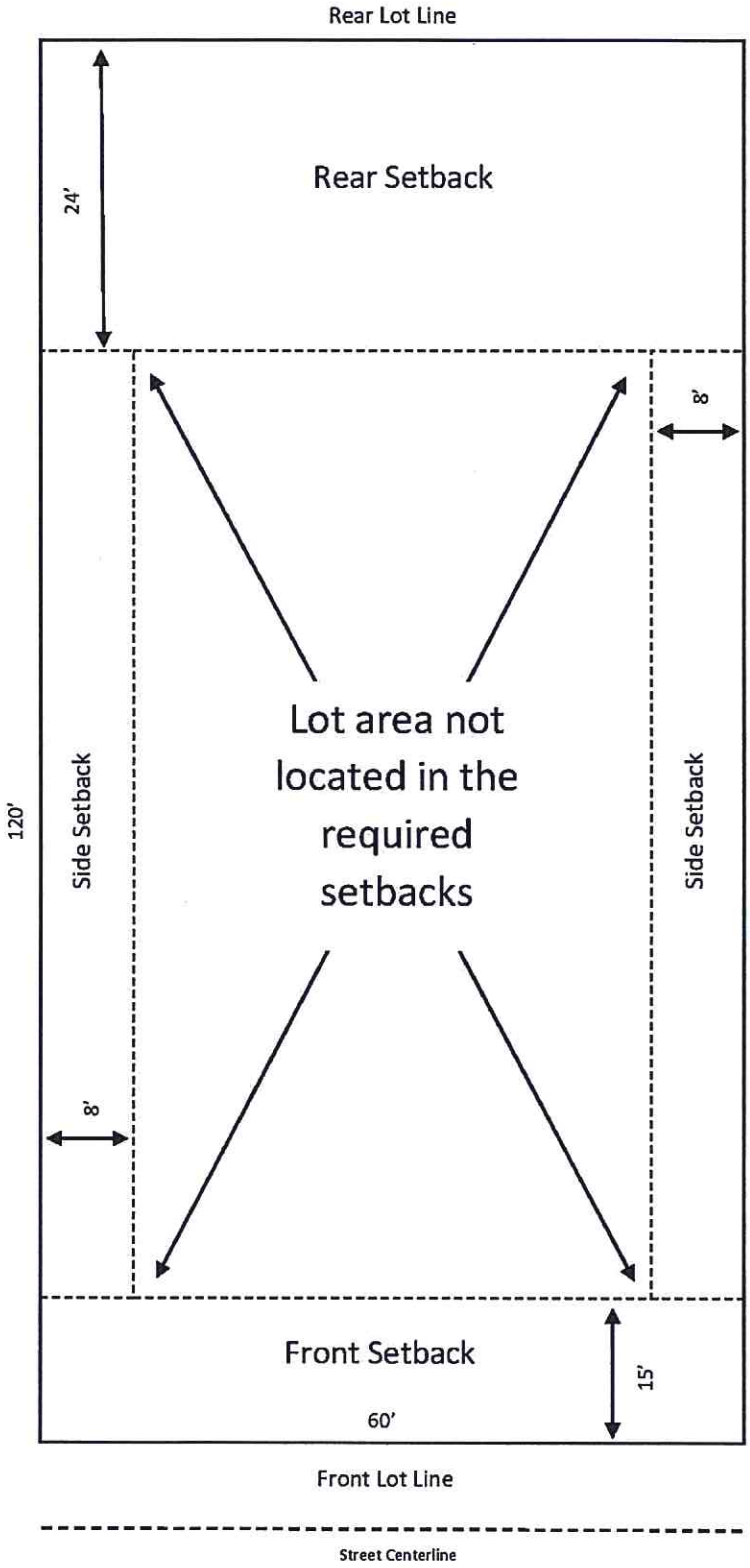


Figure 3-1. Setbacks (Example using R-1 zone setbacks)

E. Limitations on the use of setbacks.

1. Accessory structures. Required front and side setbacks shall not be used for the placement or erection of any accessory building in any zone. Detached accessory buildings not exceeding twelve feet in height may be located on a rear setback ~~yard~~, provided that such buildings do not occupy more than twenty-five percent of the area of the rear setback ~~yard~~. Swimming pools and spas may also be located on a rear setback ~~yard~~, but not within a front or side setback ~~yard~~.

2. Fences. See section 16-30.040 (fences and walls).

3. Landscaping. Landscape features such as patios, open grills, water features (other than swimming pools and spas), trellises, entry pergolas, and similar features may occupy any required setback. But in no case shall any obstruction be located in a public right-of-way without issuance of an encroachment permit.

4. Parking. The parking or storage of operable or inoperable vehicles in areas other than on an improved parking surface, as defined in article X (definitions), is prohibited.

5. Additional requirements.

   a. Required setbacks shall not be encroached upon by movement or alteration of an existing main building.

   b. Required accessory structure setbacks shall not be less than the minimum for any new main building, except as noted in subsection 1. above.

   ~~c. Required setbacks shall not be considered as yard space for more than one main building.~~

F. Allowed projections into setbacks. Attached architectural features and certain detached structures may project into or be placed within a required setback in compliance with the following requirements:

1. The ordinary projection of sills, bay windows, cornices, architectural features and eaves may extend beyond the wall of the structure and into the front, side and rear setbacks; provided, however, that none shall project into a minimum setback more than three feet. In no case shall such projection encroach to within three feet of any property line.

2. The extension of structures such as chimneys, fire escapes, landing places, outside stairways and uncovered balconies, decks and porches may extend beyond the wall of the structure and into the front, side and rear setbacks; provided, however, that none shall extend into a required side setback more than three feet, nor into a required front or rear setback more than six feet. In no case shall such structures extend to within three feet of any property line.

G. Restrictions on the use of front ~~yard~~ setbacks in residential zones. In any residential zone, a front setback shall not be used for the storage of junk materials as described in article X (definitions) under the definition of "junkyard."

H. Vehicle entry gates. Vehicle entry gates shall be set back a minimum of fifteen feet from a private or public roadway, shared driveway, curb, gutter or sidewalk so as not to impede vehicular or pedestrian traffic. The review authority shall have reasonable discretion to require a larger setback distance, if circumstances warrant.

(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010; Ord. No. 541 N.S., § 2(M), 8-15-2012)

16-30.040 - Fences and walls.

A. Applicability. The requirements of this section apply to all fences and walls, including fence/wall combinations, unless otherwise stated.

B. Height limits. Fences and walls may occupy any required setback, provided that:

1. A fence, wall, or retaining wall greater than three and one-half feet in height shall not be erected without site plan and architectural review approval as provided in section 16-52.020 (site plan and architectural review).
2. A fence, wall, or retaining wall shall not exceed six feet in height in any setback, with the following exceptions:
    a. A fence, wall or retaining wall may exceed six feet in height if all of the following conditions are met:
        i. The fence and/or wall is located along a private residential property line shared with another private residential property;
        ii. There is a difference in surface elevation between the two adjoining properties along the property line upon which the proposed fence and/or wall is to be located;
        iii. The fence and/or wall would have a maximum height of six feet on the upper side of the structure; and a maximum height on the lower side of the structure of six feet plus the difference in surface elevation between the adjoining property ~~yard areas~~ at the property line, but in no instance more than nine feet;
        iv. The review authority determines that a fence and/or wall with a height of six feet on the lower side of the structure would not provide an effective privacy screen for the adjoining properties; and
        v. The review authority determines that the proposed fence would not result in significant view obstruction or visual impacts on properties in the vicinity.
    b. A safety railing on top of a retaining wall as required by the town's building code shall not count toward the measured height of the retaining wall if the building official determines that the location of the railing is necessary for safety purposes. Site plan and architectural review approval shall be required for such railings and walls as provided in section 16-52.020 (site plan and architectural review). Such railings are encouraged to be constructed either of transparent materials or be otherwise visually open in design.
3. Fences (including walls used as fences) shall not be located, designed, or constructed so as to impair safe vision from vehicles or of pedestrians.
4. If two or more fences and/or walls are constructed with a separation of three feet or less between the faces of the structures, the height of the respective structures shall be combined to determine the total wall or fence height. If the fences and/or walls are separated by a horizontal distance greater than three feet, the heights of the fences and/or walls shall be calculated separately.

(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010)

16-30.050 - Height limits and exceptions.

A. Purpose. Height limits are important measures to protect privacy and views; to promote the adequate provision of sunlight, air, and visual safety; and to prevent the vertical overbuilding of properties.

B. Maximum height. No building or structure shall be erected or altered to exceed the height limit established for the zone in which the structure is located. The height limit is a maximum, and is subject to reduction through the site plan and architectural review process, through precise development plan approvals, or through other permit approvals issued by the town.

C. Height measurement. Height is the plumb vertical distance, measured using a plane, established by the lower of the natural or finished grade at the perimeter of the exposed exterior surface of the building, structure, fence, or wall. No point of the roof edge, fence, wall, parapet, mansard, structure,

(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010)

16-30.080 - Recyclable materials collection and loading.

The design and location of all collection and loading areas for recyclable materials shall comply with the requirements of Municipal Code chapter 16C, also known as the recyclables collection area ordinance.

(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010)

16-30.090 - Storage and debris boxes.

A. Purpose. The purpose of this section is to regulate the placement of storage and debris boxes on public and private property.

B. General. Site plan and architectural review (section 16-52.020) approval shall be obtained for any storage or debris box not associated with an active building permit. In addition, an encroachment permit shall be obtained if the storage or debris box is not associated with an active building permit and is located on public property.

C. Site plan and architectural review exceptions. Storage or debris boxes are exempt from the site plan and architectural review (section 16-52.020) and encroachment permit process as long as the following criteria are met:

1. The storage or debris box is associated with construction on a property for which there is an active building permit.
2. Debris boxes shall be on private property and off the street, unless there is no practical location for the debris box off-street as determined by the director.
3. Storage boxes in all cases shall be located on private property and off the street.

(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010)

16-30.100 - Submerged and partially submerged land.

A. Wholly submerged lands, and underwater portions of lands that are partially submerged, shall be considered conservation areas subject to the regulations of the M (marine) zone (divison 16-25), and of the San Francisco Bay Conservation and Development Commission (BCDC).

B. The area of such lots that is below the mean high tide line shall not be used in the determination of lot coverage, floor area ratio, or any other land and structure regulation of the zone in which it is located, but submerged land under the same ownership may be applied toward the minimum lot area requirements and the required rear ~~yard~~ setback of a lot.

C. Land use changes in submerged and partially submerged land as allowed by subsection 16-25.030.B. (uses permitted with a tidelands permit in the M zone) shall require tidelands permit review in compliance with section 16-52-080 (tidelands permit).

(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010; Ord. No. 541 N.S., § 2(N), 8-15-2012)

16-30.110 - Public utility lines.

A. Public utility lines requirements. Public utility distribution lines, both overhead and underground, are permitted in all zones, subject to obtaining normal permits (see section 16-52.020 [site plan and

architectural review]), except where routine maintenance and repairs on existing lines are required, in which case no zoning permit is required.

B. Undergrounding of utilities. The town requires undergrounding of utility connections for new construction and for remodel of existing structures, in compliance with Municipal Code chapter 12A (underground utility districts—extensions). The locations of new power transmission lines are to be approved by the town through site plan and architectural review (section 16-52.020).

(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010)

16-30.120 - Lot legality and coverage.

A. Legality of lots and lot area requirements.

1. Legality of lots required for improvement. No building or structure shall be constructed on a lot that is not legally recognized. The purpose of this provision is to prevent the construction of improvements on lots that have been illegally subdivided or otherwise illegally created. This provision does not apply to improvements on any of the following:

   a. A lot created by a valid recorded subdivision map;

   b. A legal lot of record, provided that the lot is not subject to merger provisions of the State Subdivision Map Act;

   c. A lot divided and conveyed by valid deed, written contract of sale, or similar means, executed prior to June 24, 1964 (when the town's subdivision ordinance was adopted), provided that the lot is not subject to merger provisions of the State Subdivision Map Act; or

   d. A lot recognized by a recorded certificate of compliance wherein all conditions (if any) of said certificate of compliance are satisfied.

2. Lot area requirements.

   a. Newly created lots shall have not less than the minimum area required by the land and structure regulations for the zone in which they are located. Any lot on which dwelling units are proposed shall also comply with any minimum lot area per unit requirement of its zone.

   b. No existing lot shall be reduced in area so as to be smaller than required by this zoning ordinance, nor shall it be divided to create lots smaller than required by this zoning ordinance; if already smaller in dimension or area, it shall not be further reduced or divided.

3. Water and sewer requirements. Newly-created lots and unimproved lots shall be served for domestic purposes by the public water system, or in accordance with Municipal Code chapter 13F (water well construction and use); and by the public sewer system unless specifically exempted by the council.

B. Lot coverage.

1. Lot coverage measures the proportion of a lot that is covered by structures. Lot coverage limits help to promote the aesthetic qualities of spaciousness and privacy. Lot coverage limits can also help reduce excessive run-off and help provide usable outdoor ~~yard~~ spaces by restricting the horizontal overbuilding of properties. In traditional zones (R-1, R-1-B, R-2, R-3, RO), the percentage of any lot that may be covered by structures is specified in the land and structure regulations for that zone (see article II [zones and allowable uses]). Lot coverage in planned developments is usually established by the precise development plan or associated document.

2. Lot coverage is calculated by dividing the area occupied by the exterior limits of all structures exceeding three feet in height above the natural or finished ground surface, whichever is lower, by the total lot area, and multiplying by one hundred.

c. No floor area exception shall be allowed for the project;

d. No lot coverage variance shall be allowed for the project;

e. No height variance shall be allowed for the project; and

f. No side setback ~~yard~~ or rear ~~yard~~ setback variances shall be allowed for the project.

I. Action by review authority. The review authority may approve, approve with conditions, or deny any application for a detached two-family dwelling exception. In taking its action, the review authority shall make findings based on evidence in the record. The burden rests with the applicant to convince the board that the project has met the criteria necessary for approval.

J. Appeal—expiration—reapplication.

a. The decision of the review authority may be appealed to the council in compliance with the provisions of division 16-66 (appeals).

b. Detached two-family dwelling exceptions shall expire and become null and void three years after the date of approval unless a building permit has been issued before the date of expiration.

c. Following the denial of an application for a detached two-family dwelling exception, no application for the same or substantially the same exception shall be filed within one year of the date of denial unless the denial is made without prejudice.

(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010)

16-40.030 - Bed and breakfast inns (B&Bs).

This section establishes standards for the development and operation of bed and breakfast inns (B&Bs), where allowed by article II (zones and allowable land uses). The intent of these provisions is to ensure that compatibility between the B&Bs and any adjoining zone or use is maintained or enhanced.

A. Permit requirement. B&Bs are allowable in the zones and with the permit requirements determined by articles II (zones and allowable land uses) and V (zoning permit procedures).

B. Site requirements. Except for minimum lot size requirements, the proposed site shall conform to all standards of the applicable residential zone.

C. Appearance. The exterior appearance of the structure used for the B&Bs shall be outwardly indistinguishable from that of a single-family residence.

D. Limitation on services provided. Service shall be limited to the rental of bedrooms or suites and meal/beverage service shall be provided for registered guests only. Separate/additional kitchens for guests are not allowed. No receptions, private parties, retreats, or similar activities, for which a fee is paid, shall be allowed.

E. Occupancy by permanent resident required. All B&Bs shall be occupied by at least one permanent resident.

F. Signs. Signs shall be installed/maintained in compliance with Municipal Code chapter 16A (signs).

G. Fire safety. A B&B shall comply with applicable fire district regulations.

H. Parking. On-site parking shall be provided in compliance with division 16-32 (parking and loading standards). One parking space shall be provided for each guest room plus two covered spaces for the resident family.

I. Business license. A B&B shall have a valid business license from the town.

a. Location requirements. No residential property shall be bordered on more than one side by a large family day-care facility. The director shall also determine that the proposed facility will not result in an over concentration of child-care facilities to the detriment of the neighborhood.

b. Passenger loading area. A drop-off and pick-up area shall be established to ensure that children are not placed at risk and street traffic is not unduly interrupted. The driveway may serve as a drop-off area, provided that the driveway is not required to remain available for resident or employee parking.

c. Parking. Adequate off-street parking shall be available to accommodate residents of the site and all employees, staff and/or volunteers engaged at the child-care facility. On-street parking may be substituted for the required off-street parking for employees and/or volunteers if the applicant can demonstrate to the satisfaction of the director that there is adequate on-street parking for this purpose in the immediate area without creating a parking problem for adjacent uses.

d. Signs. All signs shall be in compliance with Municipal Code chapter 16A (signs).

2. Standards for child day-care centers. The following standards apply to child day-care centers in addition to the standards in subsection D.1, above.

a. Fencing. A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front setback ~~yard~~ or within a traffic safety visibility area. All fences or walls shall provide for safety with controlled points of entry in compliance with section 16-30.040 (fences and walls).

b. Outdoor lighting. On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded, subject to the approval of the director.

c. Swimming pools/spas prohibited. No swimming pool/spa shall be installed on the site after establishment of the child day-care center, due to the high risk and human safety considerations. Any pool/spa existing on the site prior to application for approval of a child day-care center shall be removed prior to establishment of the use, unless the director determines that adequate, secure separation exists between the pool/spa and the facilities used by the children.

(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010)

16-40.060 - Emergency shelters.

A. Applicability. Where allowed by article II (zones and allowable land uses) emergency shelter facilities shall comply with the standards of this section.

B. Performance standards. An emergency shelter shall meet the following development and performance standards:

1. On-site management and on-site security shall be provided during hours when the emergency shelter is in operation.

2. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the surrounding area.

3. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:

a. Central cooking and dining room(s).

b. Recreation room.

(Ord. No. 554 N.S., § 2(C), 2-18-2015)

16-42 - Wireless Communications Facilities

Sections:

16-42.010 - Purpose.

The purpose of division 16-42 is to establish a comprehensive set of zoning requirements for antennas and wireless communication facilities (hereinafter "WCFs"). These regulations are intended to provide for the managed location and development of antennas and WCFs in a manner that recognizes and enhances the community benefits of wireless communication technology and reasonably accommodates the needs of citizens and wireless communication service providers in accordance with federal and state rules and regulations, while at the same time protecting neighbors from potential adverse impacts of such facilities, preserving the visual and other characteristics of the established community and the natural beauty of hillsides and ridgelines.

(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010)

16-42.020 - Definitions.

The technical terms and phrases used in division 16-42 are defined in article X (definitions) under "wireless communications facilities."

(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010)

16-42.030 - Applicability.

Exemptions. The requirements imposed by this division shall not apply to certain antennas or antenna structures, as set forth in this section, unless otherwise specified herein. Each such exempt facility listed in this section shall fully comply with any other applicable requirements of the Municipal Code to the extent not specially exempted in this section, including but not limited to the California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, and California Fire Code.

