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

TIBURON TOWN COUNCIL

Regular Meeting - 7:30 p.m

AGENDA

CALL TO ORDER AND ROLL CALL

Councilmember Doyle, Councilmember Fredericks, Councilmember O'Donnell, Vice Mayor Fraser, Mayor Tollini

INTERVIEWS FOR VACANCIES ON TOWN BOARDS & COMMISSIONS

(The Ranch Committee - One Vacancy for Tiburon appointee)

- Sarah Sung, 117 Sugar Loaf Drive

Documents: 03-16-16 SPECIAL MEETING INTERVIEW.PDF

ADJOURNMENT - To Regular Meeting

REGULAR MEETING – 7:30 P.M.

CALL TO ORDER AND ROLL CALL

Councilmember Doyle, Councilmember Fredericks, Councilmember O'Donnell, Vice Mayor Fraser, Mayor Tollini

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

ORAL COMMUNICATIONS

Persons wishing to address the Town Council on subjects not on the agenda may do so at this time. Please note however, that the Town Council is not able to undertake extended discussion or action on items not on the agenda. Matters requiring action will be referred to the appropriate Commission, Board, Committee or staff for consideration or placed on a

future Town Council meeting agenda. Please limit your comments to three (3) minutes.

CONSENT CALENDAR

All items on the Consent Calendar may be approved by one motion of the Town Council unless a request is made by a member of the Town Council, public or staff to remove an item for separate discussion and consideration. If you wish to speak on a Consent Calendar item, please seek recognition by the Mayor and do so at this time.

1. Town Investment Summary

Accept report for February 2016 (Director of Administrative Services Bigall)

Documents: 03-16-16 CC1 TOWN INVESTMENT SUMMARY.PDF

2. Newsom Ballot Initiative

Authorize letter in support of The Safety For All Act of 2016 on the November ballot (Mayor Tollini/Councilmember Fredericks)

Documents: 03-16-16 CC2 SAFETY FOR ALL ACT OF 2016.PDF

ACTION ITEMS

1. Appointments To Boards, Commissions, And Committees

Consider appointment to fill a vacancy on The Ranch Committee (Town Clerk Crane Iacopi)

Documents: 03-16-16 AI1 APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES.PDF

2. Las Lomas Lane Path

Authorize vacation of portion of Las Lomas Lane for public pedestrian easement (Director of Community Development Anderson)

Documents: 03-16-16 AI2 LAS LOMAS LANE PATH.PDF, 03-16-16 AI2 EXHIBIT 1.PDF, 03-16-16 AI2 EXHIBIT 2.PDF

3. Tiburon Peninsula Traffic Relief Joint Powers Authority

Consider adoption of a Joint Powers Agreement to create a Joint Powers Authority with the purpose of reducing school related traffic congestion within the Tiburon Peninsula. If adopted, consider appointment of two members to the proposed Board.

Documents: 03-16-16 AI3 TIBURON PENINSULA TRAFFIC RELEIF JPA.PDF, 03-16-16 AI3 JPA AGREEMENT.PDF

PUBLIC HEARINGS

1. Firearms Regulation

Consideration of amendments to Chapter 16 (Zoning) and Chapter 32 (Regulation of Firearms) of the Tiburon Municipal Code - *Introduction and first reading of Ordinance* (Director of Community Development Anderson/Town Attorney Stock)

Documents: 03-16-16 PH1 FIREARMS REGULATION.PDF, 03-16-16 PH1 EXHIBIT 1.PDF, 03-16-16 PH1 EXHIBIT 2.PDF, 03-16-16 PH1 EXHIBIT 3.PDF, 03-16-16 PH1 EXHIBIT 4.PDF, 03-16-16 PH1 EXHIBIT 5.PDF, 03-16-16 PH1 EXHIBIT 6.PDF

2. Alto Robles Subdivision (PD#20)
Consider vesting of tentative subdivision map for 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 (Director of Community Development Anderson)

Documents: 03-16-16 PH2 ALTO ROBLES SUBDIVISION (PD 20).PDF, 03-16-16 PH2 EXHIBIT 1.PDF, 03-16-16 PH2 EXHIBIT 2.PDF, 03-16-16 PH2 EXHIBIT 3.PDF, 03-16-16 PH2 EXHIBIT 4.PDF, 03-16-16 PH2 EXHIBIT 5.PDF, 03-16-16 PH2 EXHIBIT 6.PDF, 03-16-16 PH2 EXHIBIT 7.PDF, 03-16-16 PH2 EXHIBIT 8.PDF, 03-16-16 PH2 EXHIBIT 9.PDF

TOWN COUNCIL REPORTS

TOWN MANAGER REPORT

WEEKLY DIGESTS

- Town Council Weekly Digests - March 4 & 11, 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 Town Clerk at (415) 435-7377. 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 all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Belvedere-Tiburon Library located adjacent to Town Hall. Agendas and minutes are posted on the Town's website, www.ci.tiburon.ca.us.

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 send 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 5 days before the meeting. Requests should be sent to the Office of the Town Clerk at the above address.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing(s) described later in this agenda, or in written correspondence delivered to the Town Council at, or prior to, the Public Hearing

(s).

TIMING OF ITEMS ON AGENDA

While the Town Council attempts to hear all items in order as stated on the agenda, it reserves the right to take items out of order. No set times are assigned to items appearing on the Town Council agenda.

Town of Tiburon • 1505 Tiburon Boulevard • Tiburon, CA 94920 • P. 415.435.7373 F. 415.435.2438 • www.townoftiburon.org

Office of the Town Clerk / 415.435.7377
dcrane@ci.tiburon.ca.us

Erin Tollini
Mayor

Jim Fraser
Vice Mayor

Frank X. Doyle
Councilmember

Alice Fredericks
Councilmember

Emmett O'Donnell
Councilmember

Greg Chanis
Town Manager

March 1, 2016

Ms. Sarah Sung
117 Sugarloaf Drive
Tiburon, CA 94920

SUBJECT: INTERVIEW WITH THE TOWN COUNCIL

Dear Sarah,

Pursuant to our email correspondence this week, this letter is to confirm an appointment for an interview with the Town Council on **Wednesday, March 16, 2016, at 7:15 p.m.** at Town Hall, for a vacancy on The Ranch (Recreation) Committee.

Simply come into the Council Chambers and one of us will meet you and introduce you to the Council. After the interview, you are welcome to stay for the meeting, or I can call you the next day to let you know if the Council took any action on the appointment.

Once again, Sarah, thank you for your interest in serving the Tiburon community. We look forward to seeing you on March 16, 2016.

Very truly yours,

Diane Crane Iacopi
Town Clerk

Cc: Town Manager Chanis

TOWN OF TIBURON

COMMISSION, BOARD & COMMITTEE

APPLICATION

The Town Council considers appointments to its various Town commissions, boards and committee throughout the year due to term expirations and unforeseen vacancies. In its effort to broaden participation by local residents in Tiburon□s local governmental process and activities, the Council needs to know your interest in serving the Town in some capacity.

Please indicate your specific areas of interest and special skills or experience which would be beneficial to the Town, by completing both sides of this form and returning it to Town Hall. Copies will be forwarded to the Town Council and informal applicant/Council interviews are scheduled periodically during the year. Your application will also remain on file at Town Hall for a period of one (1) year. Thank you for your willingness to serve the Tiburon community.

Diane Crane Iacopi
Town Clerk

* *

AREAS OF INTEREST

Indicate Your Area(s) of Interest in Numerical Order
(#1 Being the Greatest Interest)

_____ PLANNING	_____PARKS OPEN SPACE & TRAILS
_____DESIGN REVIEW	__1__RECREATION
_____HERITAGE & ARTS	_____DISASTER PREPAREDNESS
_____LIBRARY	_____COMMISSION ON AGING
_____AFFORDABLE HOUSING	____BUILDING CODE APPEALS BOARD

S:dcrane/comm.app

PERSONAL DATA

(PLEASE PRINT OR TYPE – A RESUME MAY BE ATTACHED AS WELL)

NAME: Sarah Sung

MAILING ADDRESS: 117 Sugar Loaf Drive, Tiburon CA 94920

TELEPHONE: cell: (917) 658-6100 email: sakim49@gmail.com

PROPERTY OWNERS ASSOC. (If applicable) Marinero Association

TIBURON RESIDENT: (Years) 3 **DATE SUBMITTED:** 2/28/2016

REASONS FOR SELECTING YOUR AREAS OF INTEREST

As the mother of two boys, ages one (Gavin) and six (Jackson), I have been able to take advantage of many of the wonderful offerings of The Ranch. Jackson participates in after-school activities at The Ranch four days a week, and has participated in both Camp Miwok and Angel Island Camp. Gavin and I attend the Mommy & Tot classes; and Jackson's fifth birthday party was held at the Belvedere Community Center. I am interested in serving on the Recreation Committee because I strongly believe in its mission and feel I can contribute toward its continued success. I am passionate about programs and activities that would engage, stimulate, and grow members of our community across all age ranges; mentally, physically, and even spiritually. I see our community center playing a large role in bringing our members together and elevating their life experience.

APPLICABLE QUALIFICATIONS AND EXPERIENCE

Prior to moving to Tiburon, our family lived in Manhattan for 12 years. In New York, I studied and enrolled Jackson in a number of programs including music, sports, and child development classes for toddlers and preschool children. The client base (primarily moms) in New York is similar to the client base in Belvedere-Tiburon in that they are both high-achieving and demanding when it comes to the quality of programs they expect for their children. I have ideas for potential new programs that could be offered at The Ranch and I am willing to do the work to bring those programs to fruition. I have volunteered in a number of organizations in executing programs and events. Most recently, I served as the Boutique Chair for the Art Angels Fair at St. Stephen's Church, where my family has been actively involved for the past three years (my husband serves on the Vestry). As the Boutique Chair, I helped source over 30 vendors and the Fair continues to be the church's largest and most important fundraiser. Because of my extensive involvement with the church, I have had the opportunity to become friends and interact with members of the community across all age ranges and demographics. I am collaborative and work well with others. I ran a small jeans company of 5 members and I have experience relating well to others both professionally and personally.

---------- **Town Hall Use** ----------

Date Application Received: _____ **Interview Date:** _____

Appointed to: _____ **(Date)** _____

SARAH A. SUNG

117 Sugar Loaf Drive, Tiburon CA 94920; email: sakim@mba2003.hbs.edu; cell phone: (917) 658-6100

Experience

Jan. 2013- July 2015 — **TROA** — **NEW YORK, NY**
President
- Launched premium denim line at Barneys New York, Barneys Japan, and Colette in Paris. Sold line throughout country including boutiques in San Francisco and Marin (Margaret O'Leary, Heidi Says, Elizabeth Charles).
- Responsible for all aspects of operations. Managed team of five people to design, market, and sell collections.

Dec. 2007 – Jan. 2013 — **BERGDORF GOODMAN** — **NEW YORK, NY**
Business Manager, Couture
- Responsible for reaching sales objectives of the largest volume departments in Bergdorf Goodman. Brands included CHANEL, Oscar de la Renta, Akris, Valentino, Carolina Herrera, Loro Piana, and Lanvin.
- Led staff of over 60 employees including Sales Associates, Personal Shoppers, Stock Associates, and Assistants.
- Worked with Sales Associates and Personal Shoppers to achieve sales goals, Buyers to ensure optimal product mix, Visual Merchandisers to maintain standards, Operations teams to manage inventory, Vendors to meet needs of clients and company, and Senior Management to identify and maximize areas of growth and opportunity.
- Traveled to Paris six times a year for market appointments and merchandise selection.

Nov. 2004 – Aug. 2007 — **LVMH MOET HENNESSY LOUIS VUITTON** — **NEW YORK, NY**
One of three candidates selected for Executive-In-Training "fast-track" program, designed to produce future leaders within LVMH.

Fendi: Aug. 2006 – Aug. 2007
- Opened first leased store for Fendi at Bloomingdale's flagship store, recruited and managed staff, ran all aspects of operations from financial reconciliation to visual merchandising.
- Reached annual sales of $3 million, the highest of any leased store in the country and representing 25% over LY.

Louis Vuitton: Nov. 2004 – Aug. 2006
- Trained in corporate functions: Buying, Marketing, Store Planning, Logistics, Legal, and Finance departments.
- Developed and executed in-store corporate CRM events. All events generated over 100% ROI and captured new customers.

Sept. 2003 – Nov. 2004 — **NEXT JUMP, INC.** — **NEW YORK, NY**
Provider of corporate shopping programs to network of 2.5 million high net-worth customers.
Senior Vendor Account Manager
- Managed Next Jump's highest revenue-generating retail client accounts. Key accounts included Ferrari/Maserati North America, Thomas Pink, Hickey Freeman.

Summer 2002 — **UBS WARBURG** — **NEW YORK, NY**
Equity Research Summer Associate, Business Services Group
- Worked with firms' senior management, investor relations departments, and public relations professionals to research company information and analyze corporate performance.

1999 – 2001 — **IGA SERVICES** — **NEW YORK, NY**
Recruiting firm focused on international placement of financial services professionals.
Co-founder
- Provided executive recruiting services to financial services firms. Won client accounts from domestic and overseas offices of bulge bracket and boutique investment banks. Managed team of six people.

1997 – 1999 — **L.E.K. CONSULTING GROUP** — **BOSTON, MA**
Management consulting company providing strategy consulting, merger and acquisition advisory, and market research services to corporations.
Associate
- Analyzed macroeconomic and competitive trends in various industries. Performed primary and secondary market research. Assessed financial attractiveness of firms based on valuation analysis.

Education

2001 – 2003 — **HARVARD BUSINESS SCHOOL** — **BOSTON, MA**
Awarded Master in Business Administration degree.

1993 – 1997 — **THE WHARTON SCHOOL AT THE UNIVERSITY OF PENNSYLVANIA** — **PHILADELPHIA, PA**
Awarded Bachelor of Science degree in Economics. Graduated Magna Cum Laude. Overall GPA: 3.7/4.0. GMAT: 730. Concentration: Multinational Management.

Interests — Sunday School teacher; Nursery attendant; active in Cub Scouts events. Proficient Korean.

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
March 16, 2016
Agenda Item: CC-1

STAFF REPORT

To: **Mayor and Members of the Town Council**

From: **Administrative Services Department**

Subject: **Investment Summary – January 2016**

Reviewed By: L.C.