1. Direct broadcast satellite (DBS) antennas and multipoint distribution services (MDS) antennas measuring one meter or less in diameter (or diagonal measurement);
2. Television broadcast system (TVBS) antennas provided: (1) the antenna is located entirely on and/or above the subject property; and (2) no portion of any ground-mounted antenna is within a required front ~~yard~~ setback for the main building, in front of the main building, within a required side ~~yard~~ setback of a corner lot, or adjacent to a street. All TVBS antennas greater than three feet in height shall require site plan and architectural review and building permits in compliance with the Municipal Code for review of placement to ensure that maximum safety is maintained;
3. Satellite earth station (SES) antennas measuring two meters or less in diameter (or diagonal measurement) located on a property within any commercial office or public zone, provided that: (1) the antenna is located entirely on and/or above the subject property; and (2) no portion of any ground-mounted antenna is within a required front ~~yard~~ setback for the main building, in front of the main building, within a required side ~~yard~~ setback of a corner lot, or adjacent to a street. All SES antennas measuring more than one meter in diameter shall require site plan and

also impose such other conditions as it may deem necessary to achieve these purposes, including but not limited to, the following:

1. Special setback ~~yard~~, open spaces and buffers;
2. Fences and walls;
3. Surfacing of parking areas and specifications therefore;
4. Street dedications and improvements, including provisions of service roads or alleys when practical, and necessary dedications of utility easements, sites for public use, and to preserve open space;
5. Regulation of points of vehicular ingress and egress;
6. Regulation of special parking needs or controls;
7. Landscaping and maintenance thereof;
8. Maintenance of grounds;
9. Control of noise, lighting, vibration, odors, and other potentially dangerous or objectionable elements;
10. Limits on time for conduct of certain activities;
11. Time period in which the proposed use shall be developed or commenced;
12. Final review by the design review board, if appropriate;
13. Time period in which the use will be reviewed; and
14. Such other conditions as will make possible the development of the town in an orderly and efficient manner and in conformity with the interest and purposes set forth in this zoning ordinance and the general plan.

The commission may require such guarantees as it deems necessary to ensure that such conditions will be met.

K. Off-street parking and loading requirements. The requirements for provision of off-street parking and loading applicable to the particular use shall prevail, unless in the findings and conditions recited in the resolution, specific additional requirements are made with respect thereto.

L. Setbacks, height and area requirements. The provisions for required front, rear, and side setbacks and requirements for height and area applicable to the particular zone in which any use is proposed to be located shall prevail, unless, in the findings and conditions recited in the resolution, specific additional requirements are made with respect thereto.

M. Appeals. The action of the commission may be appealed in compliance with the provisions of division 16-66 (appeals).

N. Reapplication. A reapplication for a conditional use permit shall not be filed within one year from the date that the conditional use permit was revoked or denied. The only exceptions to this are when there has been a substantial change in circumstances or the denial was made without prejudice.

O. Issuance of conditional use permit. An application for conditional use permit approved by the review authority will become effective only after the expiration of the appeal period provided by this zoning ordinance.

P. Expiration of conditional use permit.

1. Conditional use permits issued in compliance with this section shall expire and become null and void one year after their effective date unless the authorized use has been commenced or an extension has been granted.

16-62.020 - Definitions.

A. Legal nonconforming use defined. A "legal nonconforming use" is a use of a structure or land that was lawfully established and maintained prior to the adoption of this zoning ordinance, but which no longer conforms to the use regulations set forth herein. An example of a legal nonconforming use would be a multi-unit apartment building located in a single-family or two-family residential zone, or a commercial use located in any residential zone.

B. Legal nonconforming structure defined. A legal nonconforming structure is a structure that was lawfully erected prior to the adoption of this zoning ordinance, but that no longer conforms to the standards of coverage, setbacks, height, distance between structures, or other prescribed regulation applicable under this zoning ordinance.

1. Examples of a nonconforming structure could be:

   a. A residence taller than thirty feet that did not receive a variance to be built higher than thirty feet;

   b. A lot in an RO-1 zone that exceeds fifteen percent lot coverage and that did not receive a variance to exceed the fifteen percent lot coverage limit; or

   c. A building with a setback less than that required in its zone and that did not receive a variance for the reduced setback ~~yard~~ area.

2. A structure shall not be considered nonconforming where its apparent nonconformity results solely from a variance, adjustment, or conditional use permit granted by the town or by the County of Marin and subsequently vested. Records of these permits may be on file in the department.

3. Lawfully existing structures shall not be considered nonconforming solely on the basis of floor area guidelines described in subsection 16-52.020.I (Floor area ratio guidelines).

(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010)

16-62.030 - Restrictions on nonconforming structures and uses.

A nonconforming land use and the use of a nonconforming structure may be continued, including transfers of ownership, provided that their continuation shall comply with the requirements of this section.

A. Nonconforming use of land. A nonconforming use of land may continue to be used as follows:

1. Maintenance and repairs. Legal nonconforming uses, as defined above, and the structures they occupy, may continue to be operated and occupied except as provided in subsection A.2 below. Routine maintenance and repairs may be performed on land or structures containing a nonconforming use.

2. Expansion and alteration.

   a. No nonconforming use shall be moved, altered, enlarged, or extended in any way that would increase the nonconformity, unless the purpose of such change is to eliminate the nonconformity, and as otherwise set forth in subsection B. (Nonconforming structure). This provision shall include structures containing nonconforming uses.

   b. A nonconforming use of a structure or site shall not be changed to another nonconforming use.

3. Termination of nonconforming status by discontinuance. Whenever a nonconforming use has been discontinued for a continuous period of one year, the nonconforming use shall

Sections:

16-100.010 - Purpose.

A. The following definitions shall be used in the interpretation of this zoning ordinance. Terms and phrases used in this zoning ordinance that are technical or specialized, or that may not reflect common usage, are defined herein.

B. If any of the definitions in division 16-100 conflicts with definitions in other provisions of the Municipal Code, the former shall control for the purposes of this zoning ordinance. If a word is not defined in division 16-100, or in other provisions of the Municipal Code, the director shall determine the correct definition. Should there be any difference between the following definitions and those in other sections of this zoning ordinance, the more detailed and specific definition shall take precedence, unless otherwise determined by the director.

(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010)

16-100.020 - Definitions of specialized terms and phrases.

As used in the zoning ordinance, the following terms and phrases shall have the meaning ascribed to them in this section unless the context in which they are used clearly requires otherwise.

A. Definitions, "A."

"Abuts" or "abutting". Having a common line, or separated only by a private or public street, alley, or easement.

"Access corridor". The portion of a flag lot providing access from the street, except that no portion of a site having side lot lines radial to the center or curvature of a street from the street property line to the rear lot line shall be deemed an access corridor. The area of an access corridor shall not be included in determining the area of a site, and the depth of an access corridor shall not be included in determining the depth of a front setback ~~yard~~.

"Accessory building or structure". A building or structure that is subordinate to the main building on the same site, or the use of which is incidental to the use of the site or the use of the main building on the site. A building that shares a common wall with a main building shall be deemed a part of the main building. A building or structure that is used as a secondary dwelling unit is not an accessory building or structure. ~~(See "setback.")~~

"Accessory use". A use customarily incidental, related, and subordinate to the principal legal use of the parcel or lot and located on the same. A secondary dwelling unit is not an accessory use.

"Affordable housing". See "inclusionary housing."

"Affordable unit". A dwelling unit affordable to households of very low, low, or moderate-income as determined by the housing authority.

"Agent of owner". A person authorized in writing by the property owner to represent and act for a property owner in contacts with town employees and officials regarding matters regulated by this zoning ordinance.

"Agriculture". The keeping of livestock; the breeding and raising of bees, fish, poultry or other fowl; the planting, raising, harvesting or producing of agricultural, aquacultural, horticultural, or forestry crops; or similar activity; excluding a household garden and a private, noncommercial vineyard less than one-quarter acre in area. For the purposes of this chapter, except where specifically exempted, the interpretation of what constitutes "agriculture" is intended to be broadly applied and widely encompassing.

F. Definitions, "F."

"Family". One or more persons occupying a dwelling and living as a single, domestic housekeeping unit, as distinguished from a group occupying a hotel or motel, club, fraternity or sorority house.

"Feasible". Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

"Fence". A man-made barrier that provides privacy and/or limits passage. Fences may be continuous or open at intervals. Fences that exceed three and one-half feet in height shall be considered "structures" as defined in this zoning ordinance.

"Firearms sales". A business licensed to sell, lease or transfer firearms or ammunition pursuant to California Penal Code Sections 26700 to 26915 and 30300 to 30365, or successor sections thereto.

"Floor area, gross". "Gross floor area" means the sum of all enclosed or covered areas of each floor of the building, measured to the exterior faces of the enclosing walls, columns, or posts.

NOTE: The term "capable of being used or finished for habitable space" is used below. A space shall be considered "capable of being used or finished for habitable space" if it meets California Building Code occupiable ceiling height requirements and is all of the following:

1. Covered by a solid, weatherproof roof or floor; and
2. At least fifty percent of the vertical area around the space is closed.

Gross floor area shall not include the following six areas:

1. For residential uses, the first six hundred square feet of garage or carport space on properties less than or equal to sixty thousand square feet in area; or the first seven hundred fifty square feet of garage or carport space on properties greater than sixty thousand square feet in area; or the first two hundred fifty square feet of garage or carport space for each parking space required in compliance with parking requirements from section 16-32.040 (number of paring spaces required);
2. Areas permanently open to the sky;
3. Exterior areas under roof eaves or other cantilevered overhangs;
4. Attic spaces and underfloor spaces that are not capable of being used or finished for habitable space;
5. Basements, as defined in this zoning ordinance; and
6. Floor areas of roofed or covered open spaces (such as breezeways, balconies, porches and similar spaces), which are not capable of being used or finished for habitable space, if at least fifty percent of the vertical area around the space is fully open.

Gross floor area shall include the following:

1. Unfinished loft spaces and other areas capable of being used or finished for habitable space;
2. Other roofed or covered spaces (such as breezeways, balconies, porches, or similar spaces) that are capable of being used or finished for habitable space, if less than fifty percent of the vertical area around the space is fully open;
3. Roof penthouses; mezzanine floor areas; and accessory buildings;
4. All crawl space area with a minimum height of seven feet when measured from finished or natural grade (whichever is lower) to the bottom of the floor above. This definition shall only apply to crawl space created after March 31, 2006; and

5. All space with a minimum height of seven feet beneath a cantilevered portion of other floor area of a dwelling unit. This definition shall only apply to such space created after March 31, 2006.

Unless otherwise stipulated, the term "floor area" shall mean gross floor area.

"Floor area ratio (FAR)". For residential uses, the floor area ratio is specified in table 5-2 as described in subsection 16.52.010(I). For nonresidential uses, the floor area ratio is the gross floor area of the building or buildings on a lot, divided by the area of the lot.

"Front setback". An area extending across the full width of a lot or parcel, the depth of which is the minimum distance from the front lot line (see "Lot line, front) as set forth in article II of this chapter for the zone in which the lot or parcel is located.

"Frontage". The property line abutting on a street. On a corner lot or a flag lot, or on a double-frontage lot, the lot line closest to the point of access to the lot, and/or the lot line abutting the principal street, as determined or approved by the director. The term also includes front lot line (see figure 10-1 and 10-2 below, under "lot").

G. Definitions, "G."

"Garage". An accessory building or portion of a main building, enclosed on three or more sides, designed or used primarily for the shelter or storage of automobiles and/or other vehicles.

"General plan". The comprehensive plan as adopted by the town in compliance with the California Government Code Section 65302, or successor sections thereto.

"Grade". The natural surface of the ground, or the finished ground surface, whichever is lower, but in no case lower than the minimum flood grade elevations adopted by the town (See "Height.") The director or board may determine the grade in the case of unusual project conditions.

"Ground surface". See "Grade."

"Guest house". Living quarters within a detached accessory building for use by guests of the occupants of the premises, such quarters having no kitchen or cooking facilities and not otherwise used or usable as a separate dwelling unit.

"Guest room". A room without kitchen facilities that is intended, arranged, or designed to be occupied, or which is occupied, by one or more guests, and is not rented or otherwise used as a separate dwelling unit.

"Guidelines". Design review guidelines, Town of Tiburon Design Guidelines For Hillside Dwellings and General Design Guidelines for New Construction and Remodeling (Hillside Design Guidelines), Downtown Tiburon Design Handbook, or any other guidelines adopted by resolution of the town council.

H. Definitions, "H."

"Handicapped accessible unit". A dwelling unit that meets all the special requirements as set forth in federal and state law for handicapped persons.

"Hearing, public". "Public hearing" means a duly noticed hearing held subject to the provisions herein, for the purpose of obtaining public opinion and comment upon an application or other matter before the board, commission, or council.

"Height". The plumb vertical distance, measured using a plane, established by the lower of the natural or finished grade at the perimeter of the exterior surface of the building, structure, fence, or wall. No point of the roof edge, fence, wall, parapet, mansard, structure, or other building feature shall extend above the plane established by the maximum height line from grade, except as specifically excluded in subsection 16-30.050.D (exceptions to height limits).

"Hen". A mature female chicken.

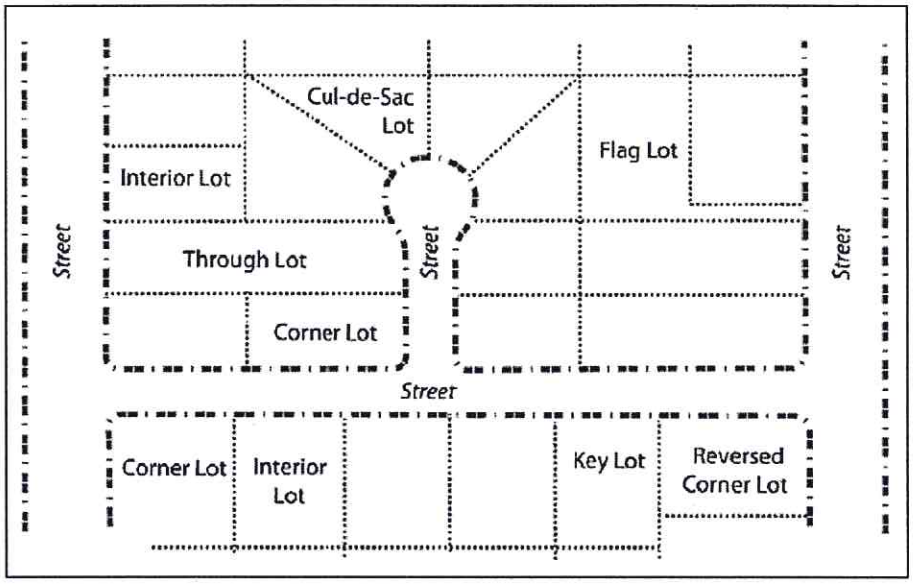


Figure 10-2 Lot Types

5. Key lot. The first interior lot to the rear of a reversed corner lot.

6. Reversed corner lot. A corner lot, the rear yard of which abuts the side setback ~~yard~~ of another lot.

"Lot area". The total area included within the boundary lines of a lot, exclusive of the area of access corridors or portions of the lot within existing or planned street lines. See Figure 10-2 above.

"Lot coverage". The percentage of a lot or parcel that is covered by structures. (Refer to subsection 16-30.120.B (lot coverage) for detailed information on the calculation of lot coverage.)

"Lot line". The lines bounding a lot as defined herein.

"Lot line, front". "Front lot line" means the line of an interior lot separating it from a street at or closest to the access to the lot, except (1) as otherwise defined under "frontage", or (2) when a front property line falls within a street right-of-way or roadway easement, the front lot line shall be the street right-of-way or roadway easement line within the property. ~~(See also "yards.")~~

"Lot line, rear". "Rear lot line" means a lot line that is opposite and most distant from the front lot line. On an irregular lot that is not of extreme configuration, the rear lot line shall coincide with the rear property line. In the case of an extremely irregular or triangular shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line shall be the rear lot line (see figures 10-3 and 10-4 on the following page). In the case of lots within the marine zone, the rear lot line is the mean high tide line.

"Lot line, side". "Side lot line" means the line of an interior lot separating it from another lot and the line of a corner lot separating the line of that lot adjacent to the frontage from a street, except (1) as otherwise defined under "frontage", or (2) when a street side property line falls within a street right-of-way or easement, the side lot line on that side shall be the easement or right-of-way line within the property.

"Lot of record". A lot created prior to current subdivision map requirements and in compliance with the applicable subdivision regulations in effect at that time.

"Play equipment". Equipment intended to be used for play purposes on residential property, including basketball standards, swing sets, and similar recreational equipment.

"Play structure". A portable (not permanently installed into the ground) structure intended to be used by children for play purposes on residential property.

"Precise development plan". A plan submitted by a property owner, or his legal representative, specifically showing the proposed improvement of a property including the site plan, preliminary engineering data, building concepts, landscaping plan, and other information as required in section 16-52.060 (precise development plan).

"Preschool". See "child day-care center".

"Prezoning". A zoning designation, formally adopted by the town, that applies to unincorporated territory adjoining the town or within its Planning Area, that would become effective upon annexation. Prezoning has no regulatory effect until the property is annexed. See section 16-68.030 (prezoning and annexation).

"Principal use". The primary purpose or function that a lot serves or is intended to serve.

"Private residential recreation facilities". A noncommercial club or recreation facility, civic club, or veteran organization, when located in a single-family dwelling.

"Property". A parcel or lot, unless otherwise specified herein.

"Property area". See "lot area."

"Property line". The boundary defining the ownership of any parcel of land, including a public right-of-way but not including a limit of ownership within a public right-of-way.

"Public use". Any use that is available to the general public and/or owned by the general public.

"Public/quasi-public use". A land use including educational facilities; governmental and quasi-public buildings or facilities; utility facilities; and similar facilities owned or operated by public or non-profit agencies.

Q. Definitions, "Q."

No specialized terms beginning with the letter "Q" are defined at this time.

R. Definitions, "R."

"Real estate tract office". A dwelling temporarily occupied by an office use for the intent of conducting real estate sales for a development project under construction in which the dwelling is located.

"Rear Setback". An area extending across the full width of a lot or parcel, the depth of which is the minimum distance from the rear lot line (see "Lot line, rear") as set forth in article II of this chapter for the zone in which the lot or parcel is located.

"Recreation, public". Any recreation use owned or operated by a public agency, with or without charging a fee.

"Recreational vehicle". A motor home, travel trailer, truck camper or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency or other occupancy, which meets all of the following criteria:

1. It contains less than three hundred twenty square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. It contains four hundred square feet or less of gross area measured at maximum horizontal projections;
3. It is built on a single chassis; and

3. Owner of record. The owner of at least fifty percent interest in the subject real property.

4. Primary unit. The building (or portion of the building in cases of an attached secondary dwelling unit) in which the principal residential use of the lot takes place. A secondary dwelling unit cannot constitute the primary unit.

5. Principal place of residence. A dwelling unit that is occupied by the owner of record as a primary place of residence.

"Secretary of the board". The director of community development or his designee.

"Secretary of the planning commission". The director of community development or his designee.

"Service station". A place for the retail sale of gasoline or other motor vehicle fuels, which may also include services incidental to fuel sales. These incidental services may include vehicle engine maintenance and repair, towing and trailer rental services. Does not include the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

"Setback". ~~A line within a lot depicting the limits of the required yard areas.~~ A portion of a lot or parcel in which certain uses, buildings or structures are regulated or restricted. Setback distances are based on the zone in which the lot or parcel is located. See article II for specifics and see section 16-30.030C (Figure 3.1) for a graphic representation. See also "Front setback", "Rear setback", and "Side setback".

"Side setback". An area extending from the front setback to the rear setback of the lot or parcel, the width of which is the minimum distance from the side lot line (see "Lot line, side"), as set forth in article II of this chapter for the zone in which the lot or parcel is located.

"Sidewalk". A paved walkway adjacent to a street or road.

"Significant (secondary) ridgeline". A ridgeline other than the Tiburon Ridge, as identified and described in the general plan open space and conservation element.

"Site". A parcel of land or portion thereof with access to a street, devoted to or intended for use or occupied by a structure or a group of structures. (See also "lot" and "parcel.")

"Site area". See "lot area."

"Site plan and architectural review". A type of zoning permit procedure used by the town. Refer to section 16-52.020 (site plan and architectural review).

"Slope". The natural ground slope of a lot or parcel. Percent of slope shall be measured along a line passing through the center of the lot or parcel, or through the building site, between lot lines and perpendicular to the natural contours; this choice shall be made by the director.

"Special needs household". A household with identified special needs, including, but not limited to:

a. Single-person household (smaller units);
b. Single-parent household (smaller units);
c. Senior household (including assisted housing and board and care);
d. Large family household (minimum of three bedrooms);
e. A household with people with disabilities (handicapped persons).

"Special setback". A setback different than normally required pursuant to article II of this chapter that is required through the course of a conditional permit or other discretionary zoning permit review.

12. Antenna structure, freestanding. An antenna structure or mast that is not attached to a building, fence, or other such structure. Freestanding antenna structures include communications towers, wooden utility poles, standard or decorative concrete, and steel monopoles. If the total height of the structure, including the antenna, exceeds fifteen feet, it shall be treated as a monopole.

13. Antenna structure, monopole. A ground-mounted antenna structure, often tubular in shape, made of metal, reinforced concrete, or wood, which exceeds fifteen feet in height.

14. Electromagnetic field (EMF). A field of radiation produced by all electromagnetic waves, from gamma rays to radio waves. The EMF produced by wireless communication facilities is radio frequency (RF) radiation.

15. Related equipment. All equipment appurtenant to the transmission and/or reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable conduit and connectors, equipment pads, equipment shelters, cabinets, buildings, and access ladders.

16. Satellite dish. See "satellite antenna" under "antenna, satellite."

17. Visually inevident. That any component of a WCF, while possibly visible to a person with normal vision from street level, is such that it is not visually distinguishable as an antenna or other components of a WCF due to sufficient camouflage, design, screening, building or architectural integration, or other factors.

18. Wireless communication facility—Co-located. A wireless communication facility comprised of a single telecommunication tower or building supporting one or more antennas or similar devices owned or used by more than one public or private entity.

19. Wireless communication facility—Shared location. More than one telecommunications facility comprised of multiple antenna structures and other structures used for the support of antennas operated by one or more carriers where such antenna structures and other structures are located on the same lot or parcel.

20. Wireless communication facility standards. A set of standards, adopted by resolution of the town council, applying generally to review of applications for wireless communication facilities.

X. Definitions, "X."

No specialized terms beginning with the letter "X" are defined at this time.

Y. Definitions, "Y."

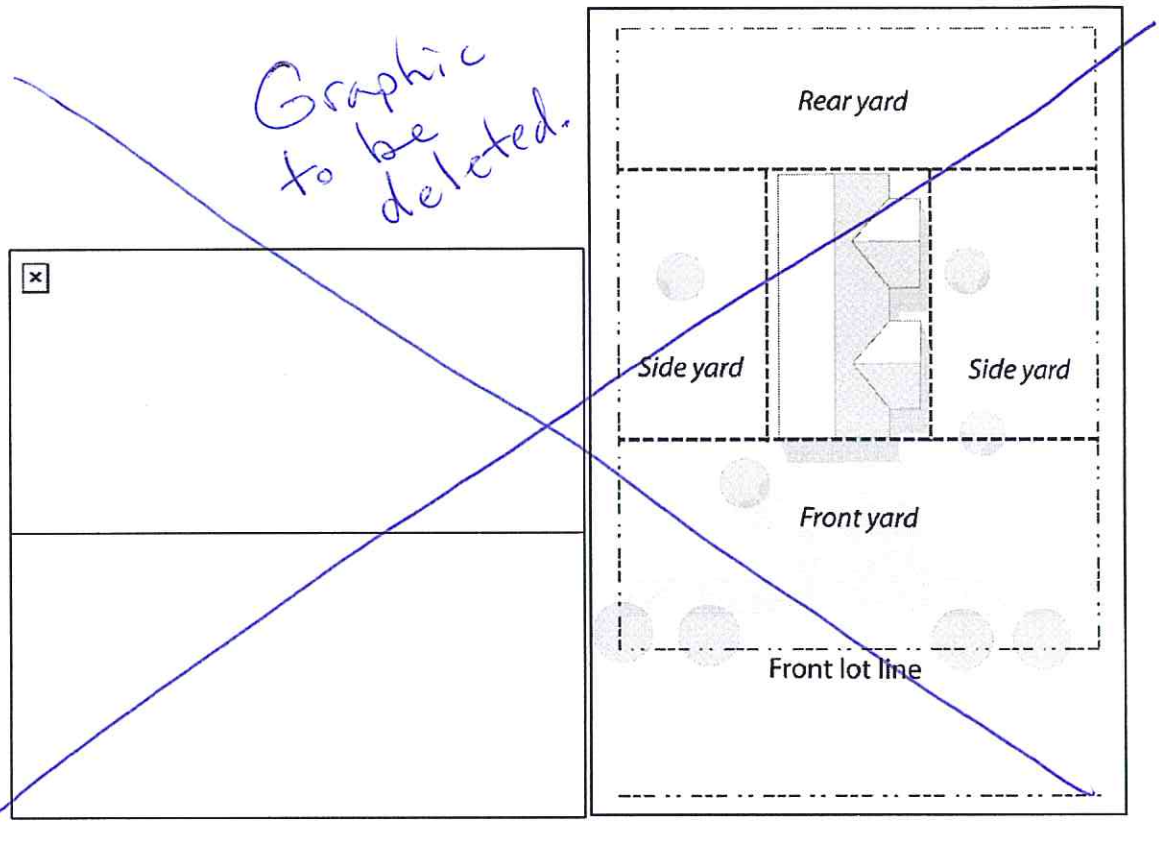
"Yard". When used in the context of a physical portion of a lot or parcel, "yard" is synonymous with "setback".

~~"Yard". An open area on the same site as a main building, unoccupied and unobstructed from the natural ground upward except as otherwise provided in this Zoning Ordinance, including a front yard, side yard, rear yard, or unobstructed area between structures. See also "setback," and section 16.30.030 (setback requirements and exceptions). See figure 10-5.~~

~~1. Front yard or setback. An area extending across the full width of a lot, the depth of which is the minimum distance separating the front line (as defined herein) and the main building on the lot.~~

~~2. Rear yard or setback. An area extending across the full width of a lot, the depth of which is the minimum distance separating the rear lot line (as defined herein) and the main building on the lot.~~

~~3. Side yard or setback. An area from the rear to the front yard of the lot, the width of which is the minimum distance separating the side lot line (as defined herein) and the main building on the lot.~~



~~Figure 10-5 Yards~~

Z. Definitions, "Z."

"Zone". ~~An area within which certain uses of land and buildings are permitted and certain others are prohibited, yards and other open spaces are required, lot areas, building height limits, and other requirements are established.~~ "Zone". An area within which certain uses of land, buildings and structures are permitted and certain others are regulated or prohibited; setbacks are required, and lot areas, building height limits, and other requirements are established.

"Zoning map". The map entitled, "Town of Tiburon Zoning Map" (see section 16-14.020 [zoning map]).

"Zoning permit". Any permit required by the terms of this zoning ordinance.

(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010; Ord. No. 524 N.S., § 1E, 3-2-2011; Ord. No. 541 N.S., §§ (FF)1—4, 8-15-2012; Ord. No. 542 N.S., §§ 2(B)(1), (2), 8-15-2012; Ord. No. 552 N.S., § 2(B), 9-3-2014; Ord. No. 554 N.S., § 2(G), 2-18-2015; Ord. No. 555 N.S., § 2(F), 2-18-2015)

c. Referral for determination. The director may refer the question of whether a proposed use qualifies as a similar and compatible use directly to the commission for a determination at a public meeting.

d. Appeal. A determination of additional uses, similar or accessory to those allowed, may be may be appealed in compliance with division 16.66 (appeals).

4. Prohibited uses.

a. Marijuana Dispensaries are prohibited in all zones.

b. Marijuana Cultivation is prohibited in all zones.

c. The sale of marijuana is prohibited in all zones.

B. Permit requirements. Division 16-21, table 2-1; section 16-21.030; section 16-22.030; section 16-23.030; section 16-24.030; section 16-25.030; section 16-26.030; section 16-27.030; and section 16-28.030 provide for land uses that are:

1. Allowed subject to compliance with all applicable provisions of this zoning ordinance, including site plan and architectural review, where required, and subject to first obtaining any building permit or other permit required by the Municipal Code;

2. Allowed subject to the approval of a conditional use permit (section 16-52.040); and

3. Not allowed in particular zones.

A land use authorized through the approval of a conditional use permit may also require site plan and architectural review approval (16-52.020), a building permit, or other permit required by the Municipal Code. Uses listed as allowed by a conditional use permit, as determined by the director or commission as conforming to the purposes of such zone, are not permitted in such zone unless a conditional use permit has been granted.

(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010; Ord. No. 552 N.S., § 2(A), 9-3-2014)

16-20.040 - Exemptions from zoning permit requirements.

The zoning permit requirements of this zoning ordinance do not apply to the land uses, structures, and activities identified by this division. These are allowed in all zones subject to compliance with this division.

Exempt activities and land uses. The following are exempt from the zoning permit requirements of division 16-21, table 2-1; section 16-21.030; section 16-22.030; section 16-23.030; section 16-24.030; section 16-25.030; section 16-26.030; section 16-27.030; and section 16-28.030. The following are also exempt from site plan and architectural review in compliance with section 16-52.020 (site plan and architectural review), unless otherwise noted.

1. Decks and platforms less than three feet above grade; paths. Decks and platforms and their associated components that do not constitute a "structure" as defined herein; paths that do not require a building or grading permit.

2. Fences and walls three and one-half feet (forty-two inches) or less in height. See section 16-30.040 (fences and walls).

3. Interior remodeling. Interior alterations that do not increase the gross floor area of the structure, change the permitted use of the structure, or result in any physical exterior alterations to the structure.

4. Repairs and maintenance.

J. Reporting of violations. All reporting of junior accessory dwelling unit violations shall be in writing and directed to the department. The director shall notify the owner of record of the property that a complaint has been registered within ten calendar days from receipt of any such complaint. The director shall investigate and issue a written report to the complainant within thirty days from the date of the issuance of the notice outlining the current status of any alleged violation and the steps that have been requested of the owner of record to remedy the situation.

K. Violations considered an infraction. Violations of this section shall be punished as infractions or by administrative citation, in the discretion of the director and shall be subject to the provisions of section 16-56.030 (violations and penalties) and/or Municipal Code chapter 31 (enforcement of code). This subsection also applies to violations of requirements of operation issued in association with any junior accessory dwelling unit approval.

L. Violations—Additional remedies—Injunctions. As an additional remedy, the existence and/or maintenance of any junior accessory dwelling unit in violation of any provisions herein, or of any requirements of operation placed thereon, shall be cause for revocation and shall be deemed and is declared to be a public nuisance and may be subject to summary abatement (i.e., including, without limitation, administrative abatement in compliance with Municipal Code chapter 31), and/or restrained and enjoined by a court of competent jurisdiction. In the event legal action is instituted to abate said violation, the town shall be entitled to recover its costs and reasonable attorney's fees incurred in prosecuting said action.

M. Appeals. Any person aggrieved by any decision involving the approval, denial, or revocation of a junior accessory dwelling unit may appeal such decision to the town council in compliance with division 16-66 (appeals).

N. Density. Pursuant to California Government Code section 68552.2, no junior accessory dwelling unit approved under these provisions shall be considered in calculating the density of the lot allowed by the land use designation contained in the land use element of the Tiburon General Plan.

(Ord. No. 555 N.S., § 2(C), 2-18-2015)

16-52.110 - Home occupations.

A. Application and fee. Application for a home occupation permit shall be made in compliance with the provisions of division 16-50 (application filing and processing), and shall be accompanied by the appropriate fee. A home occupation permit is required for any use defined as a home occupation.

B. General criteria. Home occupations shall be limited to the following uses:

1. Art and craft work (ceramics, painting, photography, sculpture, etc.);

2. Tailors, sewing, etc.; and

3. Office-only uses, including an office for an architect, attorney, consultant, counselor, insurance agent, planner, tutor, writer, etc., and electronic commerce.

4. Firearms sales, as defined in article X of this chapter, are not permitted as a home occupation.

Home occupations also includes any other uses which may be determined by the review authority to be of the same general character as the above occupations, and not objectionable or detrimental to the zone in which they are located.

C. Operating standards. Home occupations shall meet the following requirements:

1. No significant additional traffic shall be created in the neighborhood;

2. Adequate parking shall be maintained;

Candy stores	Paint and wallpaper stores
Clothing and costume rental	Pet shops
establishments	Photographic supply stores
Commercial place of amusement	Photography studios
Dry goods stores	Picture framing
Dwelling units	Printing shops
Florists	Radio and TV sales and service stores
Establishment serving any alcoholic	Restaurant
beverage for consumption on the premises	Service station
Firearms sales	
Furniture stores, new and unfinished	Shoe stores
Garden supply stores	Sporting good stores
Grocery stores	Stamp and coin stores
Hobby stores	Stationary stores
Hotels and motels	Supportive housing
Household appliance stores	Tailor and dressmaking shops
Interior decorating shops	Theaters and playhouses
Jewelry stores	Toy stores
Leather goods and luggage shops	Transitional housing
Liquor or drug stores	Travel bureaus

RESOLUTION NO. 2016-DRAFT

A RESOLUTION OF THE PLANNING COMMISSION
OF THE TOWN OF TIBURON RECOMMENDING TO THE TOWN COUNCIL ADOPTION
OF TEXT AMENDMENTS TO THE TIBURON ZONING ORDINANCE
RELATING TO REGULATION OF FIREARMS AND AMMUNITION

WHEREAS, the Town of Tiburon has initiated text amendments to the Town's Zoning Ordinance, codified as Title IV, Chapter 16 of the Tiburon Municipal Code; and

WHEREAS, a notice of the public hearing on the amendments was published in a newspaper of general circulation within the Town of Tiburon on February 12, 2016 and other noticing was provided as required by law; and

WHEREAS, the Planning Commission did hold a duly noticed and advertised public hearing on February 24, 2016 and considered any testimony received during the public hearing; and

WHEREAS, the Planning Commission has considered the preliminary environmental determination that the proposed amendments are categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA Guidelines (Minor Alterations to Land Use Limitations) and also pursuant to CEQA Guidelines Section 15061(b)(3); and

WHEREAS, the Planning Commission finds that the proposed zoning text amendments are consistent with the goals, policies, and programs of the Tiburon General Plan and any applicable plans and are consistent with the requirements and objectives of the Zoning Ordinance; and

WHEREAS, the Planning Commission finds that the proposed amendments will not be detrimental to the public health, safety or welfare of the Town.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends that the Town Council adopt the Zoning Ordinance text amendments as set forth in the attached Exhibit "A".

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

AYES: COMMISSIONERS:

NAYS: COMMISSIONERS:

ABSENT: COMMISSIONERS:

EXHIBIT NO. 2

DAVID KULIK, CHAIR
Tiburon Planning Commission

ATTEST:

SCOTT ANDERSON, SECRETARY

Attachment: Exhibit "A"

EXHIBIT "A"

(A) Title IV, Chapter 16, Section 16-52.110B is revised to add read as follows:

B. General criteria. Home occupations shall be limited to the following uses:

1. Art and craft work (ceramics, painting, photography, sculpture, etc.);

2. Tailors, sewing, etc.; and

3. Office-only uses, including an office for an architect, attorney, consultant, counselor, insurance agent, planner, tutor, writer, etc., and electronic commerce.

4. Firearms sales, as defined in article X [Definitions] of this chapter, are not permitted as a home occupation.

Home Occupations may also include any other uses that may be determined by the Review Authority to be of the same general character as the above-allowed occupations, and not objectionable or detrimental to the zone in which they are located.

(B) Title IV, Chapter 16, Section 16-22.030A.2 [Conditional uses permitted in the NC zone] is revised to add the term "Firearms sales" to the alphabetical list of uses set forth therein.

(C) Title IV, Chapter 16, Section 16-100.020F of the Tiburon Municipal Code is amended to add the definition of "Firearms sales" to read as follows:

"Firearms sales". A business licensed to sell, lease or transfer firearms or ammunition pursuant to California Penal Code Sections 26700 to 26915 and 30300 to 30365, or successor sections thereto.

RESOLUTION NO. 2016-DRAFT

A RESOLUTION OF THE PLANNING COMMISSION
OF THE TOWN OF TIBURON RECOMMENDING TO THE TOWN COUNCIL ADOPTION
OF VARIOUS TEXT AMENDMENTS TO THE TIBURON ZONING ORDINANCE

WHEREAS, the Town of Tiburon has initiated text amendments to the Town's Zoning Ordinance, codified as Title IV, Chapter 16 of the Tiburon Municipal Code; and

WHEREAS, a notice of the public hearing on the amendments was published in a newspaper of general circulation within the Town of Tiburon on February 12, 2016 and other noticing was provided as required by law; and

WHEREAS, the Planning Commission did hold a duly noticed and advertised public hearing on February 24, 2016 and considered any testimony received during the public hearing; and

WHEREAS, the Planning Commission has considered the preliminary environmental determination that the proposed amendments are categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA Guidelines (Minor Alterations to Land Use Limitations) and also pursuant to CEQA Guidelines Section 15061(b)(3); and

WHEREAS, the Planning Commission finds that the proposed zoning text amendments are consistent with the goals, policies, and programs of the Tiburon General Plan and any applicable plans and are consistent with the requirements and objectives of the Zoning Ordinance; and

WHEREAS, the Planning Commission finds that the proposed amendments will not be detrimental to the public health, safety or welfare of the Town.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends that the Town Council adopt the Zoning Ordinance text amendments as set forth in the attached Exhibit "A".