BACKGROUND

Pursuant to Government Code Section 53601, staff is required to provide the Town Council with a report regarding the Town's investment activities for the period ended January 31, 2016.

ANALYSIS

January 2016

Agency	Investment	Amount	Interest Rate	Maturity
Town of Tiburon	**Local Agency Investment Fund (LAIF)**	**$21,536,821.34**	**0.446%**	**Liquid**
	Housing note to Town Manager	**$ 800,000.00**	**0.330%**	**Based on Contract**
	Money Market (Bank of Marin)	**$ 100,000.00**	**0.15%**	**Liquid**
Total		**$22,436,821.34**		

The total invested at the end of the prior month was $22,017,949.08; therefore the Town's investments increased by $418,872.26 over December 2015.

FINANCIAL IMPACT

No financial impact occurs by accepting this report. The Town continues to meet the priority principles of investing – safety, liquidity and yield in this respective order.

RECOMMENDATION

Staff recommends that the Town Council:
Move to accept the Investment Summary for January 2016

Prepared By: Heidi Bigall, Director of Administrative Services

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
March 16, 2016
Agenda Item: C-2

STAFF REPORT

To: Mayor and Members of Town Council

From: Town Staff

Subject: Consider Authorizing the Legislative Action Committee to Send a Letter in Support of the "Safety for All Act of 2016" Ballot Initiative

Reviewed By: _____

BACKGROUND

The Town Council's Legislative Action Committee, comprised of Mayor Tollini and Councilmember Fredericks, is requesting Council authorization to send a letter to Lieutenant Governor Gavin Newsom in support of the "Safety for All Act of 2016" ballot initiative.

ANALYSIS

The "Safety for All Act of 2016" is an initiative that will appear on the November 2016 California general election ballot. The campaign in favor of the initiative is being led by Lieutenant Governor Gavin Newsom. A brief narrative describing the major provisions of the initiative is attached as **Exhibit 2.**

The full initiative is 34 pages in length and can be viewed in its entirety on-line by using a standard search engine to find "Safety for All Act".

RECOMMENDATION

Authorize the Committee to send the letter.

EXHIBITS

1. Draft letter.
2. General information on "Safety for All Act of 2016" ballot initiative.

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DRAFT

Erin Tollini
Mayor

Jim Fraser
Vice Mayor

Frank X. Doyle
Councilmember

Alice Fredericks
Councilmember

Emmett O'Donnell
Councilmember

Greg Chanis
Town Manager

March _, 2016

The Honorable Gavin Newsom
Lieutenant Governor
State of California
State Capitol, Suite 1114
Sacramento, CA 94814

RE: Safety for All Act---Support

Dear Mr. Newsom:

On behalf of the Town of Tiburon, we would like to voice our strong support for the "Safety for All Act" ballot initiative.

The Tiburon Town Council respects the right to bear arms as protected by the second amendment. However, the increasing incidence of shootings of children in schools and other acts of violence perpetrated by dangerous citizens with access to guns makes it clear that effective and reasonable reforms are essential to provide public safety and protect our community from gun violence.

Because the "Safety for All Act" Ballot initiative closes loopholes in existing gun safety law and provides effective, common sense reforms to increase public safety, the Town of Tiburon supports the "Safety for All Act" ballot initiative.

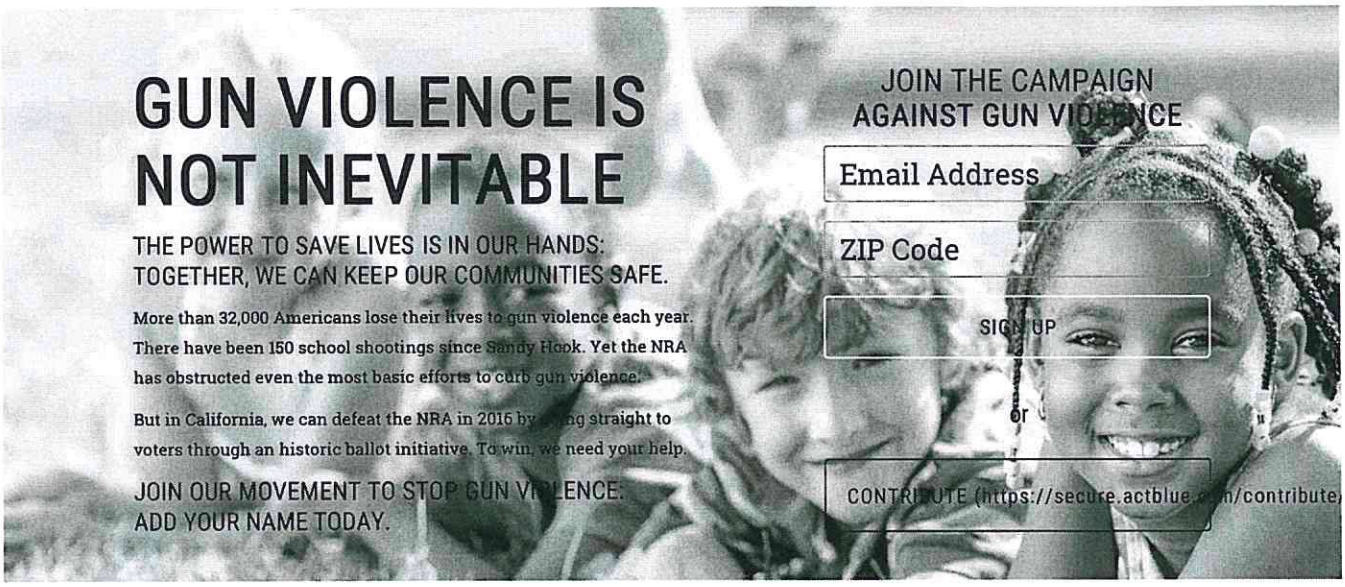
Respectfully,

Erin Tollini, Mayor
Town of Tiburon

Alice Fredericks, Councilmember
Town of Tiburon

Cc: Senator Mike McGuire
Assembly Member Marc Levine
Digest

EXHIBIT NO. 1



Learn more about Safety for All ☰ Endorsements ☰ Full text ⬇ (fulltext.htm)

LIEUTENANT GOVERNOR GAVIN NEWSOM TO LEAD "SAFETY FOR ALL" BALLOT INITIATIVE TO STRENGTHEN CALIFORNIA GUN LAWS

Statewide Ballot Initiative Co-Authored with the Law Center to Prevent Gun Violence Outlaws Large-Capacity Magazines, Requires Background Checks for Ammunition Purchases and Reporting of Lost and Stolen Firearms

Sacramento, CA – October 15 – Today Lieutenant Governor Gavin Newsom announced that he will lead the "Safety for All" Initiative, a package of commonsense gun reforms requiring instant background checks for purchases of ammunition, strengthening background checks for gun purchases, prohibiting possession of large detachable military-style magazines, and requiring the immediate surrender of firearms for people convicted of serious and violent crimes.

"With 150 school shootings since Newtown and many more mass shootings devastating communities across our state and nation, it is time to say enough is enough," said initiative proponent and California Lieutenant Governor Gavin Newsom. "The Safety for All initiative will save lives by making it much harder for dangerous people to get guns and ammunition in California."

"We were proud to work with Lieutenant Governor Newsom to develop the Safety for All initiative, which will give Californians the security of the toughest background check law in the nation," said Robyn Thomas, Executive Director of the Law Center to Prevent Gun Violence. "For decades, California has been leading the country through the passage of smart gun laws that save lives, and this initiative continues that leadership by keeping guns and ammunition out of the wrong hands."

Founded in the wake of the 1993 assault weapon massacre at 101 California Street, the Law Center to Prevent Gun Violence is now the premier resource for legal expertise and information regarding firearms policy. The Law Center's attorneys track and analyze gun laws in all 50 states, file amicus briefs in critical Second Amendment cases, and work with lawmakers and advocates to promote smart gun laws that save lives.

The initiative will appear on the 2016 California ballot with the following provisions:

1. Prohibits Possession of Large-Capacity Military-Style Magazines: The Safety for All initiative outlaws possession of large-capacity magazines of 11 rounds or more and provides for their legal disposal. If passed, California would join New York, New Jersey, Hawaii and The District of Columbia in banning possession of these military-style clips.
2. Treats Ammunition Sales Like Gun Sales: The initiative requires licensing of ammunition vendors and point-of-sale background checks for ammunition purchases. Under the initiative, if a person is convicted of a felony, a violent misdemeanor, has a restraining order or has been declared dangerously mentally ill, they will no longer be able to buy ammunition in California. California would be the first state to require background checks at point of sale.

EXHIBIT NO. 2

3. Ensures People Prohibited from Owning Guns Do Not Possess Them: The initiative defines a clear firearms relinquishment process for those convicted of a felony or a violent misdemeanor.

4. Requires Reporting Lost or Stolen Guns: The initiative requires firearm owners to notify law enforcement if their firearm has been lost or stolen. With the Safety for All initiative, California would join 11 other states and the City of Sacramento requiring lost and/or stolen firearm reporting.

5. Shares Data with Federal System on Prohibited People: The initiative mandates that California share data with the FBI/NICS (National Instant Criminal Background Check System).

© 2016 | Safety for All, Newsom Ballot Measure Committee
Safety For All 268 Bush Street #222 San Francisco, CA 94104
safetyforallact@gmail.com (mailto:safetyforallact@gmail.com) | (323) 686-1658
Privacy Policy (//safetyforallact.com/privacy)

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
March 16, 2016
Agenda Item: A-1

STAFF REPORT

To:	Mayor and Members of the Town Council
From:	Office of the Town Clerk
Subject:	Appointments to Fill Vacancies on Town Boards, Commissions and Committees: **The Ranch Committee**
Reviewed By:	L.C.

BACKGROUND

As reported at the March 2, 2016 regular meeting, there is currently one vacancy for a Tiburon resident on The Ranch Committee (Belvedere-Tiburon Joint Recreation). This vacancy resulted from the recent resignation of Tiburon appointee, Nuria Ibars. The Council interviewed one applicant (Erin Burns) at its March 2 meeting and will interview another (Sarah Sung) tonight. There are no other outstanding resumes for this position on file.

RECOMMENDATION

Staff recommends that the Town Council:

1. Consider making an appointment to The Ranch Committee tonight; or

2. Continue the item and direct staff to continue to accept applications and schedule interviews for the vacancy on The Ranch Committee at an upcoming Council meeting.

Exhibits: Applications Sarah Sung and Erin Burns

Prepared By: Diane Crane Iacopi, Town Clerk

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March 1, 2016

Ms. Sarah Sung
117 Sugarloaf Drive
Tiburon, CA 94920

SUBJECT: INTERVIEW WITH THE TOWN COUNCIL

Dear Sarah,

Pursuant to our email correspondence this week, this letter is to confirm an appointment for an interview with the Town Council on **Wednesday, March 16, 2016, at 7:15 p.m.** at Town Hall, for a vacancy on The Ranch (Recreation) Committee.

Simply come into the Council Chambers and one of us will meet you and introduce you to the Council. After the interview, you are welcome to stay for the meeting, or I can call you the next day to let you know if the Council took any action on the appointment.

Once again, Sarah, thank you for your interest in serving the Tiburon community. We look forward to seeing you on March 16, 2016.

Very truly yours,

Diane Crane Iacopi
Town Clerk

Cc: Town Manager Chanis

TOWN OF TIBURON

COMMISSION, BOARD & COMMITTEE

APPLICATION

The Town Council considers appointments to its various Town commissions, boards and committee throughout the year due to term expirations and unforeseen vacancies. In its effort to broaden participation by local residents in Tiburon□s local governmental process and activities, the Council needs to know your interest in serving the Town in some capacity.

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Diane Crane Iacopi
Town Clerk

* *

AREAS OF INTEREST

Indicate Your Area(s) of Interest in Numerical Order
(#1 Being the Greatest Interest)

_____ PLANNING	_____PARKS OPEN SPACE & TRAILS
_____DESIGN REVIEW	__1__RECREATION
_____HERITAGE & ARTS	_____DISASTER PREPAREDNESS
_____LIBRARY	_____COMMISSION ON AGING
_____AFFORDABLE HOUSING	____BUILDING CODE APPEALS BOARD

S:dcrane/comm.app

PERSONAL DATA

(PLEASE PRINT OR TYPE – A RESUME MAY BE ATTACHED AS WELL)

NAME: Sarah Sung

MAILING ADDRESS: 117 Sugar Loaf Drive, Tiburon CA 94920

TELEPHONE: cell: (917) 658-6100 email: sakim49@gmail.com

PROPERTY OWNERS ASSOC. (If applicable) Marinero Association

TIBURON RESIDENT: (Years) 3 **DATE SUBMITTED:** 2/28/2016

REASONS FOR SELECTING YOUR AREAS OF INTEREST

As the mother of two boys, ages one (Gavin) and six (Jackson), I have been able to take advantage of many of the wonderful offerings of The Ranch. Jackson participates in after-school activities at The Ranch four days a week, and has participated in both Camp Miwok and Angel Island Camp. Gavin and I attend the Mommy & Tot classes; and Jackson's fifth birthday party was held at the Belvedere Community Center. I am interested in serving on the Recreation Committee because I strongly believe in its mission and feel I can contribute toward its continued success. I am passionate about programs and activities that would engage, stimulate, and grow members of our community across all age ranges; mentally, physically, and even spiritually. I see our community center playing a large role in bringing our members together and elevating their life experience.

APPLICABLE QUALIFICATIONS AND EXPERIENCE

Prior to moving to Tiburon, our family lived in Manhattan for 12 years. In New York, I studied and enrolled Jackson in a number of programs including music, sports, and child development classes for toddlers and preschool children. The client base (primarily moms) in New York is similar to the client base in Belvedere-Tiburon in that they are both high-achieving and demanding when it comes to the quality of programs they expect for their children. I have ideas for potential new programs that could be offered at The Ranch and I am willing to do the work to bring those programs to fruition. I have volunteered in a number of organizations in executing programs and events. Most recently, I served as the Boutique Chair for the Art Angels Fair at St. Stephen's Church, where my family has been actively involved for the past three years (my husband serves on the Vestry). As the Boutique Chair, I helped source over 30 vendors and the Fair continues to be the church's largest and most important fundraiser. Because of my extensive involvement with the church, I have had the opportunity to become friends and interact with members of the community across all age ranges and demographics. I am collaborative and work well with others. I ran a small jeans company of 5 members and I have experience relating well to others both professionally and personally.

---------- **Town Hall Use** ----------

Date Application Received: _____ **Interview Date:** _____

Appointed to: _____ **(Date)** _____

SARAH A. SUNG

117 Sugar Loaf Drive, Tiburon CA 94920; email: sakim@mba2003.hbs.edu; cell phone: (917) 658-6100

Experience

Jan. 2013-July 2015 — **TROA** — **NEW YORK, NY**
President
- Launched premium denim line at Barneys New York, Barneys Japan, and Colette in Paris. Sold line throughout country including boutiques in San Francisco and Marin (Margaret O'Leary, Heidi Says, Elizabeth Charles).
- Responsible for all aspects of operations. Managed team of five people to design, market, and sell collections.

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Business Manager, Couture
- Responsible for reaching sales objectives of the largest volume departments in Bergdorf Goodman. Brands included CHANEL, Oscar de la Renta, Akris, Valentino, Carolina Herrera, Loro Piana, and Lanvin.
- Led staff of over 60 employees including Sales Associates, Personal Shoppers, Stock Associates, and Assistants.
- Worked with Sales Associates and Personal Shoppers to achieve sales goals, Buyers to ensure optimal product mix, Visual Merchandisers to maintain standards, Operations teams to manage inventory, Vendors to meet needs of clients and company, and Senior Management to identify and maximize areas of growth and opportunity.
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One of three candidates selected for Executive-In-Training "fast-track" program, designed to produce future leaders within LVMH.
Fendi: Aug. 2006 – Aug. 2007
- Opened first leased store for Fendi at Bloomingdale's flagship store, recruited and managed staff, ran all aspects of operations from financial reconciliation to visual merchandising.
- Reached annual sales of $3 million, the highest of any leased store in the country and representing 25% over LY.

Louis Vuitton: Nov. 2004 – Aug. 2006
- Trained in corporate functions: Buying, Marketing, Store Planning, Logistics, Legal, and Finance departments.
- Developed and executed in-store corporate CRM events. All events generated over 100% ROI and captured new customers.

Sept. 2003 – Nov. 2004 — **NEXT JUMP, INC.** — **NEW YORK, NY**
Provider of corporate shopping programs to network of 2.5 million high net-worth customers.
Senior Vendor Account Manager
- Managed Next Jump's highest revenue-generating retail client accounts. Key accounts included Ferrari/Maserati North America, Thomas Pink, Hickey Freeman.

Summer 2002 — **UBS WARBURG** — **NEW YORK, NY**
Equity Research Summer Associate, Business Services Group
- Worked with firms' senior management, investor relations departments, and public relations professionals to research company information and analyze corporate performance.

1999 – 2001 — **IGA SERVICES** — **NEW YORK, NY**
Recruiting firm focused on international placement of financial services professionals.
Co-founder
- Provided executive recruiting services to financial services firms. Won client accounts from domestic and overseas offices of bulge bracket and boutique investment banks. Managed team of six people.

1997 – 1999 — **L.E.K. CONSULTING GROUP** — **BOSTON, MA**
Management consulting company providing strategy consulting, merger and acquisition advisory, and market research services to corporations.
Associate
- Analyzed macroeconomic and competitive trends in various industries. Performed primary and secondary market research. Assessed financial attractiveness of firms based on valuation analysis.

Education

2001 – 2003 — **HARVARD BUSINESS SCHOOL** — **BOSTON, MA**
Awarded Master in Business Administration degree.

1993 – 1997 — **THE WHARTON SCHOOL AT THE UNIVERSITY OF PENNSYLVANIA** — **PHILADELPHIA, PA**
Awarded Bachelor of Science degree in Economics. Graduated Magna Cum Laude. Overall GPA: 3.7/4.0. GMAT: 730. Concentration: Multinational Management.

Interests — Sunday School teacher; Nursery attendant; active in Cub Scouts events. Proficient Korean.

DIGEST

T-1

RECEIVED
FEB -4 2013
TOWN CLERK
TOWN OF TIBURON

TOWN OF TIBURON

COMMISSION, BOARD & COMMITTEE

APPLICATION

The Town Council considers appointments to its various Town commissions, boards and committee throughout the year due to term expirations and unforeseen vacancies. In its effort to broaden participation by local residents in Tiburon=s local governmental process and activities, the Council needs to know your interest in serving the Town in some capacity.

Please indicate your specific areas of interest and special skills or experience which would be beneficial to the Town, by completing both sides of this form and returning it to Town Hall. Copies will be forwarded to the Town Council and informal applicant/Council interviews are scheduled periodically during the year. Your application will also remain on file at Town Hall for a period of one (1) year. Thank you for your willingness to serve the Tiburon community.

Diane Crane Iacopi
Town Clerk

* *

AREAS OF INTEREST

Indicate Your Area(s) of Interest in Numerical Order
(#1 Being the Greatest Interest)

8 PLANNING	3 PARKS, OPEN SPACE & TRAILS
6 DESIGN REVIEW	2 RECREATION
9 HERITAGE & ARTS	4 DISASTER PREPAREDNESS
5 LIBRARY	7 COMMISSION ON AGING
1 AFFORDABLE HOUSING	____ OTHER

S:dcrane/comm.app

PERSONAL DATA

(PLEASE PRINT OR TYPE – A RESUME MAY BE ATTACHED AS WELL)

NAME: Erin Burns

MAILING ADDRESS: 406 Neds Way

E-mail address (optional): Erinburns520@gmail.com

TELEPHONE: Home: (415)889-5133 **Work:** (415) 900-6962 **Fax No.**

PROPERTY OWNERS= ASSOC. (If applicable) HTEA @ the Hilarita (HTEA Board Secretary)

TIBURON RESIDENT: (Years) 30 years **DATE SUBMITTED:** 2.3.16

REASONS FOR SELECTING YOUR AREAS OF INTEREST

As a single mother of two schoolage children, I am deeply committed to ensuring that all of the children from low income families in Marin County receive the same access to enrichment activities, events and experiences as other children in Marin. I am grateful to live in such a beautiful area where the residents at the Hilarita can have a voice and contribute to the greater community.

APPLICABLE QUALIFICATIONS AND EXPERIENCE

I have over 10 years experiance with the early childhood development/ preschool population. I grew up in Tiburon and I am raising my 2 children here at the Hilarita. I am passionate and committed to community service. I serve as the board Secretary of the Hilarita's owners board, the HTEA. I have also organized many community service projects and written grants.

Town Hall Use

Date Application Received: 2-4-16 **Interview Date:** _____

Appointed to: _____ **(Date)** _____

Date Term Expires: _____ **Length of Term:** _____

SPECIAL VACANCY NOTICE

On Town of Tiburon Boards, Commissions & Committees
2016

BELVEDERE/TIBURON JT. RECREATION COMMITTEE (aka The Ranch Committee)
Statutory Authority: Joint Powers Agreement between City of Belvedere and Town of Tiburon
Term: Two Years

Purpose: The Ranch Committee is formed under a Joint Powers Agreement with the City of Belvedere and Town of Tiburon and is comprised of an equal number of Belvedere and Tiburon residents, a Reed Union School District Trustee, and a member of each city council. The purpose of the Committee is to oversee the Joint Recreation Department mission to provide quality recreational and educational programs that inspire and enrich the lives of children and adults in the community while maintaining a self-supporting agency. The Committee meets monthly and serves as a policy-setting and advisory board to both the Belvedere City Council and Tiburon Town Council.

Qualifications: For this opening, applicants must be residents of the Town of Tiburon and have the interest, desire, and time available to serve for a two-year term, including attendance at regular meetings and other activities.

A vacancy has occurred as follows:

	Appointee	***Date Appointed***	***Date Resigned***	***Term Expiration***
1)	Nuria Ibars	October 2012	February 2016	2/29/16

****

Interested residents can contact Tiburon Town Clerk Diane Crane at 435-7377 for more information, or pick up an application at Tiburon Town Hall, 1505 Tiburon Boulevard. Applications are also on-line at www.townoftiburon.org (click on "Useful Forms").

Deadline for Applications = February 29, 2016
(Position open until filled)
Notice posted at Town Hall & Library
Published in the Ark newspaper (in January)

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
March 16, 2016
Agenda Item: A-2

STAFF REPORT

To: Mayor and Members of Town Council

From: Community Development Department

Subject: Consider Vacation of a Replaced Public Recreational Trail/Pubic Services Easement over a Portion of Undeveloped Las Lomas Lane and Rescind Those Portions of Town Council Resolution No. 51-2005 Pertaining to the Acceptance of the Recreational Trail; Adjacent to Assessor Parcels 059-121-08, 059-122-56 and 57; Vicinity of Centro West Street at Las Lomas Lane

Reviewed By: M. C.

BACKGROUND

William and Susan Lukens recently granted the Town a public access easement over a portion of undeveloped Las Lomas Lane frequently used by the public for pedestrian purposes. The grant of easement superseded portions of a Resolution (No. 51-2005) the Town Council had adopted in 2005 asserting public access rights over a slightly different alignment on Las Lomas Lane. In accepting the easement in 2016, the Town committed to vacating the former alignment as a public service easement/recreational trail and extinguishing any public recreational trail claim over this portion of Las Lomas Lane stemming from the adoption of Resolution 51-2005.

ANALYSIS

The easement recently granted by the Lukens was recorded on February 16, 2016. The Town Council is now in a position to vacate the former (now obsolete) trail alignment and rescind any claimed public recreational trail interest stemming from the 2005 Resolution.

The Planning Commission reviewed the proposed vacation of the public recreational trail/public services easement at its meeting of January 13, 2016 and determined the disposition of Town rights over the former recreational trail alignment would be consistent with the Tiburon General Plan, since this alignment has been replaced by a superior one granted by formal easement.

RECOMMENDATION

Staff recommends the Town Council adopt the Resolution vacating the former recreational trail/ public services easement and rescinding those portions of Resolution No. 51-2005 pertaining to acceptance of the recreational trail on Las Lomas Lane. Provisions of Resolution 51-2005 pertaining to Moitoza Lane would remain in effect.

EXHIBITS

1. Draft Resolution.
2. Town Council Resolution No. 51-2005.

Prepared by: Scott Anderson, Director of Community Development

RESOLUTION NO. XX-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIBURON VACATING A RELOCATED PUBLIC RECREATIONAL TRAIL LOCATED ON AN UNDEVELOPED PART OF LAS LOMAS LANE AND RESCINDING THOSE PORTIONS OF TOWN COUNCIL RESOLUTION 51-2005 PERTAINING TO THE ACCEPTANCE OF THE LAS LOMAS LANE RECREATIONAL TRAIL

WHEREAS, on October 5, 2005 the Town of Tiburon accepted a public recreational trail over a portion of Las Lomas Lane through adoption of Town Council Resolution No. 51-2005, subsequently recorded as document number 2005-0080162 in the official records of Marin County; and

WHEREAS, the Town has determined that said public recreational trail constitutes a public service easement as that term is defined in California law; and

WHEREAS, on January 20, 2016, the Town Council accepted a public pedestrian easement over the undeveloped portion of Las Lomas Lane, which among other things partially relocated the recreational trail accepted by Town Council Resolution No. 51-2005 in order to better conform to the existing path alignment as currently used by the public; and

WHEREAS, the Town's acceptance of the public pedestrian easement was recorded in the official records of Marin County on February 16, 2016 by document number 2016-0006517; and

WHEREAS, in January, 2016, the Planning Commission reviewed the matter, concluded that the disposition of the public service easement/recreational trail portion was consistent with the General Plan, and recommended vacation of the public service easement/recreational trail that was relocated through acceptance of the aforementioned public pedestrian easement; and

WHEREAS, the Town Council has determined that the public service easement/recreational trail that was accepted by the adoption of Resolution No. 51-2005 is no longer required for public access purposes or for any future street purposes; and

WHEREAS, the Town Council has determined that there are no in-place public utility facilities that would be affected by the vacation.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Tiburon that:

1. Pursuant to Chapter 4, Section 8333 of the California Streets and Highways Code, the Town of Tiburon does hereby summarily vacate the recreational trail/public service easement accepted by Town Council Resolution No. 51-2005, said easement being described and depicted in attached Exhibit "A", adopted herewith and incorporated herein as a part of this Resolution.

EXHIBIT NO. 1

2. This summary vacation is made pursuant to the authority of Chapter 4, Section 8333 of the California Streets and Highways Code, which allows for summary vacation of public service easements by a municipality if the easement has been superseded by relocation and there are no other public facilities within the easement.

3. This summary vacation is made because the affected public service easement/recreational trail has been relocated and replaced by the grant of easement recorded as document number 2016-0006517 of Marin County Records.

4. The Town Clerk is directed to file this resolution with Marin County Recorder's Office within ten (10) working days of execution.

5. The Town Council does hereby rescind those portions of Tiburon Town Council Resolution 51-2005 pertaining exclusively to Las Lomas Lane.

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

AYES: COUNCILMEMBERS:

NAYS: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

_____
ERIN TOLLINI, MAYOR
TOWN OF TIBURON

ATTEST:

_____
DIANE CRANE IACOPI, TOWN CLERK

Attachment: Exhibit "A" (Legal Description and Graphic Depiction)—2 pages

DESCRIPTION

All that certain real property situate in the Town of Tiburon, County of Marin, State of California, described as follows:

A portion of land commonly known as "Las Lomas Lane" as shown on that certain map entitled, "Lot Line Adjustment, Record of Survey, Lands of Lukens, As Described in D.N. 94-087632, D.N. 94-087633, & D.N. 94-087634" recorded on August 2, 1995 in Book 33 of Surveys at Page 97, Marin County Records.

Beginning at a point on the southerly line of Centro West Street that bears South 77°50'41" West 50.19 feet from the northerly corner as shown upon that said map;

1. Thence leaving said southerly line of Centro West Street South 03°55'00" East 20.30 feet;
2. Thence South 53°35'00" East 29.66 feet to a point on the easterly line of said Las Lomas Lane;
3. Thence along said easterly line South 26°11'08" West 135.15 feet;
4. Thence South 08°20'00" West 63.99 feet;
5. Thence leaving said easterly line North 76°23'32" West 6.39 feet;
6. Thence North 09°23'00" East 67.68 feet;
7. Thence North 27°55'00" East 23.87 feet;
8. Thence North 64°55'30" West 4.06 feet;
9. Thence North 25°04'30" East 20.15 feet;
10. Thence South 65°21'00" East 4.91 feet;
11. Thence North 26°11'08" East 82.01 feet;
12. Thence North 31°18'00" West 6.24 feet;
13. Thence North 53°35'00" West 22.45 feet;
14. Thence North 03°55'00" West 17.88 feet to a point on said southerly line of Centro West Street;
15. Thence along said southerly line North 42°39'00" East 6.89 feet to the point of beginning.