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

AYES: COMMISSIONERS:

NAYS: COMMISSIONERS:

ABSENT: COMMISSIONERS:

EXHIBIT NO. 3

DAVID KULIK, CHAIR
Tiburon Planning Commission

ATTEST:

SCOTT ANDERSON, SECRETARY

Attachment: Exhibit "A"

EXHIBIT "A"

(A) Title IV, Chapter 16, Section 16-10.050D.2. of the Tiburon Municipal Code is amended to read as follows:

2. Development standards. The proposed use of land or structure shall satisfy all applicable requirements of this chapter, including, but not limited to, minimum lot area, height limits, required setbacks, residential density, lot coverage, and floor area limits; and

(B) Title IV, Chapter 16, Section 16-21.020B.1 of the Tiburon Municipal Code is amended to read as follows:

1. R-1-B-A (Bel Aire single-family residential) zone. The R-1-B-A zone serves the same purpose as the R-1 zone but is intended to reflect the different front and side setbacks historically found in the Bel Aire Estates neighborhood. The principal uses, conditional uses, and development standards for the R-1-B-A zone shall be the same as the R-1 zone with the exception of the front and side setbacks established in section 16-21.040 (residential zones development standards).

(C) Title IV, Chapter 16, Section 16-21.020B.2 of the Tiburon Municipal Code is amended to read as follows:

2. R-1-B-2 (modified single-family residential) zone. The R-1-B-2 zone serves the same purpose as the R-1 zone but is intended to reflect the different front and side setbacks with which the properties were developed. The principal uses, conditional uses, and the development standards for the R-1-B-2 zone shall be the same as the R-1 zone with the exception of the front and side setbacks established in section 16-21.040 (residential zones development standards).

(D) Title IV, Chapter 16, Section 16-30.030C of the Tiburon Municipal Code is amended to read as follows:

C. Measurement of setbacks. Required setbacks shall be measured horizontally from the front, side or rear property line as appropriate to the measurement, to a line parallel thereto at the minimum distance specified in Article II for the zone in which the property is located. On a site that is not rectangular or approximately rectangular in shape, required setbacks shall be determined by the director, and a record of such determination kept in the town building file.

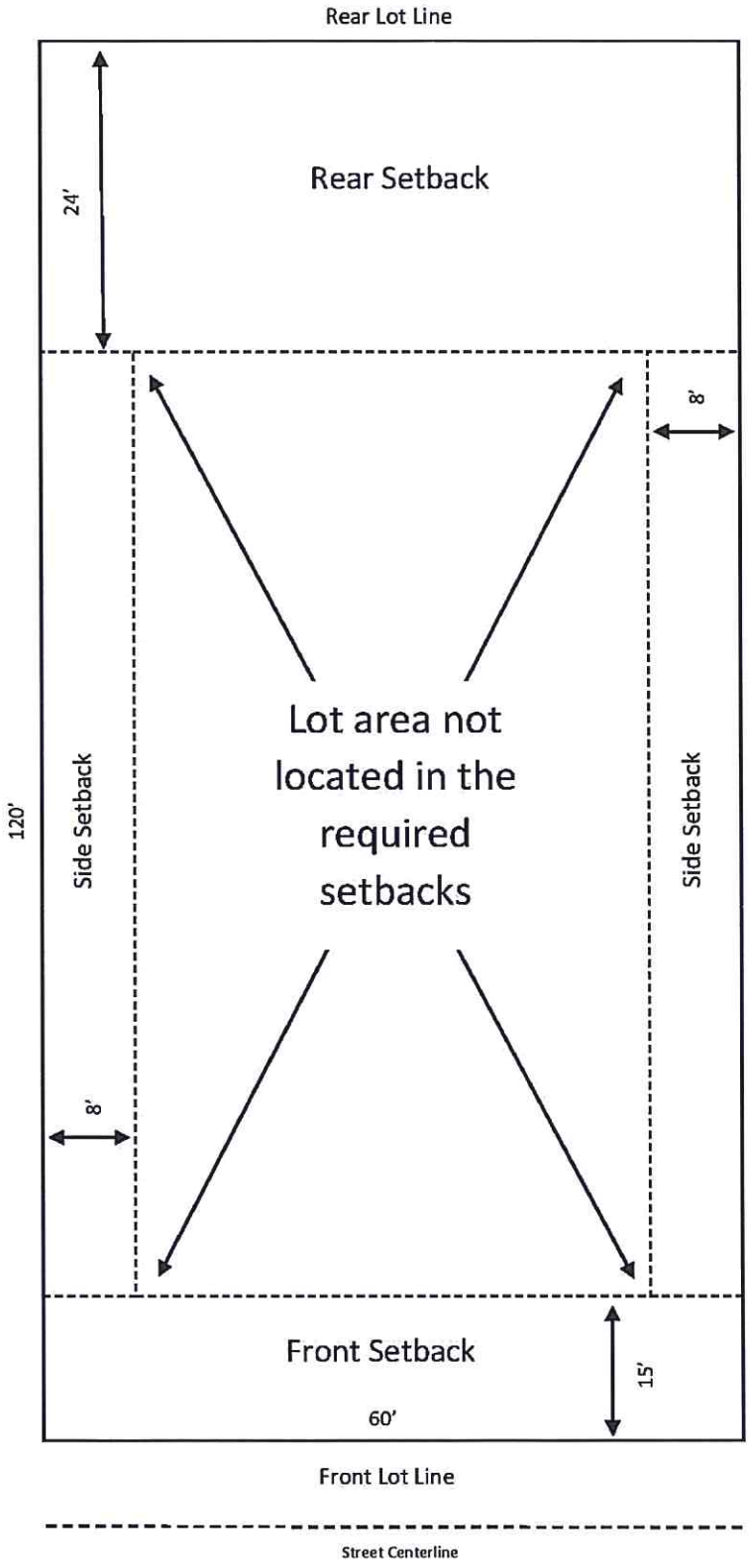


Figure 3-1. Setbacks (Example using R-1 zone setbacks)

(E) Title IV, Chapter 16, Section 16-30.030E.1 of the Tiburon Municipal Code is amended to read as follows:

1. Accessory structures. Required front and side setbacks shall not be used for the placement or erection of any accessory building in any zone. Detached accessory buildings not exceeding twelve feet in height may be located on a rear setback, provided that such buildings do not occupy more than twenty-five percent of the area of the rear setback. Swimming pools and spas may also be located on a rear setback, but not within a front setback or side setback.

(F) Title IV, Chapter 16, Section 16-30.030E.5.c of the Tiburon Municipal Code is deleted.

(G) Title IV, Chapter 16, Section 16-30.030G of the Tiburon Municipal Code is amended to read as follows:

G. Restrictions on the use of front setbacks in residential zones. In any residential zone, a front setback shall not be used for the storage of junk materials as described in article X [Definitions] under the definition of "junkyard."

(H) Title IV, Chapter 16, Section 16-30.040B.iii of the Tiburon Municipal Code is amended to read as follows:

iii. The fence and/or wall would have a maximum height of six feet on the upper side of the structure; and a maximum height on the lower side of the structure of six feet plus the difference in surface elevation between the adjoining property at the property line, but in no instance more than nine feet;

(I) Title IV, Chapter 16, Section 16-30.100B of the Tiburon Municipal Code is amended to read as follows:

B. The area of such lots that is below the mean high tide line shall not be used in the determination of lot coverage, floor area ratio, or any other land and structure regulation of the zone in which it is located, but submerged land under the same ownership may be applied toward the minimum lot area requirements and the required rear setback of a lot.

(J) Title IV, Chapter 16, Section 16-30.120B.1 of the Tiburon Municipal Code is amended to read as follows:

1. Lot coverage measures the proportion of a lot that is covered by structures. Lot coverage limits help to promote the aesthetic qualities of spaciousness and privacy. Lot coverage limits can also help reduce excessive run-off and help provide usable outdoor spaces by restricting the horizontal overbuilding of properties. In traditional zones (R-1, R-1-B, R-2, R-3, RO), the percentage of any lot that may be covered by structures is specified in the land and structure

regulations for that zone (see article II [zones and allowable uses]). Lot coverage in planned developments is usually established by the precise development plan or associated document.

(K) Title IV, Chapter 16, Section 16-40.020H.f of the Tiburon Municipal Code is amended to read as follows:

f. No side setback or rear setback variances shall be allowed for the project.

(L) Title IV, Chapter 16, Section 16-40.050D.2.a of the Tiburon Municipal Code is amended to read as follows:

a. Fencing. A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front setback or within a traffic safety visibility area. All fences or walls shall provide for safety with controlled points of entry in compliance with section 16-30.040 (fences and walls).

(M) Title IV, Chapter 16, Section 16-42.030.2 of the Tiburon Municipal Code is amended to read as follows:

2. Television broadcast system (TVBS) antennas provided: (1) the antenna is located entirely on and/or above the subject property; and (2) no portion of any ground-mounted antenna is within a required front setback for the main building, in front of the main building, within a required side setback of a corner lot, or adjacent to a street. All TVBS antennas greater than three feet in height shall require site plan and architectural review and building permits in compliance with the Municipal Code for review of placement to ensure that maximum safety is maintained;

(N) Title IV, Chapter 16, Section 16-42.030.3 of the Tiburon Municipal Code is amended to read as follows:

3. Satellite earth station (SES) antennas measuring two meters or less in diameter (or diagonal measurement) located on a property within any commercial office or public zone, provided that: (1) the antenna is located entirely on and/or above the subject property; and (2) no portion of any ground-mounted antenna is within a required front setback for the main building, in front of the main building, within a required side setback of a corner lot, or adjacent to a street. All SES antennas measuring more than one meter in diameter shall require site plan and architectural review and building permits in compliance with the Municipal Code for review of placement to ensure that maximum safety is maintained;

(O) Title IV, Chapter 16, Section 16-52.040J.1 of the Tiburon Municipal Code is amended to read as follows:

1. Special setbacks, open spaces and buffers;

(P) Title IV, Chapter 16, Section 16-62.020B.1.c of the Tiburon Municipal Code is amended to read as follows:

b. A building with a setback less than that required in its zone and that did not receive a variance for the reduced setback area.

(Q) Title IV, Chapter 16, Section 16-100.020A of the Tiburon Municipal Code is amended such that the definition of "Access Corridor" reads as follows:

"Access corridor". The portion of a flag lot providing access from the street, except that no portion of a site having side lot lines radial to the center or curvature of a street from the street property line to the rear lot line shall be deemed an access corridor. The area of an access corridor shall not be included in determining the area of a site, and the depth of an access corridor shall not be included in determining the depth of a front setback.

(R) Title IV, Chapter 16, Section 16-100.020A of the Tiburon Municipal Code is amended such that the definition of "Accessory building or structure" reads as follows:

"Accessory building or structure". A building or structure that is subordinate to the main building on the same site, or the use of which is incidental to the use of the site or the use of the main building on the site. A building that shares a common wall with a main building shall be deemed a part of the main building. A building or structure that is used as a secondary dwelling unit is not an accessory building or structure.

(S) Title IV, Chapter 16, Section 16-100.020F of the Tiburon Municipal Code is amended such that the definition of "Front setback" reads as follows:

"Front setback". An area extending across the full width of a lot or parcel, the depth of which is the minimum distance from the front lot line (see "Lot line, front) as set forth in article II of this chapter for the zone in which the lot or parcel is located.

(T) Title IV, Chapter 16, Section 16-100.020L of the Tiburon Municipal Code is amended such that subsection 6. Reversed corner lot of the definition of "Lot" reads as follows:

6. Reversed corner lot. A corner lot, the rear setback of which abuts the side setback of another lot.

(U) Title IV, Chapter 16, Section 16-100.020L of the Tiburon Municipal Code is amended such that the definition of "lot line, front" reads as follows:

"Lot line, front". "Front lot line" means the line of an interior lot separating it from a street at or closest to the access to the lot, except (1) as otherwise defined under "frontage", or (2) when a front property line falls within a street right-of-way or

roadway easement, the front lot line shall be the street right-of-way or roadway easement line within the property.

(V) Title IV, Chapter 16, Section 16-100.020R of the Tiburon Municipal Code is amended to add the definition of "Rear setback" to read as follows:

"Rear Setback". An area extending across the full width of a lot or parcel, the depth of which is the minimum distance from the rear lot line (see "Lot line, rear") as set forth in article II of this chapter for the zone in which the lot or parcel is located.

(W) Title IV, Chapter 16, Section 16-100.020S of the Tiburon Municipal Code is amended such that the definition of "Setback" reads as follows:

"Setback". A portion of a lot or parcel in which certain uses, buildings or structures are regulated or restricted. Setback distances are based on the zone in which the lot or parcel is located. See article II for specifics and see section 16-30.030C for a graphic representation. See also "Front setback", "Rear setback", and "Side setback".

(X) Title IV, Chapter 16, Section 16-100.020S of the Tiburon Municipal Code is amended to add the definition of "Side Setback" to read as follows:

"Side setback". An area extending from the front setback to the rear setback of the lot or parcel, the width of which is the minimum distance from the side lot line (see "Lot line, side"), as set forth in article II of this chapter for the zone in which the lot or parcel is located.

(Y) Title IV, Chapter 16, Section 16-100.020S of the Tiburon Municipal Code is amended such that the definition of "Special setback" reads as follows:

"Special setback". A setback different than normally required pursuant to article II of this chapter that is required through the course of a conditional permit or other discretionary zoning permit review.

(Z) Title IV, Chapter 16, Section 16-100.020Y of the Tiburon Municipal Code is amended such that Figure 10-5 Yards is deleted and the definition of "Yard" reads as follows:

"Yard". When used in the context of a physical portion of a lot or parcel, "yard" is synonymous with "setback".

(AA) Title IV, Chapter 16, Section 16-100.020Z of the Tiburon Municipal Code is amended such that the definition of "Zone" reads as follows:

"Zone". An area within which certain uses of land, buildings and structures are permitted and certain others are regulated or prohibited; setbacks are required, and lot areas, building height limits, and other requirements are established.

(BB) Title IV, Chapter 16, Section 16-20.030A.4 [Prohibited uses] is revised to read as follows:

4. Prohibited Uses.
    a. Marijuana Dispensaries are prohibited in all zones.
    b. The sale of marijuana is prohibited in all zones.
    c. The cultivation of marijuana is prohibited in all zones. For purposes of this section, "cultivation of marijuana" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(CC) Title IV, Chapter 16, Section 16-22.030A.1.a is revised to read as follows:

a. Use-for-use changes (e.g., restaurant to restaurant) or minor structural alterations when no substantive intensification of use, as determined by the Director, is proposed; except as set forth in Subsection A.1.e below. Substantive intensification of use shall be measured in terms of parking requirements, number of employees at maximum shift, total floor area occupied, vehicular trip generation, or other factors within the reasonable discretion of the Director. The term "use for use changes" is qualified to limit its applicability to situations where the replacement use is substantially similar to the prior use in the reasonable discretion of the Director.

Town Manager Chanis confirmed the Town's [previously approved] contribution for the current school year was $325,000; he said there would be a more precise number for the upcoming fiscal year when the FY 2016-17 Operating Budget was presented to the Council.

Councilmember Doyle also concurred with O'Donnell's comments about the YBCP and his recommendation to get Corte Madera and the County involved in the program. He said that as a "kid" riding the bus, he found it to be a positive experience during the day; a break between school and home.

Mayor Tollini said the numbers don't lie; that there had been a measurable reduction in traffic as a result of the YBCP, as evidenced by the traffic studies. She applauded everyone's efforts toward making the program a success.

Mayor Tollini said she, too, would support staff's recommendations, and asked for a motion to:

1. Reaffirm the Town's support of the Yellow Bus Challenge Program and continued participation on the Yellow Bus Challenge 2.0 Committee and,
2. Review the Draft "*Joint Powers Agreement to establish, operate and maintain a school bus system to reduce traffic*" and provide direction to the Town Manager, who will work with representatives from Belvedere and the Reed Union School District to finalize the document for Town Council consideration at the February 17, 2016 Town Council meeting and,
3. Direct staff to include, for Town Council consideration, an appropriation in the Fiscal Year 2016-2017 Town Operating Budget, to subsidize the Yellow Bus Challenge program in School Year 2016-2017.

Moved: Fredericks, seconded by Fraser
Vote: AYES: Unanimous

3. **Regulation of Firearms** – Discussion of options for the Tiburon Town Council to consider regarding amendments to Chapter 32 of the Town Code (Mayor Tollini/Vice Mayor Fraser)

Mayor Tollini said she was fully in support of Second Amendment rights. She said she had asked staff to place a discussion of this item [Chapter 32] on the agenda so that the town could weigh in against the kinds of guns used in recent crimes and mass shooting. She said these events had created a "tipping point" between the rights of certain types of gun ownership and public safety and welfare. She said that as a mother and a community leader, she wants the Town to be at the forefront of this discussion and to take action in order to make our community a safer place, and to send a message to County and State leaders.

In his staff report, Town Manager Chanis said that some local jurisdictions have begun reviewing their regulations to determine whether there are additional measures that can be enacted at a local level to address the increase in gun violence. He said that most California

EXHIBIT NO. 4

cities that have considered further regulation have focused on regulations in the following areas:

1. Possession of large capacity magazines.
2. Reporting requirements for lost or stolen firearms.
3. Requirements for the safe storage of firearms.
4. Further regulating firearm dealers.

Chanis' report further analyzed these types of regulations. He also included copies ordinances adopted by the City of San Francisco, City of Sunnyvale, and proposed state legislation, the "Safety for All" initiative. He said staff would seek direction from the Council as to any amendments to the Town Code it might want to consider, and if so, direct staff to return with a draft amended ordinance.

Councilmember Fredericks asked whether it is possible to restrict certain types of business activities in the town. Town Attorney Stock said that action would be impermissible; he said the Town has to allow a location somewhere to sell firearms and ammunition. He said that it could be made clear, however, that the location must be located in a commercial zone.

In referencing other legislation, Councilmember Fredericks asked if the State or Federal regulations might preempt any changes to the Town Code.

Attorney Stock said that cases interpreting the Second Amendment indicated there was no blanket prohibition. But he said that the State of California regulates multiple areas involving firearms and has preempted discrete areas of gun regulation, including licensing of firearms dealers.