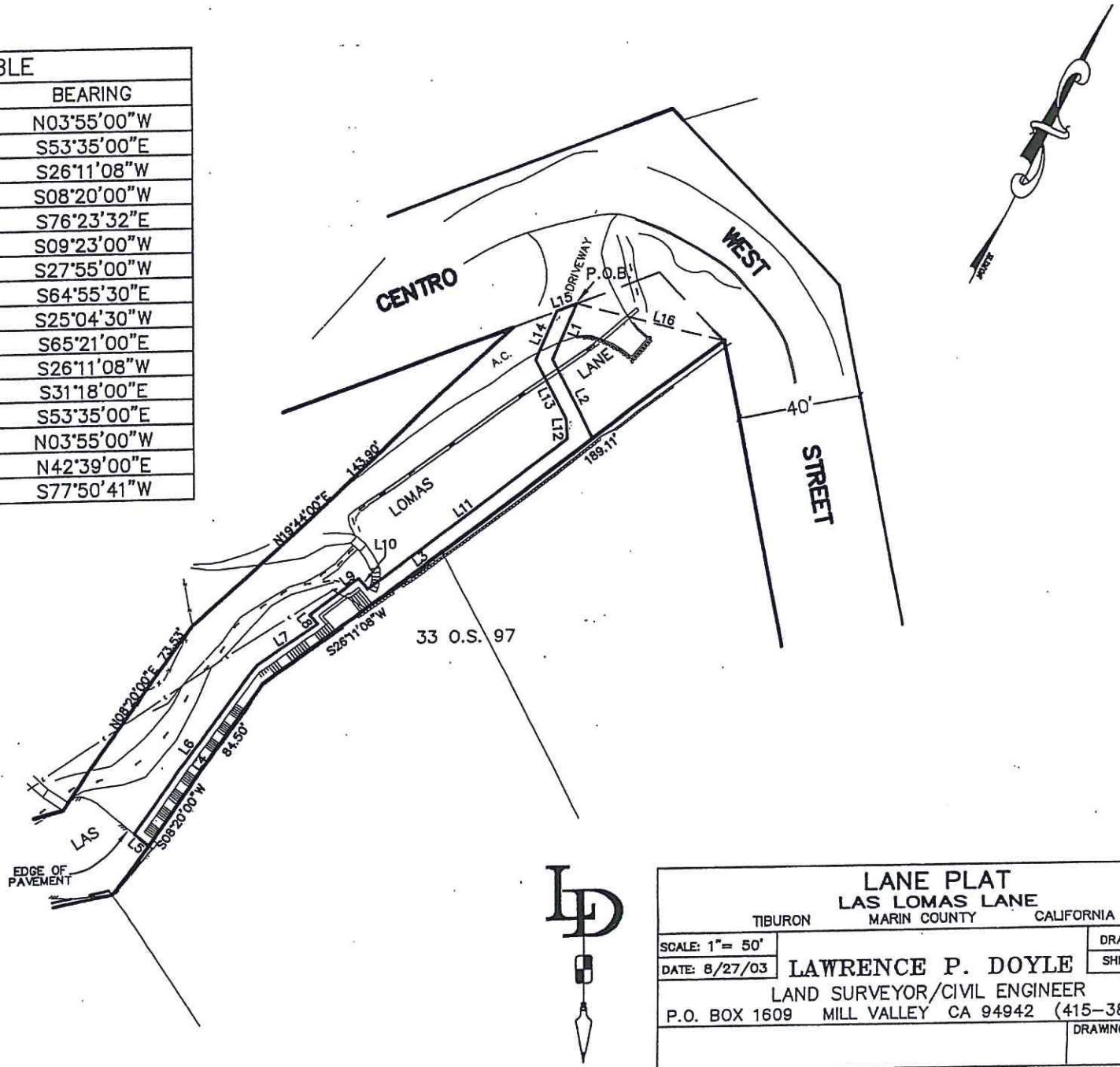
This description was prepared by: Lawrence P Doyle

Lawrence P. Doyle
P.L.S. 4694
Exp. 9/30/03



EXHIBIT "A"
(P. 1 OF 2)

LINE TABLE		
LINE	LENGTH	BEARING
L1	20.30	N03°55'00"W
L2	29.66	S53°35'00"E
L3	135.15	S26°11'08"W
L4	63.99	S08°20'00"W
L5	6.39	S76°23'32"E
L6	67.68	S09°23'00"W
L7	23.87	S27°55'00"W
L8	4.06	S64°55'30"E
L9	20.15	S25°04'30"W
L10	4.91	S65°21'00"E
L11	82.01	S26°11'08"W
L12	6.24	S31°18'00"E
L13	22.45	S53°35'00"E
L14	17.88	N03°55'00"W
L15	6.89	N42°39'00"E
L16	50.19	S77°50'41"W



LANE PLAT
LAS LOMAS LANE
TIBURON MARIN COUNTY CALIFORNIA

SCALE: 1"= 50'
DATE: 8/27/03
DRAWN BY:
SHEET 1 OF 1

LAWRENCE P. DOYLE
LAND SURVEYOR/CIVIL ENGINEER
P.O. BOX 1609 MILL VALLEY CA 94942 (415-388-9585)

DRAWING NO.
968

EXHIBIT "A"
(P. 2 OF 2)

2005-0080162

Recorded
Official Records
County Of
Marin
JOAN C. THAYER
Recorder

12:33PM 19-Oct-2005

REC FEE .00

on
Page 1 of 15

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920
Attn: Town Attorney

(Space Above This Line for Recorder's Use Only)
[Exempt from recording fee per Gov. Code § 27383]

RESOLUTION NO. 51-2005

A RESOLUTION OF THE TOWN COUNCIL

OF THE TOWN OF TIBURON

ACCEPTING MOITOZA AND LAS LOMAS LANES

WHEREAS, in 1894 Lyford's Hygeia Subdivision reserved certain areas of land, portions of which became the locations of pedestrian trails commonly known as Moitoza and Las Lomas Lanes, depicted on the maps attached hereto as Exhibit A and described in Exhibit B attached hereto (the "Trails").

WHEREAS, while the Town has not formally accepted the Trails, but members of the general public have been using portions thereof for decades and the Town has improved and maintained those portions as needed ("Trails").

WHEREAS, the Town has installed a wooden staircase on Moitoza Lane, has paved a portion of Las Lomas Lane and maintains right-of-way signs on both Trails.

WHEREAS, through this public use, maintenance and expenditure of public funds on the Trails, the Town has established the public use of the Trails through common law dedication.

WHEREAS, the Trails provide vital access to and from certain areas within the Town and serve a vital role as a public right-of-way.

WHEREAS, the Town desires to formally accept the Trails for public use and maintenance to ensure that its interests in the Trails appear on record title to the Trails.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF TIBURON, as follows:

1. The above Recitals are true and correct and are incorporated into this Resolution by reference.

(Exhibit A = 9 pages; Exhibit B = 4 pages
Total document = 15 pages)

EXHIBIT NO. 2

2. The Town hereby formally accepts the Trails as public recreational trails and rights-of-way in their current condition, and not as part of the Town's street system.

3. The Town shall maintain the Trails in their current condition on a schedule and in the manner established by the Town.

4. Any encroachments into the Trails may be removed by the Town if necessary to ensure public access to the Trails.

5. The Town Engineer is authorized to place signs on the Trails.

6. The Town Clerk is hereby authorized to cause a copy of this Resolution to be recorded in the Official Records of the County of Marin; the Town Manager is authorized to execute any certificates or other documents necessary to affect said recordation.

PASSED AND ADOPTED at a regular meeting of the Tiburon Town Council on this 5th day of October, 2005, by the following vote:

AYES:	COUNCILMEMBERS:	Berger, Fredericks, Gram, Slavitz
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Smith

MILES BERGER, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK

DESCRIPTION

All that certain real property situate in the Town of Tiburon, County of Marin, State of California, described as follows:

A portion of a parcel of land commonly known as "Moitoza Lane" as shown on those certain maps entitled, "Map of Moitoza Lane Subdivision" recorded on July 11, 1985, in Volume 19 of Maps at Page 53, and "Record of Survey, Lands of King, 3669 O.R. 679" recorded on May 20, 1980, in Book 16 of Surveys at Page 63, Marin County Records.

Beginning at a point that bears South 32°38'21" West 15.24 feet from the common corner of Moitoza Lane, Esperanza Street, and Lot 7 as show on that said map;

1. Thence leaving Esperanza Street South 30°06'15" East 42.22 feet;
2. Thence South 20°57'03" East 86.40 feet;
3. Thence South 72°59'28" East 32.26 feet;
4. Thence South 83°17'28" East 92.08 feet;
5. Thence North 66°57'00" East 29.25 feet;
6. Thence North 45°57'00" East 36.45 feet;
7. Thence North 43°04'12" East 63.26 feet;
8. Thence North 44°57'20" East 65.65 feet;
9. Thence North 82°39'42" East 13.75 feet;
10. Thence North 46°11'13" East 107.08 feet;
11. Thence North 56°44'31" East 85.91 feet;
12. Thence North 33°37'09" East 8.24 feet to the westerly line of Vistazo West Street;
13. Thence along said westerly line South 45°46'00" East 11.18 feet;
14. Thence leaving said line South 65°49'07" West 10.91 feet;
15. Thence South 56°38'23" West 41.50 feet;
16. Thence South 51°07'52" West 38.90 feet;
17. Thence South 46°04'02" West 111.16 feet;
18. Thence South 50°53'00" West 5.63 feet;
19. Thence North 26°44'07" West 8.76 feet;
20. Thence South 82°39'42" West 9.87 feet;
21. Thence South 45°10'22" West 32.40 feet;
22. Thence South 40°11'53" West 95.93 feet;
23. Thence South 45°57'00" West 38.30 feet;
24. Thence South 66°57'00" West 33.76 feet;
25. Thence North 83°17'28" West 95.64 feet;
26. Thence North 72°59'28" West 38.04 feet;
27. Thence North 20°58'24" West 67.78 feet;
28. Thence North 24°14'31" West 27.24 feet;

RECEIVED
OCT 0 3 2003
DIRECTOR OF PUBLIC WORKS
TOWN OF TIBURON

EXHIBIT A
p. 1 of 9

29. Thence North 30°06'15" West 31.15 feet to a point on the easterly line of Esperanza Street;
30. Thence along said easterly line North 32°38'21" East 12.21 feet to the point of beginning.

Description prepared by: Lawrence P Doyle

Lawrence P. Doyle
P.L.S. 4694
Exp. 9/30/05



EXHIBIT "A"
p. 2 of 9

LINE TABLE		
LINE	LENGTH	BEARING
L1	15.24'	N32°38'21"E
L2	42.22'	S30°06'15"E
L3	86.40'	S20°57'03"E
L4	32.26'	S72°59'28"E
L5	92.08'	S83°17'28"E
L6	29.25'	N66°57'00"E
L7	36.45'	N45°57'00"E
L8	63.26'	N43°04'12"E
L9	65.65'	N44°57'20"E
L10	13.75'	N82°39'42"E
L11	107.08'	N46°11'13"E
L12	85.91'	N56°44'31"E
L13	8.24'	N33°37'09"E
L14	11.18'	S45°46'00"E
L15	10.91'	S65°49'07"W
L16	41.50'	S56°38'23"W

LINE TABLE		
LINE	LENGTH	BEARING
L17	38.90'	S51°07'52"W
L18	111.16'	S46°04'02"W
L19	5.63'	S50°53'00"W
L20	8.76'	N26°44'07"W
L21	9.87'	S82°39'42"W
L22	32.40'	S45°10'22"W
L23	95.93'	S40°11'53"W
L24	38.30'	S45°57'00"W
L25	33.76'	S66°57'00"W
L26	95.64'	N83°17'28"W
L27	38.04'	N72°59'28"W
L28	67.78'	N20°58'24"W
L29	27.24'	N24°14'31"W
L30	31.15'	N30°06'15"W
L31	12.21'	N32°38'21"E
L32	27.88'	N43°08'34"E

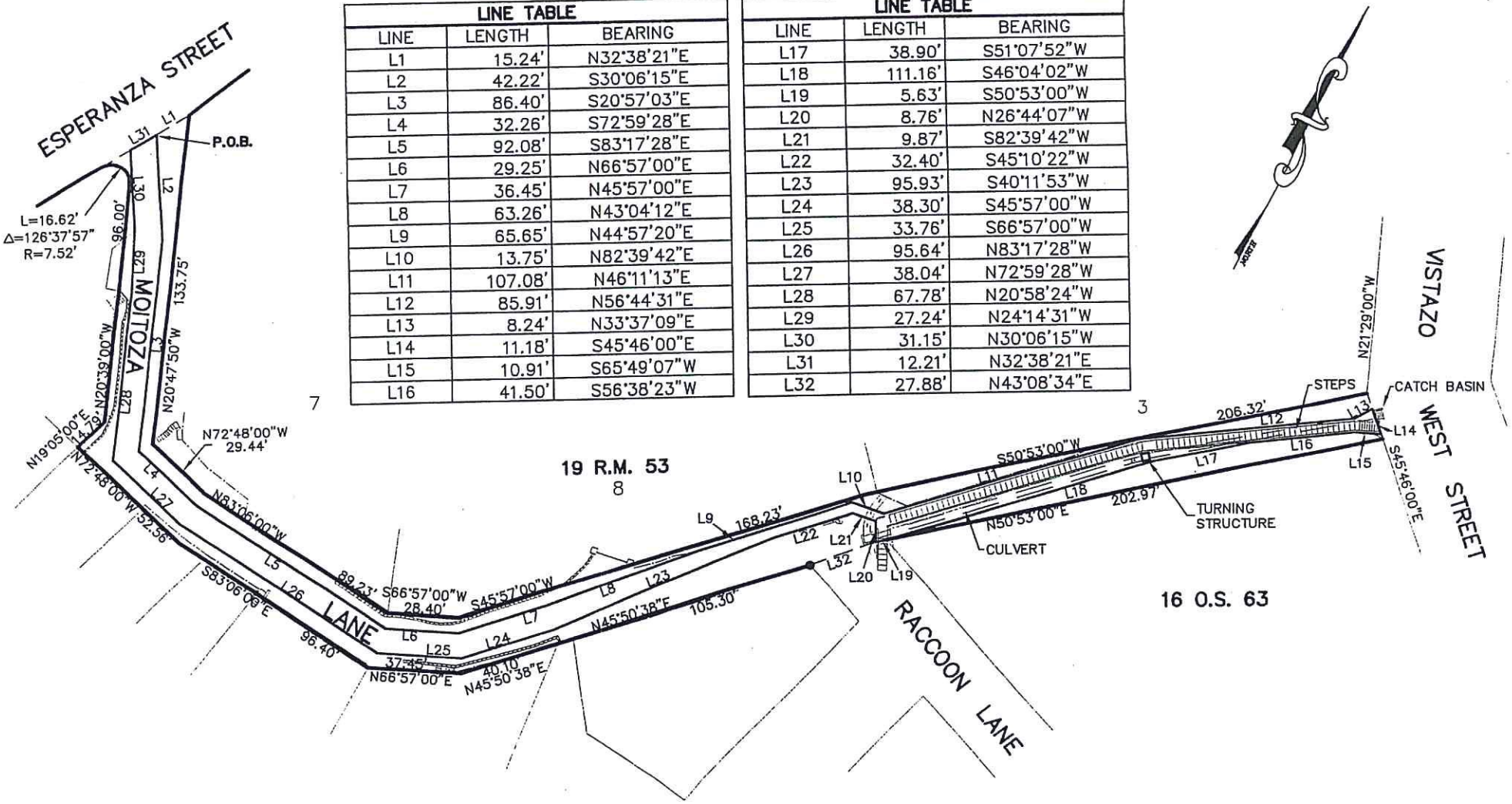


EXHIBIT "A"
P. 3 of 9

LANE PLAT
MOITOZA LANE
TIBURON MARIN COUNTY CALIFORNIA

SCALE: 1" = 60'
DATE: 7/31/03
DRAWN BY:
SHEET 1 OF 1

LAWRENCE P. DOYLE
LAND SURVEYOR/CIVIL ENGINEER
P.O. BOX 1609 MILL VALLEY CA 94942 (415-388-9585)

DRAWING NO. 967-01

Lawrence P. Doyle Land Surveyor/Civil Engineer
P.O. Box 1694 Mill Valley, CA 94942 415-388-9585

JOB NUMBER: 967

08-27-2003
10:55:53

TOWN OF TIBURON
MOITOZA LANE

SPN.ID: 5
closure

FROM	BEARING	DISTANCE	TO	NORTHING	EASTING
			37	7987.1666	7991.7804
37	S 30 06 15 E	42.2200	38	7950.6415	8012.9568
38	S 20 57 03 E	86.4000	39	7869.9536	8043.8506
39	S 72 59 28 E	32.2600	40	7860.5169	8074.6995
40	S 83 17 28 E	92.0800	41	7849.7597	8166.1490
41	N 66 57 00 E	29.2500	42	7861.2121	8193.0638
42	N 45 57 00 E	36.4500	43	7886.5552	8219.2616
43	N 43 04 12 E	63.2600	44	7932.7679	8262.4613
44	N 44 57 20 E	65.6500	45	7979.2255	8308.8468
45	N 82 39 42 E	13.7500	46	7980.9817	8322.4842
46	N 46 11 13 E	107.0800	47	8055.1140	8399.7534
47	N 56 44 31 E	85.9100	48	8102.2280	8471.5921
48	N 33 37 09 E	8.2370	49	8109.0872	8476.1527
49	S 45 46 00 E	11.1800	50	8101.2883	8484.1632
50	S 65 49 07 W	10.9100	51	8096.8192	8474.2105
51	S 56 38 23 W	41.5000	52	8073.9983	8439.5485
52	S 51 07 52 W	38.9000	53	8049.5870	8409.2616
53	S 46 04 02 W	111.1585	54	7972.4635	8329.2105
54	S 50 53 00 W	5.6300	55	7968.9115	8324.8424
55	N 26 44 07 W	8.7600	56	7976.7350	8320.9015

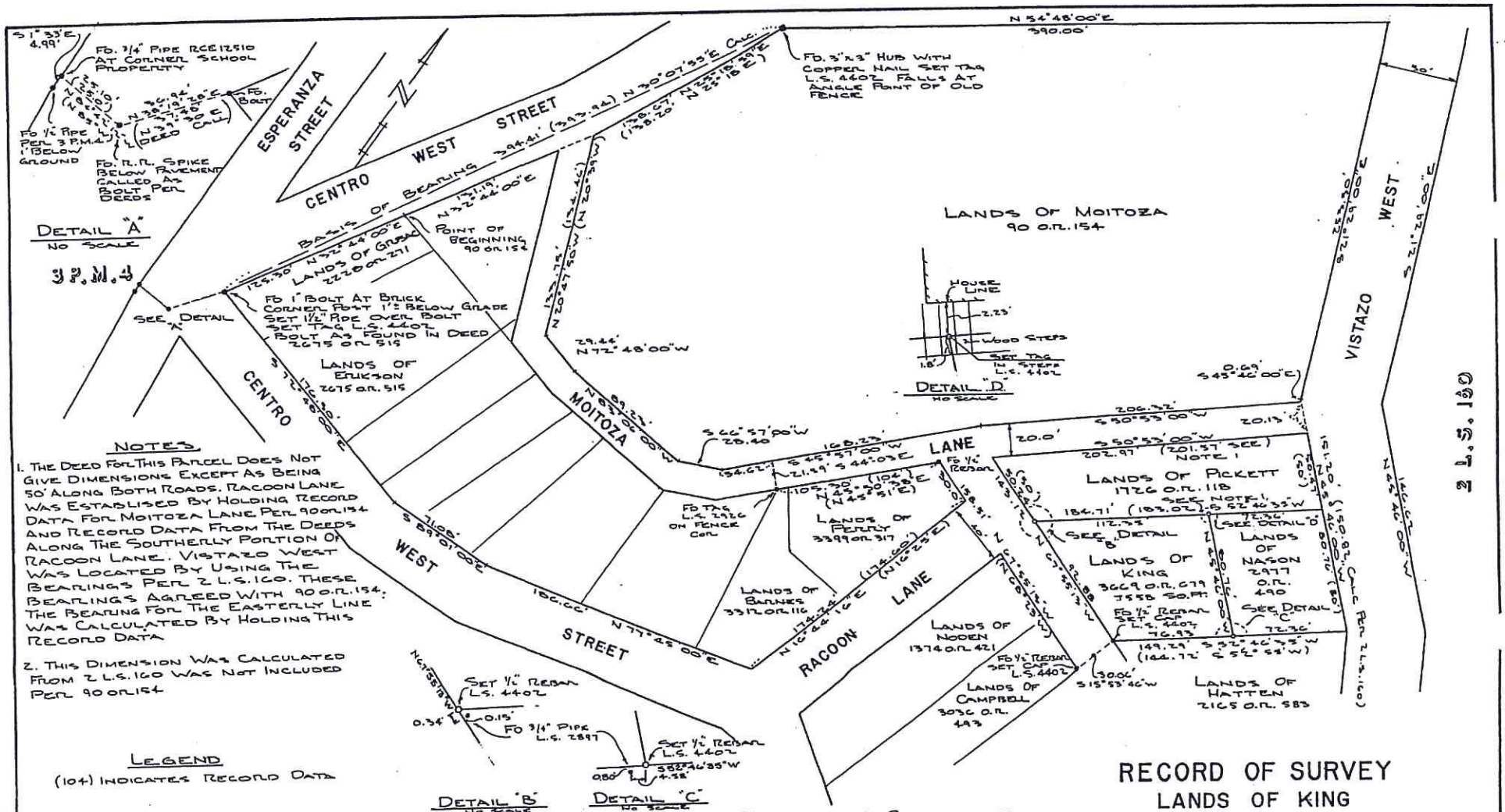
EXHIBIT "A"
p. 4 of 9

FROM	BEARING	DISTANCE	TO	NORTHING	EASTING
56	S 82 39 42 W	9.8700	57	7975.4744	8311.1124
57	S 45 10 22 W	32.4000	58	7952.6333	8288.1331
58	S 40 11 53 W	95.9300	59	7879.3602	8226.2168
59	S 45 57 00 W	38.3000	60	7852.7308	8198.6894
60	S 66 57 00 W	33.7600	61	7839.5126	8167.6246
61	N 83 17 28 W	95.6400	62	7850.6857	8072.6395
62	N 72 59 28 W	38.0400	63	7861.8132	8036.2634
63	N 20 58 24 W	67.7800	64	7925.1026	8012.0027
64	N 24 14 31 W	27.2400	65	7949.9405	8000.8182
65	N 30 06 15 W	31.1468	66	7976.8861	7985.1958
66	N 32 38 21 E	12.2084	37	7987.1666	7991.7804

AREA OF TRAVERSE	6070.0590 SQ.FT.	.1393 ACRES

EXHIBIT "A"
p. 5 of 9

63


N 54°48'00"E 390.00'
FD. 3"x3" HUB WITH COPPER NAIL SET TAG L.S. 4402 FALLS AT ANGLE POINT OF OLD FENCE
ESPERANZA STREET
CENTRO WEST STREET
BASIS OF BEARING 394.41' (393.94') N 30°07'33"E Calc.
N 32°44'00"E 131.19'
POINT OF BEGINNING 90 O.R. 154
LANDS OF GRUSS 2220 O.R. 271
FD 1" BOLT AT BRICK CORNER POST 1' BELOW GRADE SET 1½" PIPE OVER BOLT SET TAG L.S. 4402 BOLT AS FOUND IN DEED 2675 O.R. 515
LANDS OF ERICKSON 2675 O.R. 515
LANDS OF MOITOZA 90 O.R. 154
DETAIL "A" NO SCALE
3 P.M.4
SEE DETAIL "A"
FD ¾" PIPE RCE 12510 AT CORNER SCHOOL PROPERTY
FD ½" PIPE PER 3 P.M.4 1' BELOW GROUND
FD. R.R. SPIKE BELOW PAVEMENT CALLED AS BOLT PER DEEDS
FD. BOLT
S 1°33'E 4.99'
N 35°13'30"E 30.00' (N 33°30'E 30.00' Calc.) DEED
N 20°47'50"W (134.44') (N 20°39'W)
133.75'
N 69°00'00"W 89.22'
N 72°48'00"W 29.44'
S 72°48'00"E 176.30'
CENTRO WEST STREET
S 69°01'00"E 71.66'
S 66°57'00"W 20.40'
S 45°57'00"E 168.23'
MOITOZA LANE
(154.62')
S 44°03'E 21.29'
(104') N 45°30'38"E
FD TAG L.S. 2826 ON FENCE COR
LANDS OF PERRY 3399 O.R. 317
LANDS OF BARNES 3317 O.R. 116
(174.60') N 16°44'16"E (N 16°22'E)
N 16°44'16"E 174.34'
N 77°45'00"E 166.00'
RACOON LANE
DETAIL "B" NO SCALE
N 67°58'00"W 0.34'
SET ½" REBAR L.S. 4402
0.15'
FD ¾" PIPE L.S. 2897
S 62°46'35"W 0.86'
SET ½" REBAR L.S. 4402
DETAIL "C" NO SCALE
HOUSE LINE
2.23'
WOOD STEPS
1.8'
SET TAG IN STEPS L.S. 4402
DETAIL "D" NO SCALE
S 45°46'00"E 0.69'
VISTAZO WEST
S 21°29'00"E 252.30' (252.62' Calc.)
N 21°29'00"W 146.00'
2 L.S. 160
S 50°53'00"W 206.32'
20.0'
20.13'
(201.37' SEE NOTE 1)
202.97'
LANDS OF PICKETT 1726 O.R. 118
SEE NOTE 1
N 52°46'33"W
184.71'
(183.02')
(SEE DETAIL "D")
112.34'
SEE DETAIL "B"
LANDS OF KING 3669 O.R. 679 TSSB 50 FT.
LANDS OF NASON 2977 O.R. 490
SEE DETAIL "C"
FD ½" REBAR SET TAG L.S. 4402
76.93'
72.36'
149.29'
(148.72')
S 52°46'33"E
S 15°53'46"W 30.00'
LANDS OF CAMPBELL 3036 O.R. 193
LANDS OF NODEN 1374 O.R. 421
LANDS OF HATTEN 2165 O.R. 583
N 67°45'57"W 46.88'
N 67°45'57"W 46.00'
S 67°45'57"E 46.00'
N 67°45'57"W 46.00'
(150.82' Calc. per 2 L.S. 160)
(80')
(80.76')
(80.00')
(80.00')
(80.76')
(80')
(80.00')
(80.00')
(80.00

53

EXHIBIT "A"

6 to 7 of 9

OWNER'S CERTIFICATE

THE UNDERSIGNED ARE THE ONLY PERSONS HAVING ANY RECORD TITLE INTEREST IN THE LAND SUBDIVIDED AND SHOWN ON THIS MAP, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP, ENTITLED "MAP OF MOITOZA LANE SUBDIVISION, TOWN OF TIBURON, MARIN COUNTY, CALIFORNIA", COMPOSED OF 3 SHEETS, AND ARE ALL WHO ARE NECESSARY TO PASS CLEAR TITLE TO THE LAND SUBDIVIDED AND SHOWN HEREON. THE UNDERSIGNED HEREBY IRREVOCABLY OFFER FOR DEDICATION THE PUBLIC UTILITY EASEMENTS (P.U.E.), SANITARY SEWER EASEMENTS, AND DRAINAGE EASEMENTS AS SHOWN HEREON AND THE IMPROVEMENTS WITHIN THEM. THE LOCAL AGENCY OR ANY OTHER MUNICIPAL CORPORATION, AGENCY, PUBLIC UTILITY COMPANY, OR DISTRICT SHALL HAVE THE RIGHT OF ACCESS INTO AND UPON ALL SUCH EASEMENTS FOR THE PURPOSE OF IMPROVING, MAINTAINING, OR REPAIRING SUCH EASEMENTS AND FACILITIES WITHIN THEM; HOWEVER SAID RIGHT SHALL NOT IMPOSE UPON SAID LOCAL AGENCY, CORPORATION, AGENCY, COMPANY, OR DISTRICT THE OBLIGATION OF MAINTENANCE, IMPROVEMENT OR REPAIR.