Fredericks asked if the lists of dealers with permits, or permittees, would be a public document. Town Attorney Stock said he would look into this question further.

Councilmember Fredericks asked if Lt. Governor Newsom's "Safety for All" initiative passed, would it preempt all local control of the sale of firearms and ammunition.

Attorney Stock said that it would likely preempt several categories under consideration. He said the initiative included sections on the regulation of large capacity magazines and lost and stolen firearms, both of which were under discussion in the council's review of Chapter 32. Attorney Stock added that a local jurisdiction could enact more stringent regulations if not preempted.

Vice Mayor Fraser said he had been present in meetings with the Mayor and Town Attorney that had included a local expert from the Law Center to Prevent Gun Violence on these types of regulation. He said he was aligned with the Mayor in her desire to regulate large capacity magazines, lost or stolen firearms, and possibly firearms dealers. He said he personally did not want to see the people of Tiburon owning or selling large capacity weapons.

Mayor Tollini opened the matter to public comment.

Supervisor Kate Sears expressed her support and appreciation to the Mayor for bringing this matter forward. She said it would be fabulous if Tiburon was the first town to take action, and it could provide a model for other cities, and the County of Marin. She said it was the right way to go.

There being no further comment, the discussion returned to the Council.

Councilmember Fredericks said she, too, would support amendments to the Town Code. She suggested writing a letter of support for Newsom's bill; also requesting that it be amended to not usurp local control, if the Council thought it was important to make that statement.

Attorney Stock noted that if Newsom's initiative passed, the town would be unable to enact stricter legislation on the areas covered under the initiative. Mayor Tollini said that the areas under consideration in the Town's regulations tracked Newsom's bill.

Councilmember O'Donnell recalled the Sandy Hook school shooting that had taken place during his term as mayor. He said that [former] New York Michael Mayor Bloomberg had, with his own funds, formed an organization called "Mayors Against Illegal Firearms" which O'Donnell had subsequently joined. After joining, O'Donnell said that Town was flooded with public records requests and letters opposing gun regulation, and he said he had been counseled at the time to be careful about joining larger initiatives outside of local control. He said someone told him when he ran for office that local officials should concentrate on the 4 P's: Police, Potholes, Policy and Parks (or programs).

O'Donnell said that he understood the symbolic nature of strengthening regulations but he advised a cautious approach to avoid any legal issues. He said that President Obama had spoken eloquently about gun regulation. He said he would be in favor of supporting legislation, such as the Lt. Governor's initiative, rather than adopt a "symbolic" local ordinance. However, he said he would support the majority vote on this matter.

Councilmember Doyle reiterated his belief that legislation should not be adopted to regulate the "lowest common denominator". He said it was common sense to track lost or stolen firearms, and to regulate large capacity magazines, and that he would support local regulation for its symbolic purposes. He commented that Tiburon was not Montana where, for instance, one can purchase firearms at the local WalMart. But he said the Town should "not make a big deal" about regulating firearms.

Vice Mayor Fraser said he agreed that the Town should proceed cautiously on this issue but said that the symbolic nature of it was important.

Vice Mayor Fraser and Councilmember Doyle said they also concurred with the recommendation to send a letter of support to Newsom for his "Safety for All" initiative.

Mayor Tollini said she was encouraged by a conversation with the Chief of Police who had told her that anything the Town could do to get even one large capacity magazine off the street would be moving in the right direction. She said she would like to build a coalition of cities in the County who were interested in doing so.

Tollini went on to say that after the 101 California shooting, locals activists banned together and used their influence to recommend stricter firearms regulations, which were now State law. She said she wanted to send a letter of support for "Safety for All", as well as consider amendments to local regulations.

Councilmember Fredericks said that she and the seated Mayor [Mayor Tollini] comprised the Town's ad hoc legislative subcommittee, and they might write the letter on behalf of the Council.

MOTION: To direct staff to prepare amendments to Chapter 16 (Zoning) and Chapter 32 (Regulation of Firearms) of the Town Code for Council's future consideration; and send a letter of support to Lt. Governor Newsom for his "Safety for All" initiative.
Moved: Fredericks, seconded by Doyle
Vote: AYES: Unanimous

PUBLIC HEARINGS

1. **145 Rancho Drive** – Request to amend Cypress Hollow Precise Development Plan (PD#45) to create a secondary building envelope (Community Development Department)

   Owners/Applicants: Rapport Investment Group, LLC
   Assessor Parcel No.: 034-392-10

Senior Planner Watrous summarized the application in the staff report, and noted the Planning Commission's approval and recommendation to approve the amendment. There were no additional questions or comments from the Council.

Mayor Tollini opened the public hearing. There was no public comment. Mayor Tollini closed the public hearing.

MOTION: To adopt the resolution approving the precise plan amendment, as written.
Moved: Fredericks, seconded by Fraser
Vote: AYES: Unanimous

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
February 24, 2016
Agenda Item:

STAFF REPORT

To:	**Members of the Planning Commission**
From:	**Community Development Department**
Subject:	**Consider Recommendation to Town Council to Accept the Annual General Plan Implementation Status Report for Calendar Year 2015**

BACKGROUND

Government Code Section 65400(b)(1) requires that an annual report be prepared by the planning agency of each town or city, which is then forwarded to the appropriate legislative body, on the status of the General Plan and progress in its implementation. In Tiburon, the "planning agency" is the Planning Commission. The statute also requires a progress report on meeting the community's regional fair share housing allocations. State law also requires that the annual report be forwarded to the State Department of Housing and Community Development (HCD) and to the Governor's Office of Planning & Research (OPR) in Sacramento by April 1 of each year.

ANALYSIS

Attached **Exhibit 1** sets forth the General Plan programs and describes progress made by the Town in implementing those programs. Please note the Housing Element portion is formatted differently in order to comply with specific state requirements for that Element. Progress and commentary added or amended for CY 2015 is underlined for easy identification in the case of all Elements.

RECOMMENDATION

Staff recommends that the Planning Commission review the draft Annual Report, make any desired revisions, and direct Staff to forward the report to the Town Council for acceptance.

EXHIBITS

1. Draft Annual General Plan Implementation Status Report for Calendar Year 2015 dated February 2016.

Prepared by: Scott Anderson, Director of Community Development

Annual General Plan Implementation Progress Report
Tiburon 2020
Calendar Year 2015
Reviewed by Planning Commission February 24, 2016
Accepted by Town Council _____, 2016

Introduction

On September 7, 2005, the Town Council adopted a new General Plan, *Tiburon 2020*. This Plan contained a planning horizon for the Year 2020, at which time it is anticipated that a comprehensive update of the Plan will occur. This annual report is the eleventh performed since that adoption. This report generally reviews progress on implementing programs contained within *Tiburon 2020* during the Calendar Year 2015. The purposes of this annual report are to:

1. Provide information regarding how the General Plan is being implemented with respect to its adopted implementation programs.
2. Identify any approved or needed amendments to the General Plan.
3. Provide information as to specific actions taken and ongoing strategies and practices to implement the General Plan.
4. Provide information regarding the Town's progress in meeting its fair share of regional housing needs and efforts to remove governmental constraints.

The Annual Report is organized by the eight elements in the General Plan, with a list of each implementing program and the status of that program, in the order that the element and implementing program appears in the General Plan. The eight elements of *Tiburon 2020* are as follows:

Land Use	Safety	Open Space & Conservation
Downtown	Parks & Recreation	
Circulation	Housing	

Per state requirements, the Housing Element reporting follows a prescribed format that is different than the format used for other elements. The Town adopted a comprehensive update of its Housing Element on August 20, 2014. The State Department of Housing and Community Development certified the Element as "in compliance" on September 5, 2014. No "new" housing units (not including tear-down/re-builds, of which there were several) were constructed to completion in 2015.

For the entire calendar year 2015, the Town's Circulation Element was under revision. A comprehensive update of the Circulation Element was adopted by the Council on February 3, 2016.

The following tables contain a program-by-program status report on all of the General Plan implementing programs in the currently-adopted Tiburon General Plan 2020.

EXHIBIT NO. 1

Implementing Program #	Program Summary	Lead Dept.	Current Priority	CY2014 Status	CY2015 Status	Description of Activity
	Land Use Element					
LU-a	The Town shall periodically review and, if appropriate, revise its Municipal Code and other regulations to reflect the goals, policies, densities, intensities and the land use designations of this General Plan	CDD	Highest	Completed	Completed	All high priority amendments to the Municipal Code to achieve consistency with the new General Plan were adopted in 2006. Lower priority amendments were adopted in 2007 and 2008. Final consistency amendments were incorporated into the comprehensive Zoning Ordinance update which was adopted by the Town Council on March 17, 2010.
LU-b	The Town shall revise the Zoning Map as necessary to achieve consistency with the General Plan	CDD	Highest	Completed; Ongoing	Completed	Ordinances 491 N.S. and 493 N.S. adopted in 3/2006 and 4/2006, respectively, completed high priority rezonings; lower priority zoning map amendments were completed as part of comprehensive Zoning Ordinance update, which was adopted by the Town Council on March 17, 2010.
LU-c	The Town shall periodically revise its application forms, processing procedures, and development review procedures as necessary to reflect and implement the goals and policies of this General Plan	CDD	Highest	Completed; Ongoing	Completed; ongoing	All CDD application forms reviewed and revised by July 2006; procedures were revised as part of comprehensive Zoning Ordinance update, which was implemented in April, 2010. This is an ongoing process. In 2012, application forms were developed for chicken and bee-keeping, temporary use permits, flood variance applications, and applications for reasonable accommodation.
LU-e	The Town shall require that plans for new construction include a lighting plan for review as part of the Site Plan and Architectural Review process	CDD	Ongoing	Completed	Completed	Site Plan & Architectural Review application forms revised June 2006 to require exterior lighting plan and details as part of a complete application. Review of lighting plans as part of Site Plan & Architectural Review applications is ongoing.
LU-f	The Town, in conjunction with LAFCO and the County of Marin, shall conduct a study to establish the true cost and other implications of annexing Paradise Drive and work to create with the County of Marin and LAFCO a viable financing plan which would make annexation of properties in the Paradise Drive area feasible and fiscally acceptable to the Town	CDD/ DPW	High	Ongoing	Ongoing	Study completed in September 2006 by CSW/Stuber-Stroeh regarding current conditions and costs of improving and maintaining Paradise Drive. Discussions with County of Marin and Marin LAFCO followed. The Town was unable to reach an agreement with the County over future maintenance. Formal discussions ended in December 2009, although the Town continues to be alert for opportunities to continue the dialogue with the County on this issue. With the annexation of the SODA (Alta Robles project) property completed in 2013, there are currently no additional portions of Paradise Drive which the Town has committed to annex. The Martha Company MOU, which contemplated but made no commitment to annexation that would include a 1.1 mile portion of Paradise Drive, was allowed to expire by the Martha Company in 2014. Recent Town consideration of possibly taking over Tiburon Boulevard in the Downtown area (if it reaches fruition) could further reduce the likelihood of additional Paradise Drive annexations, based on economic considerations.
LU-g	The Town shall identify priority locations for the use of Rule 20A undergrounding funds	DPW	High	Completed	Completed; actual under-grounding work is ongoing	Town Council adopted priorities list on 9/21/2005. The top priority areas were the power poles on Tiburon Boulevard near the curve at Trestle Glen Boulevard, and the poles along Tiburon Boulevard between San Rafael Avenue and Mar West Street. In 2012, the Lyford Multi-modal Parking Lot project began construction and several power poles associated with the second priority item were removed; the project was completed in 2013. Progress toward additional undergrounding in the Lyford Drive/Mar West Street area was made in 2014. In 2015, two poles were undergrounded between Mar West and Lyford Drive. Another pole will be removed when Comcast and AT&T remove their utilities. PG&E has agreed to begin design on undergrounding poles from Lyford Drive to Ned's Way in October 2106 when the Town provides PG&E with a base map.

CDD= Community Development Department; DPW=Department of Public Works; Admin=Administration Department; All=All Departments

Implementing Program #	Program Summary	Lead Dept.	Current Priority	CY2014 Status	CY2015 Status	Description of Activity
	Open Space & Conservation Element					
OSC-a	Applicants shall be required to demonstrate that proposals for development minimize environmental impacts and comply with the General Plan and applicable regulations, ordinances and guidelines. The Town shall require an environmental assessment process, similar to that used by the County of Marin, for Precise Development applications filed for large undeveloped properties	CDD	Ongoing for Part 1; Low for Part 2	Part 1 completed in 2006; Part 2 Abandoned in 2009	Completed	Precise Development Plan application submittal requirements revised in June 2006 to incorporate this program. Part 2 was abandoned by Town Council on May 6, 2009.
OSC-b	The Town shall review development applications submitted with the County within its sphere of influence and areas of interest in order to encourage conformance with Town policies, including minimizing the visual impact of development on surrounding hills visible from Tiburon	CDD	Ongoing	Ongoing	Ongoing	County-referral applications are screened on a case-by-case basis and Town comments are submitted as deemed appropriate. Staff performs ongoing review of County referrals. Substantive referrals in 2015 included the ongoing Martha Company development, the Belvedere Place Medical Offices proposal in Strawberry, and the North Coast Property Holdings application to replace the Golden Gate Baptist Seminary in Strawberry with a private high school and 300 new housing units.
OSC-c	The Town shall require an environmental assessment for development proposed on sites that may contain sensitive biological resources, including wetlands, occurrences of special-status species and sensitive natural communities, native wildlife nurseries and nesting locations, and native wildlife movement corridors. The assessment shall be conducted by a qualified professional to determine the presence or absence of any sensitive resources which could be affected by proposed development, shall provide an assessment of the potential impacts, and shall define measures for protecting the resource and surrounding buffer habitat	CDD	Ongoing	Ongoing	Ongoing	Environmental review procedures of the Town require this information to be prepared where such resources exist.
OSC-d	Where hill slope stabilization is proposed as part of development proposals, or wherever such stabilization is required by the Town to protect public safety, the Town shall require the project to evaluate all slope repair-related modifications such as the secondary impacts of subsurface drainage on site and watershed ecological communities, including special-status species, sensitive natural communities, and wetlands. In the event impacts are likely, modifications to the proposed project shall be considered. In the event avoidance and project modification are infeasible, appropriate on- or off-site habitat mitigation shall be required prior to project approval, as mandated by the State and federal regulatory agencies	CDD	Ongoing	Ongoing	Ongoing	Precise Development Plan application submittal requirements were revised in June 2006 to incorporate this program.

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	CY2014 Status	CY2015 Status	Description of Activity
OSC-e	The Town shall establish a clearinghouse of information for public use related to protection of sensitive biological and wetland resources, maintain contacts for agencies responsible for their protection, and encourage programs dedicated to the restoration and management of the remaining natural area	CDD	Low	Ongoing	Ongoing	The Associate Planner developed an informational list for agencies associated with environmental protection in 2007.
OSC-f	The Town shall consider revising and expanding the Tiburon Tree Ordinance to provide protection of both individual trees and native woodlands. Factors to consider in expanding the current ordinance include the importance of protecting smaller sapling trees and balancing their protection against those of designated "protected trees", defining critical management guidelines necessary to maintain healthy woodlands, and methods to encourage natural regeneration in woodland habitats	CDD	Low	Abandoned	Abandoned	Item tabled by the Town Council on May 6, 2009.
OSC-g	The Town shall develop and adopt an Open Space management program that identifies maintenance projects and funding sources	DPW	High	Progress	Completed; implementation ongoing	The Open Space Resource Management Plan was adopted by the Town Council on November 17, 2010. The Open Space Maintenance Fund receives appropriations each year for ongoing maintenance of open space lands in accordance with the adopted Management Plan. In 2014, the Town continued its implementation of the spending plan for Measure A (Open Space and Parks Initiative) funds, primarily devoted to removal of invasive plants in the Town's parks and open spaces and path development. The Town anticipates receiving nearly a half million dollars in Measure A funds over the next eight years. The Public Works Department reported that virtually all top-priority work identified in the Open Space Resource Management Plan has been or were addressed (at least initially) as of the end of FY 2014/15. Ongoing maintenance of such areas will be required on a less extensive basis in the future. In 2015, work consisted of removing fire fuel plants and non-native plant species in the lower half of the Del Madera Open Space Area, Parcel 26. This area is bounded by the Lower Middle Ridge Fire Road to the north, Gilmartin Drive to east, Via Paraiso West to the south and the open space boundary to the west; approximately 4.4 acres in size. The work removed all woody species including: French broom, pine, acacia and eucalyptus trees and herbaceous species to include; pampas grass, pride of Madera, sweet fennel, Harding grass and various species of thistle.
OSC-h	The Town shall create and adopt an overlay zone for the area containing the Town's Inventory of Local Historical Buildings and adopt additional protection measures for the structures identified in the Inventory	CDD	High	Completed	Completed	Included in comprehensive Zoning Ordinance update, adopted March 17, 2010 by Town Council.
OSC-i	The Town shall either establish an inventory of sites which have known archaeological sites or the possibility of containing archaeological sites; or enter into an agreement with an outside entity which can provide similar services. Where sites have the possibility of containing archaeological resources, project sponsors shall be required to notify contractors to cease construction activities upon encountering archaeological artifacts or human remains until proper authorities have been notified and a mitigation plan is developed	CDD	Medium	Ongoing on Part 1 for small projects. Large projects are subject to detailed cultural resource review procedures;	Ongoing on Part 1 for small projects. Large projects are subject to detailed cultural resource review procedures;	The Town utilizes an archeological sensitivity map in its review of small projects.