Ruth Soule Wendy Soule

AS OWNERS RUTH SOULE WENDY SOULE

Elvera G. Moitoza

AS LIFE TENANT ELVERA G. MOITOZA

AS TRUSTEES FIRST AMERICAN TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF MARIN) ss.

ON THIS 6 DAY OF JUNE, 1985, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY OF Marin STATE OF CALIFORNIA, PERSONALLY APPEARED Ruth Soule + Wendy Soule KNOWN TO ME, OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE, TO BE THE PERSON(S) WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS OWNERS. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN SAID COUNTY OF Marin THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC, IN AND FOR SAID COUNTY OF MARIN, STATE OF CALIFORNIA
MY COMMISSION EXPIRES 4-14-88

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF MARIN) ss.

ON THIS 7th DAY OF JUNE, 1985, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY OF MARIN STATE OF CALIFORNIA, PERSONALLY APPEARED ELVERA G. MOITOZA KNOWN TO ME, OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE, TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT, AND She ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS Her OWNER. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN SAID COUNTY OF MARIN THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC, IN AND FOR SAID COUNTY OF MARIN, STATE OF CALIFORNIA
MY COMMISSION EXPIRES 4-14-88

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF MARIN) ss

ON THIS 7th DAY OF JUNE, 1985, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA, PERSONALLY APPEARED R. HAYES GILPEPPER PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT AS ASST. SECRETARY ON BEHALF OF THE CORPORATION THEREIN NAMED AND ACKNOWLEDGED TO ME THAT THE CORPORATION EXECUTED IT.

NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY

MY COMMISSION EXPIRES 4-14-88

SOIL REPORT CERTIFICATE

A SOILS REPORT DATED AUGUST 3, 1983, PREPARED BY DONALD HERZOG & ASSOCIATES, INC., SPECIFICALLY FOR THIS SUBDIVISION, HAS BEEN FILED WITH THE LOCAL AGENCY'S PUBLIC WORKS DEPARTMENT.

COUNTY TAX COLLECTOR'S CERTIFICATE

I, THE UNDERSIGNED, ON BEHALF OF THE TAX COLLECTOR OF THE COUNTY OF MARIN, AND CITIES THEREIN, STATE OF CALIFORNIA, HEREBY CERTIFY THAT THERE ARE NO LIENS FOR UNPAID TAXES, COUNTY OR CITY OR SPECIAL ASSESSMENTS COLLECTED AS TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS NOT YET PAYABLE AGAINST THE TRACT OR SUBDIVISION OF LAND SHOWN HEREON OR ANY PART THEREOF.

SIGNED THIS 18th DAY OF June, 1985
TAX COLLECTOR OF THE COUNTY OF MARIN.

BY DEPUTY Sophia L. Elizondo

CLERK OF THE BOARD OF SUPERVISOR'S CERTIFICATE

I, THE UNDERSIGNED, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT GOOD AND SUFFICIENT BOND APPROVED BY AND IN THE AMOUNT FIXED BY SAID BOARD OF SUPERVISORS HAS BEEN FILED WITH SAID BOARD AND THAT SAID BOND BY ITS TERMS IS MADE TO INURE TO THE BENEFIT OF THE COUNTY OF MARIN AND IS CONDITIONED FOR THE PAYMENT OF ALL TAXES WHICH HAV AT THE TIME OF RECORDING OF THIS MAP BE A LIEN AGAINST THE TRACT OR SUBDIVISION OF LAND SHOWN THEREON OR ANY PART THEREOF BUT NOT YET PAYABLE.

WITNESS MY HAND AND SEAL THIS 18th DAY OF June, 1985.

CLERK OF THE BOARD OF SUPERVISORS
MARIN COUNTY, CALIFORNIA

ENGINEER'S CERTIFICATE

I, DEAN A. RHODES, CERTIFY THAT I AM A REGISTERED CIVIL ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA, THAT THE SURVEYING AND CHECKING OF THE MAP SHOWN HEREON WAS DONE BY ME OR UNDER MY DIRECTION DURING THE MONTH OF June, 1985; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY OR WILL OCCUPY THE POSITIONS SHOWN ON THIS MAP BY June, 1986, AND THAT A SURVEY OF THE PROPERTY CAN BE RETRACED FROM SAID MONUMENTS.

SIGNED THIS 18TH DAY OF June, 1985.

DEAN A. RHODES RCE 12510

TOWN ENGINEER'S CERTIFICATE

I, STANLEY BALA, TOWN ENGINEER OF THE TOWN OF TIBURON, STATE OF CALIFORNIA, HEREBY CERTIFY THAT I HAVE EXAMINED THIS FINAL MAP, THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF CHAPTER 2 OF THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH AND I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

SIGNED THIS 20th DAY OF JUNE, 1985.

STANLEY BALA, TOWN ENGINEER, TOWN OF TIBURON
RCE 10037

REGISTERED PROFESSIONAL ENGINEER · S. W. BALA · No. 10037 · CIVIL · STATE OF CALIFORNIA

TOWN PLANNING COMMISSION'S CERTIFICATE

APPROVED BY THE TOWN PLANNING COMMISSION OF THE TOWN OF TIBURON, STATE OF CALIFORNIA, THIS 24th DAY OF JUNE, 1985.

BY
DIRECTOR OF COMMUNITY DEVELOPMENT
TOWN OF TIBURON, CALIFORNIA

TOWN CLERK'S CERTIFICATE

THE TOWN COUNCIL OF THE TOWN OF TIBURON, STATE OF CALIFORNIA, AT A REGULAR MEETING HELD ON THE 5th DAY OF JULY, 1985, EXAMINED THE "MAP OF MOITOZA LANE SUBDIVISION, TOWN OF TIBURON, MARIN COUNTY, CALIFORNIA", TOGETHER WITH ACCOMPANYING REPORTS THEREON OF THE TOWN ENGINEER AND THE TAX COLLECTOR OF THE COUNTY OF MARIN, AND MEETING AFORESAID, APPROVED THIS MAP AND REJECTS THE OFFER OF DEDICATION OF THE PUBLIC UTILITY EASEMENTS, THE SANITARY SEWER EASEMENTS, THE DRAINAGE EASEMENTS, AND THE IMPROVEMENTS WITHIN THEM.

SIGNED THIS 7th DAY OF JULY, 1985.

TOWN CLERK OF THE TOWN OF TIBURON, CALIFORNIA

RECORDER'S CERTIFICATE

FILED THIS 11th DAY OF July, 1985,
AT 8:00 A.M., IN VOLUME 19 OF MAPS AT PAGE 53,
AT THE REQUEST OF THE TOWN OF TIBURON.
SERIAL NO. 85-28933 FEE $ 10.00

James J. DeLong COUNTY RECORDER
MARIN COUNTY, CALIFORNIA
BY DEPUTY: Teresa C. Wood

Map Of

MOITOZA LANE SUBDIVISION

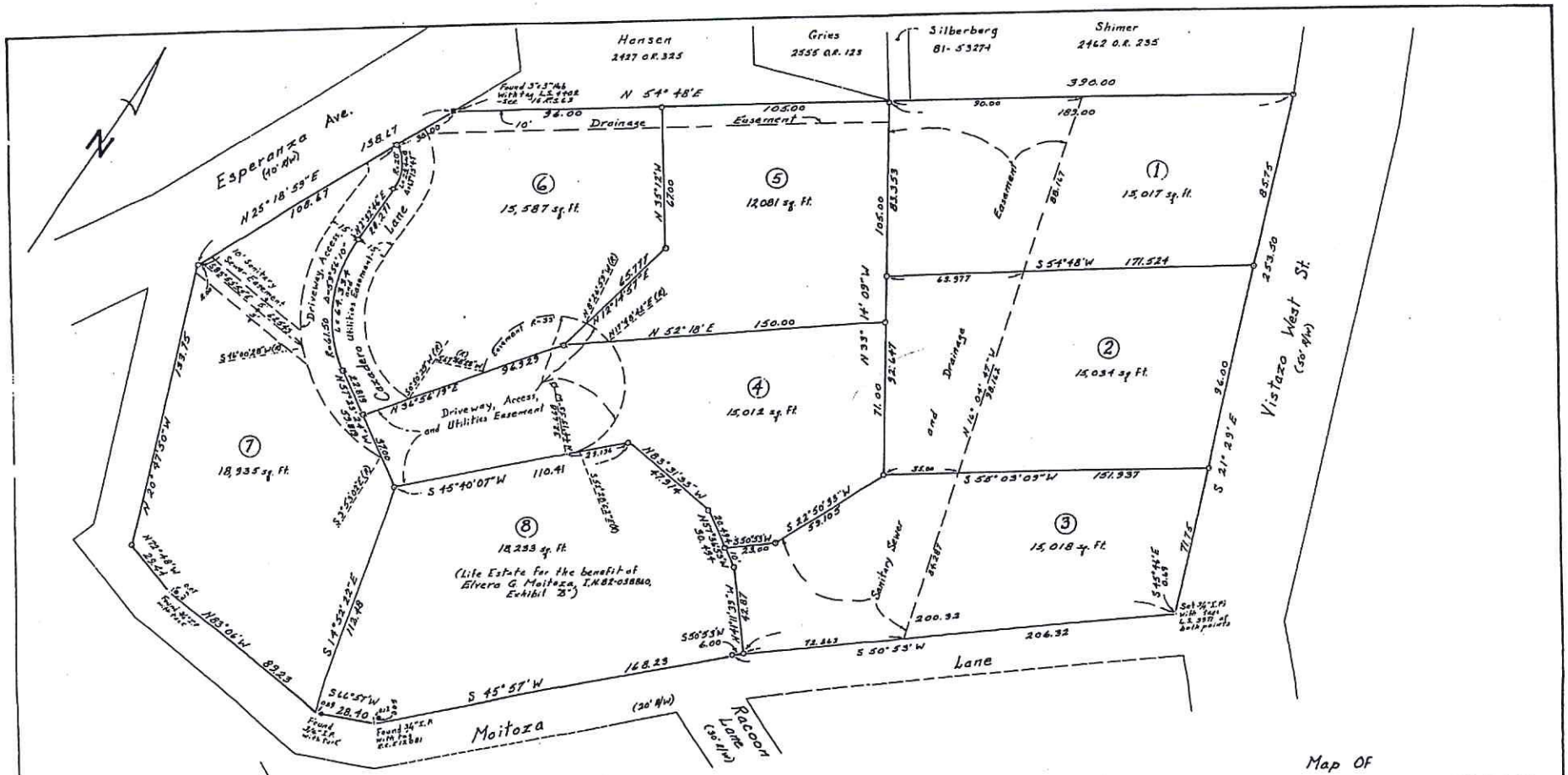
- Lands of Soule, I.N. 82-038860
Town of Tiburon
Marin County California
Scale: 1" = 30' February 1985

Rhodes and Gardner, Inc.
319 Miller Ave.
Mill Valley, California

Sheet 1 of 3

Cam. 5779

53



Notes and Legend:

Basis of Bearings is the same as, and is based upon the same points as 1/6 R.S. 63.

All distances are in feet and decimals thereof.

o = Set 3/4" iron pipe (S.I.P.) with plug L.S. 3971

□ = Set concrete nail with tag L.S. 3971

The lands being subdivided hereon are the same lands delineated and shown as the "Lands of Moitoza" on 1/6 R.S. 63.

Map Of
MOITOZA LANE SUBDIVISION

Lands of Soule, I.N. 82-038860

Town of Tiburon

Marin County California

Scale: 1" = 30' February 1985

Rhodes and Gardner, Inc.
319 Miller Ave.
Mill Valley, California

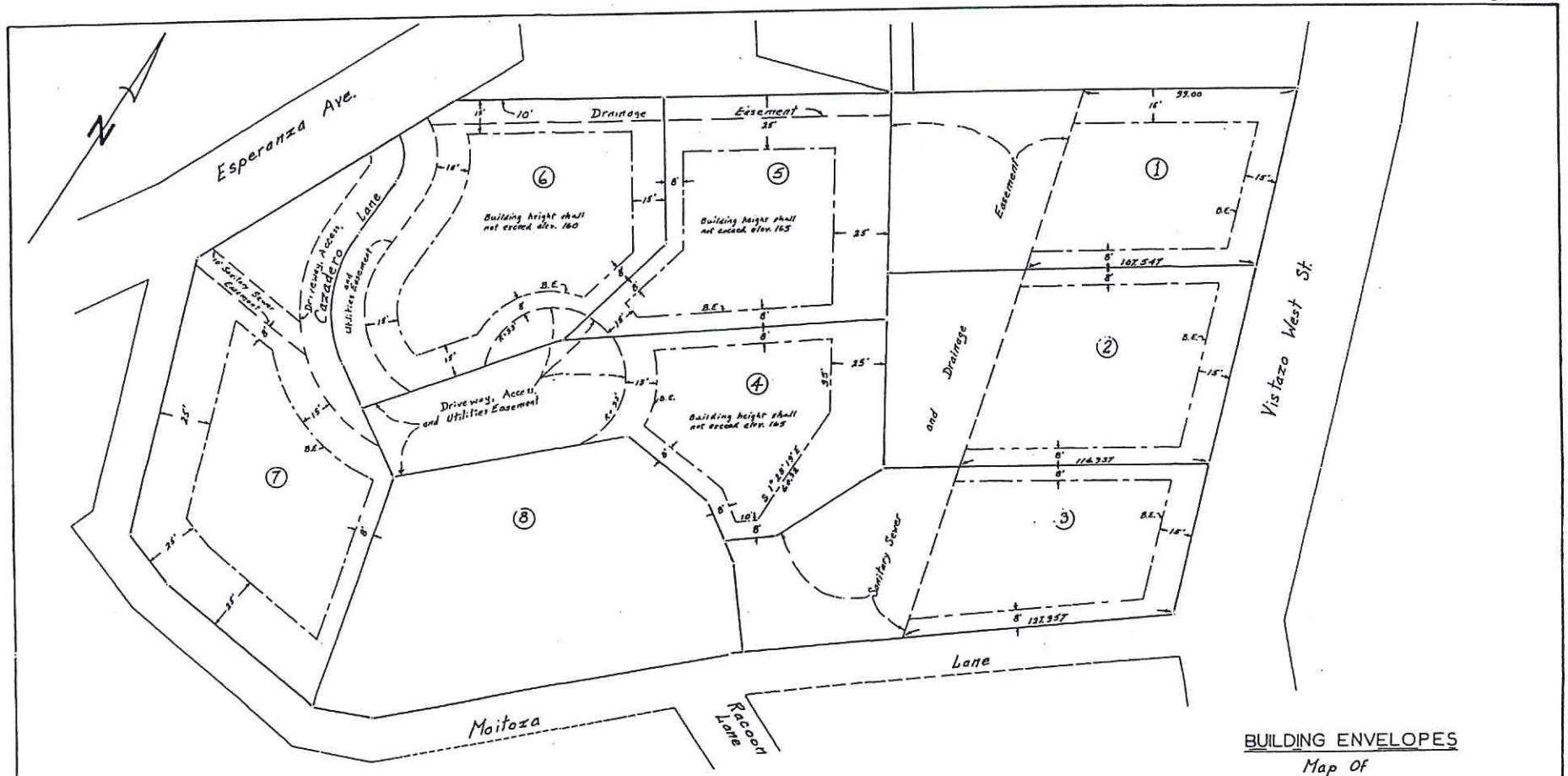
Sheet 2 of 3

EXHIBIT "A"

6 to 8 of 9

Can 5779

53



Note: For the purpose of elevation determination for Building Height Limits on Lots 4, 5 and 6, an elevation benchmark on the monument at the center of the cul-de-sac is elevation 147.18.