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	CY2014 Status	CY2015 Status	Description of Activity
				Part 2 is already required by state law	Part 2 is already required by state law	
OSC-j	Revise the Town's water conservation ordinance when changes in MMWD's water conservation ordinance require	CDD	Medium	Completed	Completed	Ordinance adopted by Town Council on March 17, 2010. Amendments to reflect the latest MMWD water conservation regulations were adopted by the Town Council in August 2011.
OSC-k	Consider the adoption of a wood smoke ordinance to reduce the emission of particulate matter into the air	CDD	Medium	Under Consideration	No longer under active consideration	Item tabled by the Town Council in 2009.
OSC-l	The Town shall pursue the gradual replacement of the Town's vehicle fleet with zero or low emission vehicles, where appropriate	All	Ongoing	Ongoing	Ongoing	The Community Development Department and Police Department both purchased low emission vehicles in 2009 (Honda Civic Hybrid and Ford Escape Hybrid). In 2014, the Community Development Department purchased a 2015 model year hybrid vehicle for building inspection purposes.
OSC-m	The Town shall attach BMP conditions to permits that are issued by the Town, as appropriate	CDD/ DPW	Ongoing	Ongoing	Ongoing	BMP conditions routinely attached to Encroachment Permit conditions and selected Zoning Permits. Field review for BMP compliance is routine for Building and Public Works project inspections.
OSC-n	Recycling bins shall be placed adjacent to refuse cans on the Town's public property, with special emphasis on high traffic areas, such as Shoreline Park and the Richardson Bay Lineal Park	DPW	Ongoing	Completed and Ongoing	Completed and Ongoing	Bins are replaced/refurbished as needed.
OSC-o	The Town shall continue to be an example and a resource for the community in recycling by continuing programs such as the construction debris program, household battery program and by reducing the waste of resources in conducting the Town's business	All	Ongoing	Ongoing	Ongoing	Construction debris and battery recycling programs continue to be implemented. Solar panels were installed on Town Hall in 2006; other programs are being considered as part of the Town's Green Building Program. The Town's Climate Action Plan was adopted in 2011. This Plan calls for adoption of a Zero Waste Resolution, an ordinance (as opposed to a policy) regarding construction debris waste recycling, and update multi-family residential recycling standards during 2012. The Zero Waste Resolution and Demolition Debris Recycling Ordinance were adopted in 2012.
OSC-p	The Town shall develop an ordinance or guidelines for outlining green building principles	CDD	Medium	Completed and Ongoing	Completed and Ongoing	The Green Building Ordinance was adopted in November 2008 and was enforced through the end of 2010. On January 19, 2011 the Town Council adopted the *2010 Green Building Standards Code* (CGBSC or CALGreen) which supersedes the Green Building Ordinance. The Green Building Ordinance was repealed in 2011 and replaced with the state-wide CALGreen Code, which is implemented through the standardized Building Codes. ~~Town staff continues to monitor and implement the CALGreen Code and at this time is not recommending additional enhancements either through adoption of BERST standards or through adoption of higher tiers of the CALGreen Code~~. In 2013, the Town Council upgraded the Town's adoption of the CALGreen Code by adopting Tier 1 standards for new construction. In 2014, the Town Council directed staff to prepare an ordinance requiring installation of solar energy systems on newly-constructed residences. This ordinance was adopted in 2015.

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	CY2014 Status	CY2015 Status	Description of Activity
	Downtown Element					
DT-a	The Tiburon Zoning Ordinance shall be revised to be consistent with the goals and policies of this Element and to implement the guidelines of the *Downtown Tiburon Design Handbook*	CDD	Highest	Completed	Completed	Primary Zoning Ordinance amendments related to the Downtown Element were adopted in early 2008; remaining secondary items were included in the comprehensive Zoning Ordinance update adopted by Town Council on March 17, 2010.
DT-b	Adopt a property maintenance ordinance for Downtown that will require that public and private improvements (including signs) be kept in good repair	CDD	Low	No Progress	Completed	A property maintenance ordinance was adopted by the Town Council on May 20, 2015.
DT-c	Fulfill the Tiburon Redevelopment Project Area requirements for construction of very-low income housing units through creation of additional units in the Downtown	All	High	No Progress	No Progress; ongoing	Zoning Ordinance was amended in 2006 to upzone properties and to provide incentives for affordable housing production. In 2011, the State Legislature abolished all redevelopment agencies in California and the Town Council appointed the Town of Tiburon as the successor agency to the Tiburon Redevelopment Agency for purposes of fulfilling its housing production requirements. An updated Redevelopment Project Area Housing Implementation Plan was adopted by the Town Council in 2012.The Housing Element and the Implementation Plan continue to designate several properties in the former Redevelopment Project Area boundaries for housing purposes, with incentives offered. In 2012, 2013, and 2014, no new affordable units were constructed in the Tiburon Redevelopment Project area. However, one new affordable housing overlay site (2 Beach Road) was added to the town's zoning map in 2014. There were no additional actions taken or projects proposed in 2015.
DT-d	Over the long-term, implement installation of streetscape improvements to Tiburon Boulevard's public right-of-way as described in the *Downtown Tiburon Design Handbook*. These improvements may include, but are not limited to, widening sidewalks to a minimum of eight feet; providing a landscaped planter strip between sidewalks and streets on both sides of Tiburon Boulevard; installing new street trees in these planter strips; and replanting the existing median strip with lower-growing vegetation	All	Ongoing	Ongoing	Ongoing	Property owners and agents are advised of these guidelines and are provided copies of the Handbook. Staff continues to hold discussions with property owners for the purpose of encouraging projects that promote the goals of the Handbook. New streetlight fixtures were installed in 2008 to eliminate glare problems from the older fixtures. Staff continues to review development applications for opportunities to implement this program. For example, the Boardwalk Shopping Center improvements associated with Woodlands Market include wider sidewalks and safer vehicle entry points, among other improvements. The hanging flower basket program was initiated and continues to be performed annually. In 2011, the CVS pharmacy tenant made numerous property upgrades including but not limited to new and wider sidewalks on its Tiburon Boulevard and Beach Road frontages, new landscaping and lighting, and cross-walk improvements. In 2012, the Town commissioned the Downtown Tiburon Circulation and Parking Analysis, which contains recommendations that if implemented, would seek to improve the Downtown Tiburon Boulevard streetscape. In 2012, the Town Council also took preliminary steps to initiate a relinquishment process with Caltrans for the portion of State Route 131 in the Downtown area, partly in an effort to obtain more control over streetscape appearance and improvements. In 2014, the Town secured Caltrans approval for a mid-block crosswalk in Tiburon Boulevard opposite the Tiburon Lodge, and also completed the brick sidewalk connecting Lower Main Street to Ark Row. In 2015, the mid-block crosswalk in front of the Tiburon Lodge was installed.
DT-e	Facilitate the long-term future improvement of the four corner properties at the intersection of Tiburon Boulevard and Beach Road and adjacent sites	CDD/ Admin	High	Ongoing	Ongoing	Properties on all four corners were up-zoned to a higher FAR limit and affordable housing overlay and density bonus provisions were placed on two of the corner properties. The Woodlands Market completed exterior upgrades in 2011 at the Boardwalk Shopping Center, as did the CVS pharmacy tenant

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	CY2014 Status	CY2015 Status	Description of Activity
						across the street. The Town has also approved permits for upgrades to the Boardwalk Shopping Center parking lot and entryways (these improvements have not yet been constructed). In 2012, the parcels constituting the other two corners of the Beach Road/Tiburon Boulevard intersection were sold by the Abrams family to A & C Ventures of Sonoma. Staff continues to encourage and work with property owners to renovate and/or replace the older buildings and facilities in these key locations. In 2013, ACV indicated that it is considering a mixed use commercial/residential project for the Sharks Deli site at 1600 Tiburon Boulevard. In 2014, the Boardwalk Shopping Center completed limited upgrades to its parking lot at this intersection. Additionally in 2014, ACV engaged architects to draw up preliminary designs for the former Sharks Deli site project; the preliminary design work for a new mixed-use project on this site continued in 2015.
DT-f	The Town shall adopt a street furniture/outdoor seating plan for Main Street, with possible future extension of the plan to other areas of Downtown	CDD/ Private	Low	Progress	Ongoing	Town staff conducted a survey of downtown street furniture and made recommendations regarding placement of additional seating and trash receptacles along Main Street. The Downtown Committee reviewed and accepted these recommendations. Additional bench seating and other improvements were installed in Spring 2012.
DT-g	The Town shall adopt a resolution designating the former Northwestern Pacific Railroad Yard palm tree as a protected tree	CDD	Low	No progress	No progress	No progress.
DT-h	Consider installation of a Downtown Tiburon entry sign/planter area at an appropriate location	CDD	Low	No progress	Progress	This concept and many other ideas are to be considered as part of the Downtown Vibrancy Project, discussed in more detail below. Options for possible locations include the corner near the Belvedere-Tiburon Public Library and the Lyford Drive Multi-modal Parking Lot. In 2014, the Landmarks Society secured its final approvals for relocation of the Gallows Wheels form the corner of Mar West Street and Tiburon Boulevard. The gallows wheels relocation project was completed in 2015. The Town is considering the former location of the gallows wheels at Mar West Street as an entry sign/planter area, possibly in conjunction with the construction of the Library expansion project.
DT-i	Consider adoption of a public art ordinance and establishment of a community program to encourage public art where appropriate	CDD	Low	Abandoned	Abandoned	Abandoned by Town Council May 6, 2009.
DT-j	The Town shall install signs or kiosks where appropriate to indicate the location of off-street parking within walking distance of Downtown Tiburon	CDD	Low	Progress	Progress/ Ongoing	In 2012, design work proceeded for an information center to be located at Ferry Plaza that would provide a variety of information about Tiburon. A coordinated plan for informational sign locations was underway and expected to be implemented in 2013. The information station was installed in 2013. New way-finding signage was designed in 2013 with installation expected in 2014. Final approval of way-finding signage was secured in 2014; selected way-finding signage was installed in 2015.
DT-k	For the Main Street Parking Lot, designate and enhance pedestrian walkways, stairways, lanes and intersection points through signage, pavement markings or other methods, and enhance or replace existing parking lot landscaping along Juanita Lane. The Town and property owner should study alternative vehicular entry and/or exit points for this parking lot	Private	Medium	Progress	Progress/ Ongoing	Decorative signs naming the various paths and stairways leading down from Upper Main Street to the Main Street Parking Lot were installed by Zelinsky Properties in 2010, and other physical improvements to certain of these connections have been made in recent years. Additional measures to improve pedestrian connectivity between Ark Row and other parts of Downtown were studied as part of the Downtown Circulation and Parking Analysis, without much success. A preliminary recommendation to extend the brick sidewalk from Lower Main Street to Ark Row was made to the Town Council in late 2012 and will be considered in 2013. This brick sidewalk extension was completed in 2014.

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	CY2014 Status	CY2015 Status	Description of Activity
DT-l	Pave and improve the Tiburon Boulevard pay parking lot located at 1525 Tiburon Boulevard. If feasible, designate bus parking spaces in this lot, with signage prohibiting the idling of buses	CDD/ Private	High	Completed	Completed	Parking lot paved and improved in 2008.
DT-m	The Town, along with Downtown property owners and merchants, shall periodically review the relationship between Downtown businesses and the time limit regulations of on-street parking and study changes to the current public street parking regulations to best serve Downtown merchants and their patrons	DPW	Ongoing	Ongoing	Progress and Ongoing	Hours allowed for loading and unloading of trucks on Main Street were expanded in 2008 at the request of the Chamber of Commerce. Parking fines for over-time violations were increased in 2010 by the Town Council. The Downtown Circulation and Parking Analysis, released in 2012, makes several recommendations for parking and circulation improvements in Downtown that will be considered by the Town Council in 2013. Several changes were made to timed parking regulations and curb colors in 2013, resulting in the creation of several additional parking spaces. The Town Council's ad-hoc downtown parking committee continued to study parking issues and meet with Downtown property owners in 2013. The Town retained the services of Nelson-Nygaard to assist in the preparation of a Downtown Parking Strategy, with public meetings scheduled for 2014. A Downtown Parking community meeting was held on April 10, 2014, primarily focusing on parking meters in Downtown. No progress in 2015.
DT-n	The Town shall explore the desirability and feasibility of a public parking structure in Downtown	All	Medium	Progress	Not being actively pursued at this time	Results of the Downtown Vibrancy Committee Report of Findings and Proposed Plan dated May 2011 indicate no lack of overall parking in the Downtown area, reducing the likelihood of need for a parking structure in the near future. The 2012 Downtown Circulation and Parking Analysis likewise found ample overall parking and made no recommendations to consider construction of a parking structure. A parking structure would likely be a long-term consideration, beyond the scope of any current efforts.
DT-o	With the owners of Downtown private parking lots, the Town shall examine the feasibility of instituting a preferential parking program for residents	Admin/ CDD	Medium	Progress	Progress/ Ongoing	The Downtown Circulation and Parking Analysis contained recommendations to create a preferential parking permit process in conjunction with installation of parking meters in the Downtown area. This concept will be considered by the Town Council in 2013, along with other recommendations of the Analysis. The Downtown parking committee continued its study of parking meters and resident permit programs in anticipation of a preliminary Downtown Parking Strategy being released for public review in 2014. A Downtown Parking community meeting was held on April 10, 2014, primarily focusing on parking meters in Downtown. The community meeting provided mostly negative feedback on meters and any associated resident parking program and this is not currently being actively pursued.
DT-p	Install a traffic signal at Mar West Street and Tiburon Boulevard as soon as permission from Caltrans can be secured	CDD/ DPW	Low	Progress	Progress/ Ongoing	Signal warrants are not yet met to allow signal installation approval by Caltrans. The Mar West Street intersection was reviewed as part of the Library expansion project processing in 2011, but the EIR concluded that the Library project alone would not trigger signal warrants at this intersection. The traffic studies indicated that signal warrants would be met at build-out of the Tiburon peninsula as projected in the Tiburon General Plan, and the Library project's conditions require a contribution toward intersection improvements, including the possibility for a traffic circle/roundabout. The intersection was studied as part of the Downtown Circulation and Parking Analysis in 2012. In 2015 the town worked with a traffic consultant to produce three concepts for the intersection: a traffic signal and two versions of a roundabout. Very rough prices were provided for the roundabout.
DT-q	Reduce the bicycle/vehicular conflict at the Mar West Street/Tiburon Boulevard intersection. Study the installation of a delineated left-turn bicycle lane from westbound Tiburon Boulevard to the multi-use path entrance at this location, as well as other options. Such improvements may (but need not)	CDD/ DPW	High	No progress	Progress/ Ongoing	In association with approval of the general plan amendment for the Library Expansion project in 2011, the Town gained a potential future source of revenue for improvements at this intersection. Also, the 2012 Downtown Circulation and Parking Analysis recommended installation of a roundabout at this intersection in lieu of signalization. ~~The Town Council will continue to review, consider, and selectively implement the recommendations contained in the Analysis in 2013 and beyond. No progress in 2013.~~

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	CY2014 Status	CY2015 Status	Description of Activity
	occur in conjunction with signalization of the intersection					In 2015, as part of the ongoing General Plan Circulation Element Update process, a roundabout at this intersection was included in the proposed list of circulation system improvements.
DT-r	Relieve the pedestrian congestion points near the intersection of Juanita Lane and Tiburon Boulevard through physical changes and improved enforcement of the public right-of-way	CDD/ DPW	Low	Progress	Progress/ Ongoing	Installation of different tables and chairs and minor public improvement relocations have somewhat reduced the congestion in this location. The departure of the Paradise Café in 2010 has further reduced congestion at this point. In early 2012, Staff was in communication with an architect working on the design of a new building at this location (1694-1696 Tiburon Boulevard), but the properties sold at the end of 2012 and those plans have been withdrawn. Staff will continue to address future improvement of the situation with the new property owners. In 2013, the site's new owners indicated their intention to replace the current building at 1694-1696 Tiburon Boulevard with a new building containing ground floor restaurant and upper floor apartments. The application to demolish and replace the building with a three-story building (condos over restaurant) was received in 2014. In 2015, the Town approved the conditional use permit application, including a condition that the applicant contribute financially to the pedestrian congestion point relief as part of the construction of the new building.
DT-s	Install a paved pedestrian pathway or similar suitable improvement along Mar West Street from Tiburon Boulevard to the Tiburon Peninsula Club, and install a pathway connecting Teather Park to Judge Field	CDD/ DPW	Medium	Part 1 Completed; Part 2 Progress	Completed	The paved pedestrian walkway along Mar West Street from Tiburon Boulevard to the TPC property line was installed in 2007. An easement agreement for public access from Teather Park to the Tiburon Peninsula Club was secured in 2006 and the public access easement recorded in 2007. The trail alignment was subsequently pioneered in 2009 and the trail improvements were completed in 2012.
DT-t	Actively monitor the San Francisco Bay Area Water Transit Authority process in order to promote ferry use	Admin	Ongoing	Ongoing	Inactive	The Town Council at one time had a representative on the Citizen's Advisory Committee for this Agency. The name of the agency was subsequently changed to the Water Emergency Transportation Authority. The Citizens Advisory Committee was disbanded in 2014.
DT-u	Facilitate expansion of the Belvedere-Tiburon Public Library by employing streamlined permit review processes typically used for major public projects	CDD	High	Progress	Completed	The Planning Commission reviewed and recommended approval of the streamlining ordinance in December 2011. Town Council adopted the streamlining ordinance in early 2012. The Town Council approved the final design drawings for the Library Expansion project on August 1, 2012. As of 2015, the building permit and associated encroachments permits are the final entitlements needed from the Town.
DT-v	Implement recommendations of the Railroad Marsh Maintenance Plan prepared by Wetlands Research Associates	DPW	Ongoing	Ongoing	Ongoing	A major cattail removal effort took place in the Fall of 2012, in conformance with the Marsh Maintenance Plan. The next scheduled cattail removal project is tentatively scheduled for 2014. A major cattail removal project was performed in the fall of 2014 and was likely instrumental in reducing flood damage resulting from a severe December 2014 rainstorm. Major cattail removal from the Marsh took place in 2015.
DT-w	Consider the installation of a small public restroom facility in or near Shoreline Park	DPW	Medium	Progress	Completed	In 2011, the Town Council budgeted CIP money for both improvements to the existing public restrooms at 23-25 Main Street, as well as for determining feasibility of a Donahue Building public restroom. The Donahue Building Public restroom concept has been tabled for the time being, but in 2012 the Town retained an architect to design the complete renovation and redesign of the public restroom area at 23-25 Main Street. The project was completed in January 2014.