BUILDING ENVELOPES
Map Of
MOITOZA LANE SUBDIVISION
Lands of Soule, I.N. 82-038860
Town of Tiburon
Marin County California
Scale: 1" = 30' February 1985

Rhodes and Gardner, Inc.
319 Miller Ave.
Mill Valley, California

Sheet 3 of 3

EXHIBIT "A" p. 9 of

Can 5779

DESCRIPTION

All that certain real property situate in the Town of Tiburon, County of Marin, State of California, described as follows:

A portion of land commonly known as "Las Lomas Lane" as shown on that certain map entitled, "Lot Line Adjustment, Record of Survey, Lands of Lukens, As Described in D.N. 94-087632, D.N. 94-087633, & D.N. 94-087634" recorded on August 2, 1995 in Book 33 of Surveys at Page 97, Marin County Records.

Beginning at a point on the southerly line of Centro West Street that bears South 77°50'41" West 50.19 feet from the northerly corner as shown upon that said map;

1. Thence leaving said southerly line of Centro West Street South 03°55'00" East 20.30 feet;
2. Thence South 53°35'00" East 29.66 feet to a point on the easterly line of said Las Lomas Lane;
3. Thence along said easterly line South 26°11'08" West 135.15 feet;
4. Thence South 08°20'00" West 63.99 feet;
5. Thence leaving said easterly line North 76°23'32" West 6.39 feet;
6. Thence North 09°23'00" East 67.68 feet;
7. Thence North 27°55'00" East 23.87 feet;
8. Thence North 64°55'30" West 4.06 feet;
9. Thence North 25°04'30" East 20.15 feet;
10. Thence South 65°21'00" East 4.91 feet;
11. Thence North 26°11'08" East 82.01 feet;
12. Thence North 31°18'00" West 6.24 feet;
13. Thence North 53°35'00" West 22.45 feet;
14. Thence North 03°55'00" West 17.88 feet to a point on said southerly line of Centro West Street;
15. Thence along said southerly line North 42°39'00" East 6.89 feet to the point of beginning.

This description was prepared by: Lawrence P Doyle

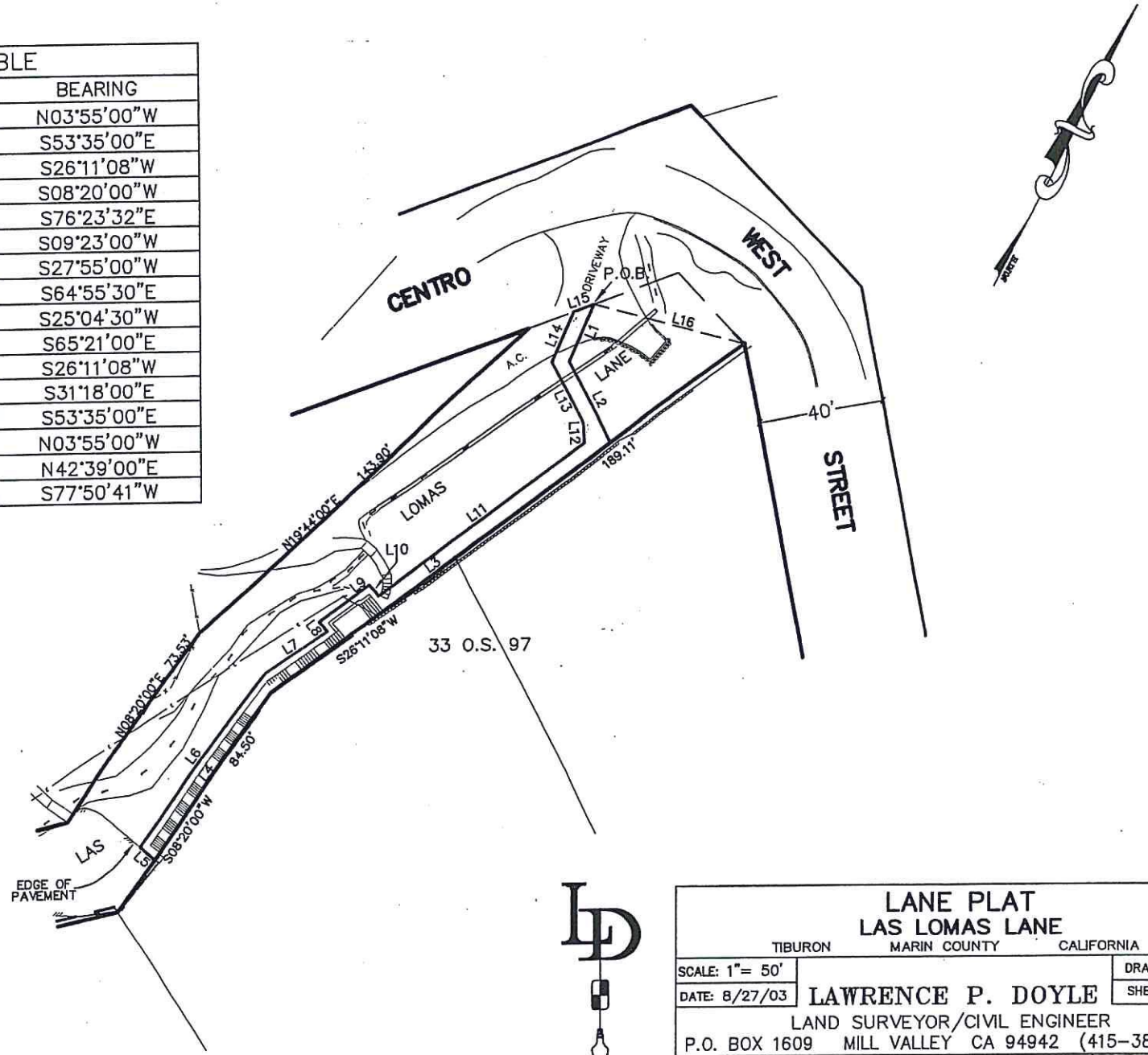
Lawrence P. Doyle
P.L.S. 4694
Exp. 9/30/03

LICENSED LAND SURVEYOR
LAWRENCE P. DOYLE
No. 4694
STATE OF CALIFORNIA

RECEIVED
AUG 28 2003
DIRECTOR OF PUBLIC WORKS
TOWN OF TIBURON

EXHIBIT "B"
P. 1 of

LINE TABLE		
LINE	LENGTH	BEARING
L1	20.30	N03°55'00"W
L2	29.66	S53°35'00"E
L3	135.15	S26°11'08"W
L4	63.99	S08°20'00"W
L5	6.39	S76°23'32"E
L6	67.68	S09°23'00"W
L7	23.87	S27°55'00"W
L8	4.06	S64°55'30"E
L9	20.15	S25°04'30"W
L10	4.91	S65°21'00"E
L11	82.01	S26°11'08"W
L12	6.24	S31°18'00"E
L13	22.45	S53°35'00"E
L14	17.88	N03°55'00"W
L15	6.89	N42°39'00"E
L16	50.19	S77°50'41"W



LANE PLAT
LAS LOMAS LANE

TIBURON MARIN COUNTY CALIFORNIA

SCALE: 1"= 50'
DATE: 8/27/03

LAWRENCE P. DOYLE
LAND SURVEYOR/CIVIL ENGINEER
P.O. BOX 1609 MILL VALLEY CA 94942 (415-388-9585)

DRAWN BY:
SHEET 1 OF 1
DRAWING NO. 968

EXHIBIT "B" p. 2 of 2

Lawrence P. Doyle Land Surveyor/Civil Engineer
P.O. Box 1694 Mill Valley, CA 94942 415-388-9585

JOB NUMBER: 968

08-27-2003
17:54:40

TOWN OF TIBURON
LAS LOMAS LANE

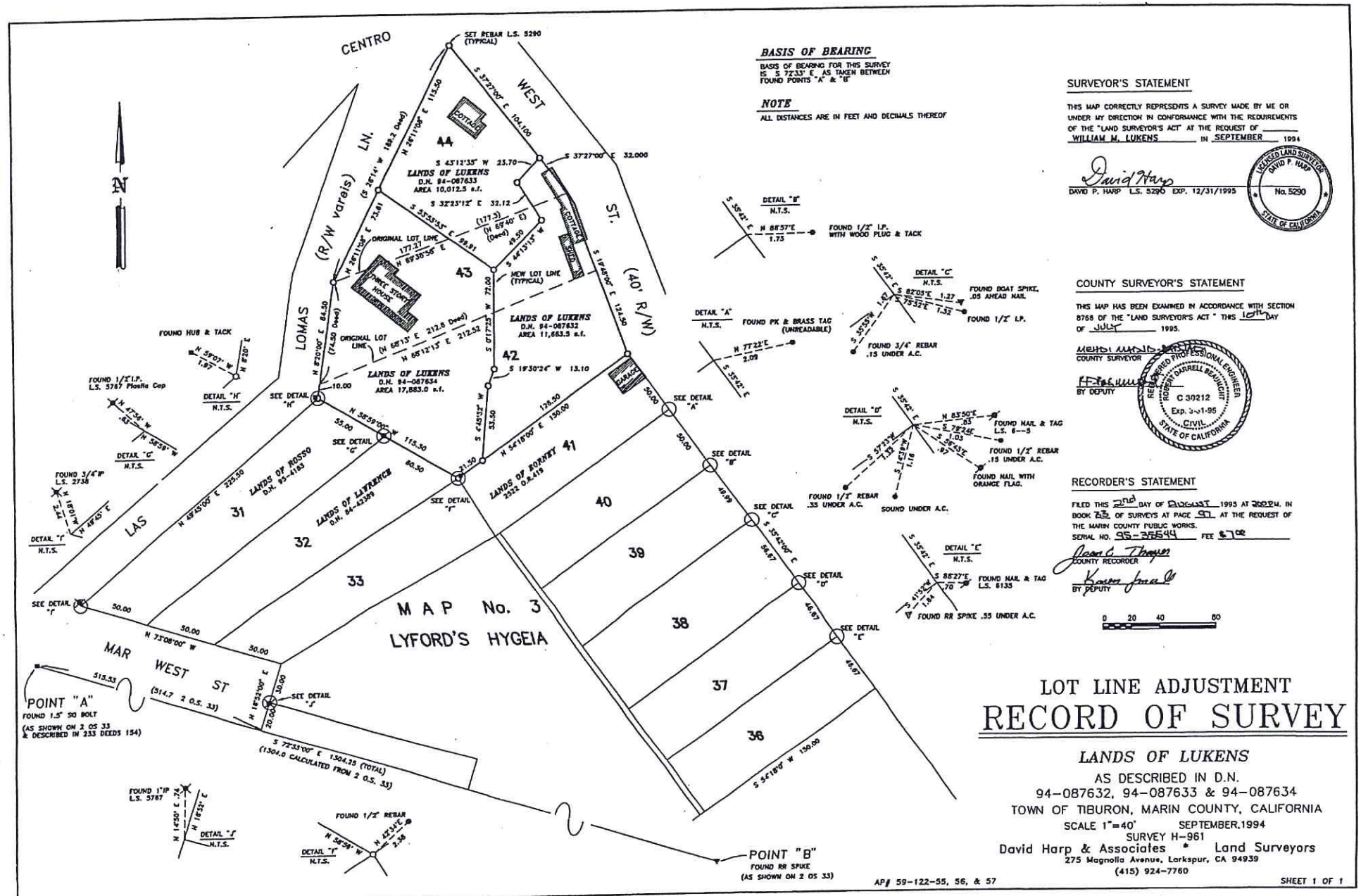
SPN.ID: 5

closure

FROM	BEARING	DISTANCE	TO	NORTHING	EASTING
			25	5989.4319	5950.9352
25	S 03 55 00 E	20.3000	26	5969.1793	5952.3218
26	S 53 35 00 E	29.6559	27	5951.5740	5976.1866
27	S 26 11 08 W	135.1456	21	5830.2984	5916.5496
21	S 08 20 00 W	63.9900	29	5766.9841	5907.2754
29	N 76 23 32 W	6.3900	30	5768.4875	5901.0648
30	N 09 23 00 E	67.6800	31	5835.2619	5912.0993
31	N 27 55 00 E	23.8700	32	5856.3541	5923.2749
32	N 64 55 30 W	4.0600	33	5858.0748	5919.5975
33	N 25 04 30 E	20.1500	34	5876.3257	5928.1372
34	S 65 21 00 E	4.9100	35	5874.2779	5932.5997
35	N 26 11 08 E	82.0100	36	5947.8711	5968.7891
36	N 31 18 00 W	6.2400	37	5953.2030	5965.5473
37	N 53 35 00 W	22.4500	38	5966.5305	5947.4813
38	N 03 55 00 W	17.8800	39	5984.3687	5946.2600
39	N 42 39 00 E	6.8900	40	5989.4364	5950.9281
40	S 58 01 36 E	.0084	25	5989.4319	5950.9352

AREA OF TRAVERSE 1401.0297 SQ.FT. .0322 ACRES

EXHIBIT "B" p. 3 of



BASIS OF BEARING

BASIS OF BEARING FOR THIS SURVEY IS S 72°33' E AS TAKEN BETWEEN FOUND POINTS "A" & "B"

NOTE

ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE "LAND SURVEYOR'S ACT" AT THE REQUEST OF WILLIAM M. LUKENS IN SEPTEMBER 1994

David Harp
DAVID P. HARP L.S. 5290 EXP. 12/31/1995

LICENSED LAND SURVEYOR DAVID P. HARP No. 5290 STATE OF CALIFORNIA

COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8768 OF THE "LAND SURVEYOR'S ACT" THIS 10th DAY OF JULY 1995.