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	CY2014 Status	CY2015 Status	Description of Activity
	Circulation Element					**NOTE: The Circulation Element was undergoing a comprehensive revision for the entire calendar year 2015, and the update was adopted by the Town Council on February 3, 2016. The notes below constitute closing out of the programs in this Element, unless carried over into the new Element.**
C-a	The Town shall maintain its traffic model and traffic monitoring program, which periodically measures intersection levels of service, evaluates the impact of new projects on the roadway network, and re-evaluates appropriate traffic mitigation fee amounts	CDD	Ongoing	Ongoing	Ongoing	Traffic model was updated as part of the Tiburon 2020 EIR; revised and updated traffic mitigation fees were adopted in January 2007. In 2012, money was budgeted towards a comprehensive update of the Circulation Element that would involve updating the traffic model. The Town Council awarded the update contract to Nelson-Nygaard Associates of San Francisco in late 2013 and the update will be underway in 2014. The update process began in 2014 with a public workshop held on June 9, 2014. Drafting and environmental review for the project continued through the end of 2014. The Element drafting and environmental review was completed in 2015, with hearings before POST and the Planning Commission in November and December 2015, respectively. The traffic model was updated during this process and appropriate traffic mitigations were developed based on the updated model. The Town Council adopted the updated Element in February 2016.
C-b	The Town's traffic model shall be used to periodically review the Town's traffic mitigation fees to ensure that they are based on current information and that they are adequately capturing the impacts of new projects on the roadways in the Planning Area. The Town shall update its traffic mitigation fees as necessary	CDD	High	Progress	Progress	See C-a above. The traffic mitigation fee study will be updated in 2016 to reflect the comprehensively revised Element and list of mitigation improvements and programs.
C-c	The Town shall re-evaluate its list of needed circulation improvements approximately every five (5) years	CDD/ DPW	Ongoing	No progress	Progress	See C-a and C-b above.
C-d	The Town shall work with the County of Marin and LAFCO to formulate a long-term plan for maintaining and improving Paradise Drive	All	High	No progress	No progress	See LU-f
C-e	The Town shall work with the County of Marin and LAFCO to identify and implement a financing strategy for maintenance and improvement of Paradise Drive	All	Highest	No progress	No progress	See LU-f
C-f	The Town shall lobby funding agencies such as Metropolitan Transportation Commission and the Transportation Authority of Marin to ensure that funding for critical local roads, including Paradise Drive	Admin	Ongoing	Progress	Ongoing	Town Council successful in having Paradise Drive included in list of County roads to receive sales tax proceeds through Transportation Agency of Marin (TAM).
C-g	The Town shall use the designation of Paradise Drive as part of the Bay Trail as a tool in applying for improvement funding for the road	Admin	Ongoing	Progress	Ongoing	Town Council successful in having Paradise Drive included in list of County roads to receive sales tax proceeds through TAM.
C-h	The Town of Tiburon Traffic Safety Committee shall maintain	All	Ongoing	Ongoing	Ongoing	Improvements are set forth in the annual CIP budget as funding becomes available. In 2015, a mid-block

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	CY2014 Status	CY2015 Status	Description of Activity
	a list of desired traffic safety improvements for implementation over time					crosswalk was installed in the Downtown area and a rapidly-flashing beacon was installed at the Ned's Way intersection with Tiburon Boulevard. Safety improvements at Blackfield Drive and Tiburon Boulevard were funded and approved by the Town and await final Caltrans approval of an encroachment permit.
C-i	The Town shall review the *Bicycle and Pedestrian Master Plan* periodically, and revise the list of improvements and actions called for in the *Plan* when implementation of adopted improvements has occurred, and/or when conditions warrant	CDD/ DPW	Ongoing	Completed	Completed; subject to periodic update	Completed. An updated Bicycle and Pedestrian Master Plan was adopted in September 2008. A periodic update, funded by the Transportation Authority of Marin, is underway. The update process for Tiburon began with a Parks, Open Space & Trails (POST) Commission public workshop in 2015 and is ongoing, with continued hearings before POST as scheduled in 2016 and adoption anticipated in late 2016.
C-j	The Town will work cooperatively with ABAG and neighboring jurisdictions to improve the Bay Trail around the Tiburon Peninsula	CDD/ DPW	Ongoing	Ongoing	Ongoing	Town completed Phase I the Trestle Glen Boulevard (Bay Trail spur route) bicycle and pedestrian improvements in 2005. New signage was added along the Bay Trail route in Tiburon under direction of the Bicycle Pedestrian Advisory Committee. Extensive Multi-use Path improvements were completed in 2007, and new signage installed in early 2008. In 2011, the Town received an ABAG planning grant for the design of Bay Trail improvements extending from Blackie's Pasture to the East Strawberry Drive/Bay Vista. A consultant (ALTA Consulting) was retained and in June 2012, the Town Council reviewed and accepted the Bay Trail Gap Study. At the moment, funding is not available for the improvements recommended in the study. In 2015, the Bay Trail signage and designated Bay Trail location were the focus of concerns by the Greenwood Beach neighborhood during early hearings held on the update of the Bicycle and Pedestrian Master Plan.
C-k	Encourage the provision of adequate transit facilities in cooperation with other agencies and operators	All	Ongoing	Ongoing	Ongoing	The Town Council representative to TAM lobbied and encouraged Marin County Transit District for bus route funding. The Town has received a $314,000 grant from TAM for work on the Lyford Drive multi-modal parking project. The Town Council approved the permits for that project in 2011 and project construction was begun in 2012, with completion expected in the first quarter of 2013. Also in 2013, Town staff and officials worked with the Marin Transit Authority to produce the Tiburon Transit Needs Assessment, which studied and made recommendations for improving transit service of the Tiburon Peninsula. The Lyford Parking Lot project was completed in 2013 and the Marin Transit Authority began operating its smaller fleet of buses in accordance with the recommendations of the transit study.
C-l	The Town shall make available schedules for buses, ferries, and any transit agencies that connect with those modes	Admin	Ongoing	Ongoing	Ongoing	The Town's website has links to ferries, buses and other transit services through the 511 system and Golden Gate Bridge District websites.
C-m	The Town shall continue to work with the Reed Union School District and St. Hilary School to promote alternative transportation programs to reduce traffic congestion around schools	All	High	Progress	Progress/ Ongoing	In 2007, the Town and the Reed Union School District received a Safe Routes to School Grant in the amount of $352,000 for improvements focusing around Del Mar Middle School. Construction of these improvements was completed in 2010. In 2011, the Town spear-headed formation of CART (Community Action to Reduce Traffic), a joint effort by the Town of Tiburon, the City of Belvedere, the Town of Corte Madera, the Reed Union School District, and the local Safe Routes to School coordinator to explore traffic congestion reduction measures for the peninsula. In September 2012, following nearly a year of meetings and study, CART held a public meeting at Reed School and received public comment and suggestions. CART is continuing to study implementation of suggested means of reducing traffic congestion on the Peninsula. In 2014, the Town, City of Belvedere, and Reed Union School District initiated the Yellow School Bus Challenge project to increase school bus ridership and reduce traffic congestion on Tiburon Boulevard during School drop-off and pick-up hours. While the program was unable to be implemented for the 2014/15 school year, plans for a more robust Yellow School Bus Challenge 2.0 were set up for implementation in 2015 for the 2015/16 school year. The Yellow School Bus Challenge 2.0 program was implemented starting in August 2015, and has provided tangible relief

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	CY2014 Status	CY2015 Status	Description of Activity
						along Tiburon Boulevard and appears highly successful. At the end of 2015, the Town, City of Belvedere and RUSD started work on a Joint Powers Authority to manage future bus service and provide long-term funding opportunities for the busing program.
C-n	The Town shall promote and publicize the RIDES program to employers and employees as a resource for exploring ways to reduce traffic and parking congestion	CDD	Low	No progress	No progress	No progress.
C-o	Coordinate with Marin County for the adoption of complementary roadway improvement and mitigation fee programs for roads and intersections located in unincorporated sections of the Tiburon Planning Area	CDD	High	No progress	No Progress	Town has adopted a traffic mitigation fee for development within Town limits that affects the unincorporated intersections within the Tiburon Sphere of Influence. The County of Marin has begun to require developers of unincorporated large parcels in the Tiburon Planning Area to contribute, as a mitigation measure, traffic mitigation fees toward intersection improvements in Tiburon, especially the Trestle Glen Boulevard/Tiburon Boulevard intersection.
C-p	Maintain an active role in the Transportation Authority of Marin and/or U.S. Highway 101 Corridor planning program with the purpose of ensuring that improvements enhance inter-city movement	Admin	Ongoing	Ongoing	Ongoing	Councilmember Fredericks continues to serve as the Town's representative on the TAM Board.
	Safety Element					
SE-a	Where possible, the Town should advise residents of the Tiburon Planning Area of ways that they can reduce geologic, fire and flooding hazards	All	Ongoing	Ongoing	Ongoing	The Tiburon Talk e-newsletter is used as a method of communicating with residents on these issues.
SE-b	The Town shall require project applicants for new development to prepare a hydraulic and geomorphic assessment of on-site and downstream drainageways that are affected by project area runoff. Characteristics pertinent to channel stability would include bank erosion, excessive bed scour or sediment deposition, bed slope adjustments, lateral channel migration or bifurcation, and the condition of riparian vegetation. In the event existing channel instabilities were noted, the applicant could either propose their own channel stabilization program, or defer to the mitigations generated during the Town's environmental review. Any proposed stabilization measures shall anticipate any project-related changes to the drainageway flow regime	CDD	Ongoing	Complete	Complete	Precise Development Plan submittal requirements revised June 2006 to require this information as part of a complete application.
SE-c	Through the application review process, the Town shall continue to require review by the appropriate Fire District for fire prevention considerations	CDD/ DPW	Ongoing	Ongoing	Ongoing	Working with the Fire Districts, the Town has added Vegetation Management Plans to submittal requirements for certain projects and has incorporated Wildland-Urban Interface (WUI) regulations into its review process.

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	CY2014 Status	CY2015 Status	Description of Activity
SE-d	As part of an Open Space Management program, the Town shall develop a plan, including funding sources and/or other opportunities, such as volunteer groups, for reducing fire hazards and maintaining fire roads on Town-owned open space	DPW	Medium	Ongoing	Ongoing	See OSC-g
SE-e	The Town shall continue to review and update the *Emergency Operations Plan* to ensure that it remains up-to-date	Police	Ongoing	Ongoing	Ongoing	Emergency response training sessions are held each year by staff in the Emergency Operations Center at the Tiburon Police Station. In 2013, emergency notification sirens were installed at several Peninsula locations, intended to be audible from every locale on the Peninsula. The Town contributed $108,000 to the project. The siren project has been completed.
SE-f	The Town shall adopt a Local Hazard Mitigation Plan to comply with the federal Disaster Mitigation Act of 2000 and maintain eligibility for hazard mitigation funding from FEMA	CDD	High	Progress	Completed and Ongoing	Plan adopted in October 2005; Resolution 53-2005. The Town fully participated with ABAG and other municipalities in the LHMP update process in 2009. The Planning Commission held a public hearing on an update to the Town's Mitigation Strategies portion of the LHMP in November 2010. The Town Council adopted an updated LHMP in March 2012. The next update got underway at the staff level in 2015.
SE-g	The Town shall use its best efforts to disseminate emergency preparedness information to the community	Police	Ongoing	Ongoing	Ongoing	Get Ready!! Program launched in 2006. To date, over 1,700 persons have signed up for or received emergency preparedness training. The program is ongoing. The Town's Emergency Services Coordinator releases email news bulletins to inform residents of emergencies and preparedness issues and lists preparedness tips in the Ark newspaper. In 2015, the TibTalk e-mail list was used to distribute time-sensitive alerts to the community on a variety of topics.
SE-h	The Town shall conduct an immediate post-earthquake assessment of critical facilities and buildings in the Planning Area to determine the extent of damages, if any, to essential Town infrastructure. This should be performed by trained professional(s) utilizing the current state-of-knowledge regarding post-earthquake assessment	CDD	Ongoing	NA	NA	
SE-i	The Town shall coordinate with the Marin Municipal Water District to replace the piping and fittings in those water tanks in the Planning Area that are not currently fitted with flexible, earthquake-resistant joints. In addition, the water tanks should be evaluated to ascertain their ability to withstand strong seismic ground shaking	CDD/ DPW	Low	Progress	Complete	Over the past several years, new MMWD tanks have been installed at Spring Lane and Mount Tiburon, and older tanks have been upgraded. The Sugar Loaf Tank project, which involves the replacement of a redwood tank with a welded steel tank and the installation of a second welded steel tank, was fully completed in 2011. MMWD currently indicates that the updating of all Tiburon Peninsula tanks for seismic safety is complete as of 2012.
SE-j	The Town shall create and implement a Seismic Improvement Program. The Program shall include conducting a seismic risk assessment of existing Town infrastructure, which would help to create a list which would prioritize the buildings and equipment that should be retrofitted. Following risk assessment, the Town should adopt a program that would upgrade vulnerable facilities based on the priority list	DPW	High	Progress	Ongoing	With the exception of the Public Works Corporation Yard buildings, the Town's physical plant of buildings is relatively new and is designed and built withstand seismic events. The Town continues to set aside funds for eventual replacement of the Corporation Yard buildings.
SE-k	The Town shall increase education regarding upgrading of buildings using structural and non-structural mitigation	CDD	Low	Ongoing	Ongoing	The Town's Residential Building Resale Inspection process provides opportunities to inform and advise owners of potential structural issues at the time of sale.

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	CY2014 Status	CY2015 Status	Description of Activity
	measures					
SE-l	The Town shall evaluate the potential impacts related to hazardous materials during the environmental review process for new developments or businesses where the production, use, storage, transport, or disposal of hazardous materials is proposed. The potential impacts should be fully mitigated	CDD	Ongoing	Ongoing	Ongoing	This potential safety impact is addressed in the environmental review process and included in the Initial Study Checklist.
SE-m	The Town shall coordinate hazardous materials with other public agencies	All	Ongoing	Ongoing	Ongoing	Coordination is ongoing.
	Noise Element					
N-a	The Town should periodically assess the noise environment to identify noise sources that should be regulated to reduce excessive or offensive noise	All	Ongoing	Ongoing	Ongoing	Building construction hours in the Municipal Code were modified to address week-end noise problems. Town Council updated and amended the Leaf Blower and Hedge Trimmer Ordinance (Ordinance 518N.S.) in 2009 which went into effect February 18, 2010. In 2015, the Town Council requested that the ordinance be scheduled for a review of its provisions.
N-b	The Town should contact the appropriate regulatory agencies to ensure that they are aware of the Town's policy discouraging aircraft flyovers of the Tiburon Planning Area	Admin/ CDD	Ongoing	Ongoing	No progress	Staff is not aware of any recent legitimate complaints regarding aircraft noise.
	Parks & Recreation Element					
PR-a	The Town should work with the Belvedere - Tiburon Recreation Department and the City of Belvedere to consider the long and short term need for additional parklands, sporting facilities, picnic facilities, play areas, and to develop a master plan for meeting the community's recreational programming and facilities needs	CDD/ DPW	High	Progress	Progress	Phase 1 study of recreation needs authorized in 2006 and completed in 2007. Phase 2, the Recreation Needs Assessment Report prepared by The Sports Management Group, was accepted by the Town Council on July 20, 2011. The study found that recreation needs of peninsula residents are being met through a variety of methods. The study found no obvious gaps in the provision or availability of recreation facilities or programming. One of the findings in the Needs Assessment was that the proposed Ned's Way Recreation Facility would provide additional space and opportunity for enhanced recreation services on the peninsula. In 2012, construction began on the Ned's Way (Dairy Knoll) Recreation Facility. The facility was occupied in late 2013. In 2014, the Town Council initiated plans for additional picnic-type facilities at Blackie's Pasture, and for study of other improvements of a longer-term nature. In 2015, the Blackie's Pasture Picnic Area project was constructed, locations for a kayak-launching point were explored, and discussions began for an upgrade to the McKegney Green surface.
PR-b	The Town shall examine development applications for the existence and potential creation of easements and/or trails that connect or continue to allow public access to shoreline, recreation and open space areas; Town Staff shall monitor construction with a view toward the successful creation and/or maintenance of such easements and/or trails	CDD	Ongoing	Progress and Ongoing	Progress and Ongoing	Public access easements secured in 2006 from Tiburon Peninsula Club and Tiburon Glen development projects. A public access easement offer of dedication was secured as part of the Stony Hill Road (Ling) project in 2008. The Town also performed work on the Teather Park to Tiburon Peninsula Club path in 2009. The Town approved plans for upgrading of the Esperanza Street to Mar West Street path in 2009. Work was completed on this path improvement in 2010. The Teather Park to Tiburon Peninsula Club pathway improvements were completed in 2012 and are open to the public. In 2014, the Town continued

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	CY2014 Status	CY2015 Status	Description of Activity
						to pursue construction of a pathway connecting Reed School to the Dairy Knoll Recreation facility. In 2015, the Town reached an agreement with the Point Tiburon Bayside Association for a public access easement across its common area and perfected the trail alignment down the unimproved portion of Las Lomas Lane through a formal grant of easement from the underlying owner.
PR-c	The Town should explore the need and desirability for establishing a community center which would accommodate recreational and other needs for the entire community	Admin	High	Ongoing	Ongoing	Within its limited scope and resources, the Recreation Needs Assessment touched upon the issue of demand for a community center. The term "community center" is broad and means different things to different people. While 48% of residents surveyed rated the importance of a community center with space for programs, classes, and events as "extremely" or "very important", the survey fell short of identifying strong support for pursuing a community center on the Peninsula. The Assessment's authors concluded that in any future [recreation-related] study, the interest in and specific features of a community center should be explored. This should include a "willingness to pay" component for a major facility of this type. While not a community center, the Dairy Knoll Recreation facility now provides additional programming space for a variety of recreational and community events to serve community needs.

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Department of Housing and Community Development

ANNUAL HOUSING ELEMENT PROGRESS REPORT

Reporting Period by Calendar Year: From 1/1/2015 through 12/31/2015

City Name: Town of Tiburon

Mailing Address: 1505 Tiburon Boulevard, Tiburon, CA 94920

Contact Person: Scott Anderson, Director of Community Development

Phone: (415) 435-7392 FAX: (415) 435-2438 E-mail: sanderson@townoftiburon.org

These forms and tables must be submitted to HCD and the Governor's Office of Planning & Research (OPR) on or before April 1 of each year for the prior calendar year; submit separate reports directly to both HCD and OPR (Government Code Section 65400) at the addresses listed below:

Department of Housing and Community Development
Division of Housing Policy Development
P. O. Box 952053
Sacramento, CA 94252-2053

and

Governor's Office of Planning & Research
P. O. Box 3044
Sacramento, CA 95812-3044

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction TOWN OF TIBURON

Reporting Period 1/1/2015 - 12/31/2015

Table A

Annual Building Activity Report Summary - New Construction
Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information									Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income			See Instructions	See Instructions	
(9) Total of **Moderate and Above Moderate** from Table A3 ►					0	0	0	0			
(10) Total by income Table A/A3 ► ►											
(11) Total **Extremely Low-Income** Units*											

There were zero "new" housing units constructed to completion in CY 2015. This does not count re-builds.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction TOWN OF TIBURON

Reporting Period 1/1/2015 - 12/31/2015

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program it its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA whichmeet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				0	
(3) Acquisition of Units				0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for **Moderate**	**0**	**0**	**0**	**0**	**0**	0	
No. of Units Permitted for **Above Moderate**	0	0	0	0	0	0	

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction TOWN OF TIBURON

Reporting Period 1/1/2015 - 12/31/2015

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.			2014	2015	2016	2017	2018	##	##	2021	##	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
Very Low	Deed Restricted	24	0	0									24
	Non-deed restricted		0	0									
Low	Deed Restricted	16	0	0									16
	Non-deed restricted		0	0									
Moderate	Deed Restricted	19	0	0									19
	Non-deed restricted		0	0									
Above Moderate		19	2	0								2	17
Total RHNA by COG. Enter allocation number:		78	2	2								2	76
Total Units ► ► ►													
Remaining Need for RHNA Period ► ► ► ► ►													

Note: units serving extremly low-income households are included in the very low-income permitted units totals.

TABLE C: Program Implementation Status **Town of Tiburon**

Annual Element Progress Report: Housing Element Implementation (CCR Title 25 Section 6202)
Reporting Period January 1, 2015 through December 31, 2015

Prog. #	***Objective***	***Timeframe***	***Status of Program Implementation***
H-a	**Focus Town Resources on Key Housing Sites.** Focus Town-controlled resources toward the design, approval, financing, and construction of housing, especially affordable housing, on key sites identified in the Tiburon Housing Element.	Encourage development of one or more housing opportunity sites by 2022.	Resources (in-lieu fees and housing set-aside funds) are in place and available for any such project. No key housing sites were developed in 2015.
H-b	**Improve Community Awareness of Housing Needs, Issues, and Programs.** The Town will promote the availability of Marin County programs for housing construction, homebuyer assistance, rental assistance, Marin Housing Authority information, code enforcement, information about affordable housing, fair housing and housing rehabilitation through the following means: (a) Create a link on the Town's website that describes housing programs and provides direct links to County agencies that administer the programs. (b) Include contact information on County programs in Town newsletters and other general communications that are sent to residents. (c) Maintain information and handouts at the Town's public counter. (d) Train selected Town staff to provide referrals. (e) Distribute information on programs at public locations (library, schools). (f) Collaborate with other agencies (County of Marin, Tiburon Ecumenical Association, Marin Housing Authority, Rotary, Chamber of Commerce, Ecumenical Association for Housing, Housing Council) to prepare presentations and distribute informational materials to improve awareness of housing needs, issues and available housing programs. (g) Distribute materials to neighborhood groups, homeowner associations, religious institutions, businesses, and other interested groups (Rotary, Chamber of Commerce, etc.) in the Tiburon area.	Ongoing	The Town launched its updated website in 2015. It contains a link to the Housing Authority. Housing-related information and handouts are available at Town Hall. No additional progress was made on items in this program in 2015.
H-c	**Community Outreach When Implementing Housing Element Programs.** Coordinate with local businesses, housing advocacy groups, neighborhood groups, and the Chamber of Commerce and participate in the Marin Consortium for Workforce Housing in building public understanding and support for workforce, special needs housing and other issues related to housing, including the community benefits of affordable housing, mixed use and pedestrian-oriented development. The Town will notify a broad representation of the community when housing programs are discussed by the Planning Commission or Town Council. Specific actions should be linked to the preparation and distribution of materials as identified in Program H-b. Specific outreach activities include: (a) Maintain the Housing Element mailing list and send public hearing notices to all interested public, non-profit agencies and affected property owners. (b) Post notices at Town Hall, the library, and the post office. (c) Publish notices in the local newspaper. (d) Post information on the Town's website. (e) Conduct outreach (workshops, neighborhood meetings) to the community as Housing Element programs are implemented. (f) Provide an informational guide to homeowners explaining the benefits, "best practices" and procedures for adding or legalizing a secondary dwelling unit.	Ongoing	No housing programs or substantial projects were considered by the Town in 2015.

TABLE C: Program Implementation Status **Town of Tiburon**

Annual Element Progress Report: Housing Element Implementation (CCR Title 25 Section 6202)
Reporting Period January 1, 2015 through December 31, 2015

Prog. #	*Objective*	*Timeframe*	*Status of Program Implementation*
H-d	**Foster Meaningful Assistance from Other Agencies.** Town staff will meet and work with other public agencies and special districts (water, fire, schools, sanitary districts, etc.) to promote affordable housing through the provision of fee waivers, fee reductions, development of property, or other assistance for affordable housing projects. In addition, participate in ongoing regional planning activities related to housing and the Sustainable Communities initiative.	Ongoing	No progress in 2015.
H-e	**Conduct Outreach for Developmentally Disabled Housing and Services.** Work with the Golden Gate Regional Center to implement an outreach program that informs families within Tiburon on housing and services available for persons with developmental disabilities. Provide information on services on the Town's website and distribute brochures supplied by the service providers.	Initiate in 2015	No progress in 2015.
H-f	**Coordinate with Water and Sewer Providers.** As required by State law, the Town will provide a copy of the adopted housing element update to water and sewer providers, including the Marin Municipal Water District, Sanitary District Number 5 of Marin County, Richardson Bay Sanitary District, and Sanitary District Number 2 of Marin County. The Town will also provide a summary and quantification of Tiburon's regional housing need allocation.	Within one month of Housing Element adoption	Copies of the updated Housing Element and a summary and quantification of the Town's Regional Housing Need were provided to the requisite agencies within 15 days of adoption.
H-g	**Review the Housing Element Annually.** As required by State law, the Town will review the status of Housing Element programs and submit a progress report to the State Department of Housing and Community Development and the Governor's Office of Planning and Research by April 1st.	Annually by April 1st	The Housing Element was reviewed by the Town Council on April 1, 2015 as part of the annual implementation status report for that year.
H-h	**Update the Housing Element.** Update the Tiburon Housing Element consistent with State law requirements.	Update by 2023	No updates needed in 2015.
H-i	**Redevelopment Agency (Town of Tiburon as Successor Agency).** In conjunction with the Marin Housing Authority, use remaining housing set-aside funds to meet existing affordable housing obligations and, once those are met, expend the funds solely for the provision of affordable housing in Tiburon consistent with the Tiburon General Plan.	Ongoing	Town staff communicates at least annually with Housing Authority staff regarding potential affordable housing projects and the continuing availability of set-aside funds for this purpose.
H-j	**Apply for State Funds for Affordable Housing.** Apply for State affordable housing funds including, but not limited to, the Multifamily Housing Program, the Cal-Home Program, and the Homebuyer's Down-payment Assistance Program. Commit these funds to one or more projects located on designated housing sites as shown in the Town's Housing Element, to projects targeted for persons with disabilities, including persons with developmental disabilities, and to projects targeted to extremely-low income households.	Apply for funding at least three times during the planning period.	No application was filed in 2015 as no affordable housing projects were forthcoming in 2015.
H-k	**Apply for and Utilize Local Funds for Affordable Housing.** Potential sources of funds could include, but would not be limited to: (a) Marin Workforce Housing Trust (b) Marin Community Foundation (c) Federal Grants (d) Transportation Authority of Marin (e) Voluntary donations (such as bequeaths, trusts, donations of land and buildings, etc.). (f) Affordable Housing Impact Fee on larger single-family homes. (Size to be determined — for example, Marin County has a sliding scale housing impact fee on homes over 2,000 square feet in size). (g) Inter-Jurisdictional Housing Trust Fund (with Belvedere and Marin County) that could include housing impact fees, in-lieu fees, co-funding one nexus study for a housing impact, and the accumulation of any other housing-	Apply for funding at least three times during the planning period.	Same as H-j.

TABLE C: Program Implementation Status **Town of Tiburon**

Annual Element Progress Report: Housing Element Implementation (CCR Title 25 Section 6202)
Reporting Period January 1, 2015 through December 31, 2015

Prog. #	*Objective*	*Timeframe*	*Status of Program Implementation*
	related monies for use in a mutually beneficial way to meet each jurisdiction's RHNA through a combination of contributions to the Fund and units created.		
H-l	**Work with Non-Profits on Housing.** The Town will work with non-profits to assist in achieving the Town's housing goals and implementing programs. Coordination should occur on an ongoing basis, and as special opportunities arise related to specific housing sites and as the Housing Element is implemented.	Outreach to non-profits biennially	No outreach was made in 2015.
H-m	**Work with the Marin Housing Authority.** Continue to implement the agreement with the Marin Housing Authority (MHA) for management of the affordable housing stock in order to ensure permanent affordability, and implement resale and rental regulations for very low, low and moderate income units, and assure that these units remain at an affordable price level.	Ongoing	Town staff communicated periodically with MHA in 2015 regarding existing and potential affordable housing units, including resale and rental restrictions and defending against the loss of affordable status through lending institution errors.
H-n	**Staff Training.** Conduct a training session for Town employees regarding the receipt, documentation, and proper referral of housing discrimination complaints and other information related to housing programs.	As needed	No progress in 2015. Training was provided previously to key staff.
H-o	**Housing Discrimination Complaints.** Refer discrimination complaints to the appropriate legal service, county, or state agency or Fair Housing of Marin. The Community Development Director is the designated person in Tiburon with responsibility to investigate and deal appropriately with complaints. Discrimination complaints will be referred to Fair Housing of Marin, the Marin Housing Authority, Legal Aid, HUD, or the California Department of Fair Employment and Housing, as appropriate. Information regarding the housing discrimination complaint referral process will be posted on the Town's website.	Ongoing	Ongoing. Complaints are referred by Town staff to the appropriate agency upon receipt.
H-p	**Provision of Affordable Housing for Special Needs Households. Provision of Affordable Housing for Special Needs Households.** Continue to facilitate programs and projects which meet federal, state and local requirements to provide accessibility for seniors, persons with disabilities, including developmental disabilities, large families, and single-person and single parent households. Apply current inclusionary housing provisions that require 10% of new units to be designed for special needs households. Specific types of housing include: (a) Smaller, affordable residential units, especially for lower income single-person and single parent households. (b) Affordable senior housing to meet the burgeoning needs of an aging population, including assisted housing and board and care (licensed facilities). (c) Affordable units with three or more bedrooms for large family households. (d) Affordable housing that is built for, or can easily and inexpensively be adapted for, use by people with disabilities (specific standards are established in California Title 24 Accessibility Regulations for new and rehabilitation projects, augmented by Americans with Disabilities Act guidelines) and people with developmental disabilities.	Ongoing	Ongoing. The Town continues to apply its inclusionary housing ordinance provisions to new housing projects.
H-q	**Emergency Housing Assistance.** Participate and allocate funds, as appropriate, for County and non-profit programs providing emergency shelter and related counseling services.	Respond to requests for assistance	Homeward Bound did not request funds from the Town in 2015.
H-r	**Provide Town Employee Housing Assistance.** Identify opportunities for local government employees (especially public safety personnel) to find housing locally through such efforts as construction of workforce housing at public facilities or parking lots or subsidizing mortgages or rents.	Ongoing	The Town currently owns seven (7) Point Tiburon Marsh condo units that it makes available to Town employees who qualify. Four of these units are currently occupied by Town of Tiburon employees.
H-s	**Allow Transitional and Supportive Housing in Commercial Zones.** Revise the Zoning Ordinance to specifically identify transitional and supportive housing as conditionally permitted uses in the neighborhood commercial (NC) and village commercial (VC) zones. Transitional and supportive housing will be treated as a residential use subject only to the same restrictions that apply to other residential uses in the NC and VC zones.	Adopt ordinance within 180 days of Element adoption	Ordinance No. 554 N.S. implementing these revisions was adopted on February 18, 2015.

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Prog. #	*Objective*	*Timeframe*	*Status of Program Implementation*
H-t	**Rehabilitation Loan Programs**. In cooperation with the Marin Housing Authority (MHA), improve citizen awareness of rehabilitation loan programs.	Ongoing	Information continues to be made available.
H-u	**Conduct Residential Building Report Inspections.** The Town will continue to inspect and report on all residential units prior to resale, with the intent to maintain and upgrade the safety of housing within the town consistent with adopted Uniform Building and Housing Codes, which provide standards for safe dwelling units. In addition to the health and safety concerns, the residential building report discloses the authorized use, occupancy and zoning of the property and an itemization of deficiencies in the dwelling unit.	Ongoing	Ongoing. The Town continues to conduct such inspections and reports as part of the housing unit resale process. The Town conducted approximately 230 resale inspections in 2015.
H-v	**Acquisition of Rental Housing.** Contact potential non-profits (such as Tiburon Ecumenical Association, Ecumenical Association for Housing, Citizens Housing, BRIDGE Housing, etc.) who may be seeking to acquire and rehabilitate rental housing units in order to maintain ongoing affordability of the units. Provide assistance that will include, but not be limited to: (1) support necessary to obtain funding commitments from governmental programs and non-governmental grants; (2) assistance in permit processing; (3) waiver or subsidy of fees; and (4) use of local funds if available.	Annually	No affordable housing opportunities resulted from occasional contact with non-profits in 2015.
H-w	**Use of Rental Assistance Programs.** Continue to publicize and participate in rental assistance programs such as Section 8 Housing Choice Vouchers, the Housing Stability Program, and other available rental programs.	Ongoing	Ongoing. The Town continues to participate in these programs as part of the joint program with the County of Marin and other Marin municipalities.
H-x	**Condominium Conversions**. Preserve rental housing by enforcement through the Town's condominium conversion ordinance and Housing Element policy.	Ongoing	Ongoing. The Town enforces these policies and regulations.
H-y	**Link Code Enforcement with Public Information Programs on Town Standards, Rehabilitation and Energy Loan Programs.** Implement housing, building and fire code enforcement to ensure compliance with basic health and safety building standards and provide information about rehabilitation loan programs for use by qualifying property owners who are cited. Specific actions include: (a) Coordinate with the Marin Housing Authority and PG&E to make available loan programs to eligible owner and renter-occupied housing. (b) Provide public information on alternative energy technologies for residential developers, contractors and property owners. (c) Publicize tenant assistance and energy conservation programs and weatherization services that are available to provide subsidized or at cost inspection and corrective action. (d) Contact owners of structures that appear to be in declining or substandard condition, offer inspection services, and advertise and promote programs that will assist in funding needed work. (e) Provide an informational guide to homeowners explaining the benefits, "best practices" and procedures for adding or legalizing a secondary dwelling unit.	Ongoing	Other than ongoing processes, no progress was made on these items in 2015.
H-z	**Work with Non-Profits and Property Owners on Housing Opportunity Sites. Work with Non-Profits and Property Owners on Housing Opportunity Sites.** Encourage cooperative and joint ventures between owners, developers and non-profit groups in the provision of below market rate housing. Work with non-profits and property owners to seek opportunities for an affordable housing development on one of the key housing opportunity sites. Undertake the following actions to encourage development of multi-family, affordable housing: (a) Meet with non-profit housing developers (EAH, MHA, others) and property owners to identify housing development opportunities, issues and needs during 2015. (b) Select the most viable site during 2015.	Encourage development of one or more housing opportunity sites. Take specific actions by 2015 and development of housing site or sites by 2022.	Zoning amendments were adopted in 2015 to designate new affordable housing opportunity sites, reduce the percentage of affordable units required,, and allow housing by right in such zones. No affordable housing projects were constructed in 2015.

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Prog. #	*Objective*	*Timeframe*	*Status of Program Implementation*
	(c) Undertake community outreach in coordination with the potential developer and property owner during 2015. (d) Complete site planning studies, continued community outreach, and regulatory approvals in coordination with the development application. (e) Facilitate development through regulatory incentives, reducing or waiving fees, fast track processing, and assistance in development review. (f) Develop ongoing and annual outreach and coordination with non-profit housing developers and affordable housing advocates to assist in the development of housing for extremely low-income households. (g) Facilitate development of housing for extremely low-income households by allowing housing as a use by-right as part of the "Affordable Housing Overlay Zone." (h) Review funding options as part of the annual Housing Element review and apply for funding or support funding applications as opportunities are available, and will undertake other actions (such as modifications to parking requirements and granting concessions and incentives) to assist in the development of housing for extremely low income households.		
H-aa	**Implement "Affordable Housing Overlay Zone" Zoning for Affordable Projects.** Annually monitor the effectiveness of the "Affordable Housing Overlay Zone" as part of the annual Housing Element review (see Program (H-g), and implement the affordable housing overlay zone where residential densities will be increased up to 100% if a specified level of affordability is achieved. As part of the annual review there will be a review as to whether the program has been effective in encouraging very low and low income housing. The program will be revised if it is found to be ineffective. Initially, this zone shall be modified so that proposals must include a minimum of 15 percent very low and low and 10 percent moderate income housing units (25% of the project shall be dedicated to very low, low and moderate income units). Facilitate development of housing for extremely low-income households by allowing housing as a use by-right as part of the "Affordable Housing Overlay Zone.	Ongoing	Zoning ordinance amendments implementing the overlay zone revisions set forth in this program were adopted in March 2015. No affordable housing units were approved or built in 2015 pursuant to the affordable housing overly zone; however, residential construction activity of "new" dwelling units (as opposed to tear-down/rebuilds) was zero in 2015.
H-bb	**Bonuses for Affordable Housing Projects Consistent with State Density Bonus Law.** The Town will offer density bonuses consistent with the State Density Bonus Law.	Ongoing	No applications requesting state-mandated density bonuses were received in 2015.
H-cc	**Design Review of Multi-Family Housing.** Conduct design review to assure excellence of design in new multi-family housing development that is compatible with the surrounding area.	Ongoing	No such projects were proposed in 2015.
H-dd	**Housing Impact Fee for Larger Homes.** Consider an affordable housing impact fee on larger single-family homes.	2016	No progress in 2015.
H-ee	**Implement Second Dwelling Unit Development Standards and Permit Process.** Continue to allow second dwelling units.	Ongoing	No secondary dwelling unit applications were received in 2015.
H-ff	**Adopt Standards for Junior Second Units.** Review and consider adopting standards to allow the creation of junior second units. Standards to consider should include, but not be limited to, the following: (a) Conversion of existing bedroom required – no building expansion; (b) Maximum 500 square-foot size; (c) Wet-bar type kitchen only with limitations on size of sink, waste line and counter area; (d) Cooking facility limited by electrical service (110v maximum) and prohibition of gas appliances; (e) Separate bathroom permitted, but not required; (f) Require external access and internal access to the remainder of the home; (g) No additional parking required if dwelling complies with current parking standards and there is	Consider adoption in 2015	Ordinance No. 555 N. S. adopting standards for junior second units was adopted in February 2015.

Prog. #	*Objective*	*Timeframe*	*Status of Program Implementation*
	adequate on-street parking to accommodate the additional use; (h) Owner occupancy required; and (i) Ministerial approval process. The Town will work with utility districts to reduce or waive fees for junior second units.		
H-gg	**Jobs/Housing Fee.** Adopt a Jobs/Housing Linkage Fee Ordinance that includes the following or similar exaction requirements: (a) Exaction requirements for dwelling units and/or in-lieu fees should be set according to empirically based evidence and must comply with all other legal tests. (b) The inclusion of affordable housing units within developments of hotels, offices, or other commercial buildings if feasible (options may include housing on-site, off-site, subsidizing mortgages or rents, or paying an in-lieu fee for housing production), or (c) Payment into the Housing Fund of in-lieu fees based on a dollar amount per square foot of office, commercial, and industrial building development. (d) In-lieu fees would be waived in projects containing significant affordable housing components.	2017	No progress in 2015.
H-hh	**Encourage Residential Development on Mixed Use Sites.** Encourage residential development on key housing sites that are designated for mixed use. Incentives are identified in the Affordable Housing Overlay zone.	Ongoing	No progress in 2015.