COUNTY SURVEYOR

BY DEPUTY

REGISTERED PROFESSIONAL ENGINEER ROBERT DARRELL BEAUCHT C 30212 Exp. 3-31-96 CIVIL STATE OF CALIFORNIA

RECORDER'S STATEMENT

FILED THIS 2nd DAY OF August 1995 AT 2:02 P.M. IN BOOK 23 OF SURVEYS AT PAGE 91 AT THE REQUEST OF THE MARIN COUNTY PUBLIC WORKS.
SERIAL NO. 95-35544 FEE $7.00

Joan C. Thayer
COUNTY RECORDER

Karen Imall
BY DEPUTY

LOT LINE ADJUSTMENT
RECORD OF SURVEY

LANDS OF LUKENS

AS DESCRIBED IN D.N.
94-087632, 94-087633 & 94-087634
TOWN OF TIBURON, MARIN COUNTY, CALIFORNIA
SCALE 1"=40' SEPTEMBER, 1994
SURVEY H-961

David Harp & Associates * Land Surveyors
275 Magnolia Avenue, Larkspur, CA 94939
(415) 924-7760

APN 59-122-55, 56, & 57

SHEET 1 OF 1

EXHIBIT "B" p. 4 of

CAN # 7713

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
March 16, 2016
Agenda Item:
Action Item 1 A-3

STAFF REPORT

To: Mayor and Members of the Town Council

From: Office of the Town Manager

Subject: Consider adoption of a Joint Powers Agreement to create a Joint Powers Authority with the purpose of reducing school related traffic congestion within the Tiburon Peninsula. If adopted, consider appointment of two members to the proposed Board.

Reviewed By: A.C.

BACKGROUND

Over the past 2 years, the Town of Tiburon (the Town), City of Belvedere (the City) and the Reed Union School District (RUSD) have collaborated on implementing the Yellow Bus Challenge Program (YBCP). The goal of the program is to reduce school related traffic congestion on the Tiburon peninsula, while providing safe and efficient bus service to students. A committee comprised of representatives and volunteers from the Town, City, and RUSD (the Committee) meets regularly to oversee implementation of the YBCP, troubleshoot problems or issues, and develop a strategy to ensure the YBCP continues and improves in the future. The Committee has also developed a list of recommendations which includes:

- Develop a bus pass purchasing platform that creates efficiencies, streamlines administration and improves the flow of YBCP information to families and staff.
- Create a Joint Powers Authority (JPA), initially comprised of the Town, City and RUSD, to establish, operate and maintain a school bus system to mitigate traffic congestion during RUSD bell times.

On January 20, 2016, the Tiburon Town Council received an update from staff regarding the YBCP and unanimously voted to:

1. Reaffirm the Town of Tiburon's (Town) support of the Yellow Bus Challenge Program and continued participation on the Yellow Bus Challenge 2.0 Committee and,
2. Direct the Town Manager to continue working with representatives from the Town, the City of Belvedere (City) and the Reed Union School District (RUSD) to finalize a proposed Joint Powers Agreement for future Council consideration and,
3. 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.

Since that time, the Committee has developed a Joint Powers Agreement (Attached hereto as Exhibit 1) for the purpose of forming a JPA initially comprised of the City, Town and RUSD. Key provisions in the proposed agreement include:

- Section 2.1- states the purpose of the JPA: to provide school-related traffic relief throughout the Tiburon Peninsula by, including but not limited to, operating, maintaining and administering school bus service for the students of Reed Union School District, pursuing funding through a funding mechanism, including but not limited to, the potential of a special tax in the geographical area of the Reed Union School District.
- Section 3.1.1- provides that each member agency shall appoint two members (Primary Directors) to the Board of Directors.
- Section 3.3- says the JPA shall arrange for a program administrator to administer programs of the JPA including school bus service.
- Section 3.3.1- says before the JPA can expend any money, it must adopt an annual budget.
- Section 4.5- specifies three items of business that require a unanimous vote of the Board (as opposed to a majority): pricing of bus passes, a decision to place a tax on the ballot, and a decision to pursue any other source of funding.
- Section 7.1- requires unanimous consent of the Board to add Corte Madera and the County to the JPA.
- Section 7.2.1- allows members to withdraw from the JPA with 90 days' notice.
- Section 8.2- requires the JPA to purchase liability insurance and indemnify each member agency.

FINANCIAL IMPACT

While the JPA does not obligate any of the member agencies to continue funding the YBCP, both the City Council of Belvedere and Town Council of Tiburon have directed staff to include appropriations for the YBCP in their respective Fiscal Year 2016-17 Budget proposals. The following is an analysis of the YBCP financial impact by fiscal year.

Fiscal/School Year 2015-2016 (Current)

In the current fiscal year, the estimated total cost to operate the YBCP is $576,500. This figure assumes the program will continue next year and therefore, includes expenses to ensure the program transitions smoothly into its second year, including the cost of developing and implementing a new web-based bus pass purchasing platform. Bus pass sales currently total approximately $271,000, leaving a balance of approximately $305,000 to be funded by other sources (Program Subsidy). The Town of Corte Madera contributed $25,000 to the Program Subsidy this year, which leaves approximately $280,000 to be funded by the Town and City. Based on the agreed upon 80/20 percent split, the City is responsible for approximately $56,000 of the Program Subsidy, leaving the Town responsible for approximately $224,000. In the Fiscal Year 2015-2016 Town Operating Budget, the Council approved $250,000 to be used to support the YBCP.

Fiscal/School Year 2016-2017

The Council is being asked to consider the formation of a JPA to administer the YBCP in the future, but even if a JPA is formed, the YBCP will continue to require a Program Subsidy until such time a long term funding source is identified. Since the last update to the Council on 1/20/16, the Committee has worked closely with the Marin Transit Authority (MTA) in exploring options for administering the YBCP in the coming year as well as assessing the options and costs for various bus service providers. Based on this work, the preliminary estimated total cost to operate the YBCP for the 2016-2017 Fiscal/School Year is $675,000, which includes: The contract cost of providing bus service, one-time costs to outfit the buses with GPS mobile data technology, and costs to administer the program. The Committee continues to work towards developing and implementing a strategy to sell as many bus passes as possible as well as seeking funding from a variety of sources to offset the cost of the program including: The County of Marin, the Town of Corte Madera and grant opportunities. Depending on the number of passes sold and the amount of funding from other sources, the Town's portion of the Program Subsidy for the 2016-17 school year is currently estimated to be in the $185,000 -$275,000 range

RECOMMENDATION

Staff recommends the Town Council:

1. Approve as to form the proposed Joint Power Agreement to establish the Tiburon Peninsula Traffic Relief Joint Powers Authority as presented, and authorize the Town Manager to execute the agreement on a date he determines in his judgment to be appropriate and,
2. Consider appointment of two members to the Joint Powers Authority Board to serve as Primary Directors.

Exhibits:	1).Tiburon Peninsula Joint Powers Authority: Joint Powers Agreement To Establish, Operate, and Maintain a School Bus System to Reduce Traffic
Prepared By:	Greg Chanis, Town Manager

TIBURON PENINSULA TRAFFIC RELIEF

JOINT POWERS AUTHORITY

THIS JOINT POWERS AGREEMENT (the "**Agreement**") is entered into this __ day of _____, 2016, by and among the Town of Tiburon, the City of Belvedere, and the Reed Union School District (each a "**Member Agency**" and collectively, the "**Member Agencies**") pursuant to the Joint Exercise of Powers Law (Articles 1 through 4 [commencing with Section 6500] of Chapter 5, Division 7, Title 1 of the California Government Codes, as now or hereafter amended (the "**Act**")) for the purposes of reducing school-related congestion within the Tiburon Peninsula by, including but not limited to, operating and maintaining school bus service for the students of Reed Union School District.

RECITALS

This Agreement is entered into on the basis of the following facts, understandings, and intentions of the Member Agencies:

WHEREAS, California Government Code section 6502 provides that two or more public agencies, by agreement, may jointly exercise any power common to the contracting parties;

WHEREAS, the Member Agencies each have and possess the power to provide bussing services and to hire private contractors to provide bussing services;

WHEREAS, the Member Agencies each have and possess the power to raise funds through special taxes, such as a parcel tax; and

WHEREAS, the Member Agencies desire to join together for the purpose of providing school-related traffic relief throughout the Tiburon Peninsula by, among other things, pursuing funding for and administrating, operating, and maintaining a bus service for the students of the Reed Union School District.

NOW, THEREFORE, it is agreed by and between the Member Agencies hereto as follows:

ARTICLE 1

CREATION OF THE AUTHORITY

1.1 **Creation**. Pursuant to Government Code sections 6500 et seq., there is hereby created a public entity to be known as the "Tiburon Peninsula Traffic Relief Joint Powers Authority" ("**Authority**"). It is the intent of the Member Agencies that the Authority shall be a public agency separate from the Member Agencies.

1.2 **Member Agencies**. The Member Agencies currently include the Town of Tiburon, the City of Belvedere, and the Reed Union School District.

ARTICLE 2

PURPOSES AND POWERS

2.1 **Purpose**. The purpose of this Agreement is to enable the Member Agencies, through power common to each of them, to provide school-related traffic relief throughout the Tiburon Peninsula by, including but not limited to, operating, maintaining and administering school bus service for the students of Reed Union School District, pursuing funding through a funding mechanism, including but not limited to, the potential of a special tax in the geographical area of the Reed Union School District.

2.2 **Powers**. The Authority shall have the authority to exercise any power common to all of the Member Agencies as authorized by the law. The Authority is hereby authorized to do all acts necessary for the exercise of these common powers, including, but not limited to, any of the following:

2.2.1 To make and enter into contracts, leases, and other agreements;

2.2.2 To incur debts, liabilities, and obligations;

2.2.3 To acquire, hold and dispose of property to the full exercise of its powers;

2.2.4 To employ agents, employees, consultants, advisors, independent contractors and other staff;

2.2.5 To sue and be sued in its own name, provided that the Authority shall not commence or intervene in any lawsuit without the approval of all of the Member Agencies;

2.2.6 To raise revenue, to levy and collect taxes, fees and charges, and to issue bonds, notes, warrants, and other evidence of indebtedness to finance costs and expenses incidental to the purpose of the Authority;

2.2.7 To apply for, accept and receive, federal or local licenses, permits, grants, loans, or other aid from any agency of the United States of America, the State of California, or other public or private entities necessary or convenient for the Authority's full exercise of its powers;

2.2.8 To perform all acts necessary or proper to carry out full the purposes of this Agreement;

2.2.9 To insure itself and the parties from loss, liability, and claims arising out of or in any way connected with the performance of this Agreement; and

2.2.10 To invest any money in the treasury pursuant to Government Code section 6505.5, that is not required for the immediate necessities of the Authority, as the Authority determines advisable, in the same manner and upon the same conditions as local agencies pursuant to Government Code section 53501.

2.3 **Obligations of the Authority**. No debt, liability or obligation of the Authority shall be a debt, liability or obligation of any Member Agency.

2.4 **Restriction.** To the extent required under Government Code section 6509, the manner in which the Authority exercises its powers shall be restricted in the same manner in which the Town of Tiburon is restricted in its exercise of similar powers.

2.5 **Privileges and Immunities**. All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of officers, agents or employees of any of the Member Agencies when performing their respective functions shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties under this Agreement.

ARTICLE 3

GOVERNANCE AND ADMINISTRATION

3.1 **Board of Directors**. This Agreement and the Authority created hereby shall be administered by the governing body of the Authority, which shall be known as the "Board of Directors of the Tiburon Peninsula Traffic Relief Joint Powers Authority" (the "**Board**"). All of the power and authority of the Authority shall be exercised by the Board.

3.1.1 Each Member Agency shall designate and appoint two members as its representatives on the Board (each, a 'Primary Director'). Each of the six (6) Primary Directors on the Board shall have one vote.

3.1.2 Each Primary Director may designate an Alternate Director. An Alternate Director is authorized to act in the absence of the Primary Director and with the same powers as a Primary Director. The Alternate Director may act only in the absence of the Primary Director who appointed him or her.

3.1.3 Each Primary Director and each Alternate Director shall serve at the pleasure of the Member Agency that appointed the Director, and may be removed at any time, with or without cause, in the sole discretion of the appointing Member Agency.

3.2 **Expenditures**. Each expenditure of money must be authorized or approved by the Board or by a person or entity designated by the Board to authorize expenditures. The Treasurer/Auditor shall draw warrants to pay demands authorized for payment.

3.3 **Program Administration**. On or before the Authority's commencement of school bus services or any other programs, the Board shall arrange for a program administrator to administer such programs and/or school bus services.

3.3.1 Before the Authority may expend money or incur a financial obligation, it shall have adopted an annual budget by majority vote of the Board. The Board may revise the budget from time to time by a majority vote of the Board. The Authority may not approve a deficit spending budget in any fiscal year, nor may the Authority make any unbudgeted expenditures.

ARTICLE 4

CONDUCT OF MEETINGS

4.1 **Regular Meetings**. Regular meetings of the Board shall be held at such times and places as the Board may fix by resolution from time-to-time.

4.2 **Special Meetings**. Special Meetings of the Board may be called in accordance with the provisions of Government Code section 54956.

4.3 **Call, Notice and Conduct of Meetings**. All meetings of the Board, including without limitation, regular, adjourned regular and special meetings, shall be called, noticed, held, and conducted in accordance with the provisions of the Ralph M. Brown Act, Government Code sections 54950 et seq.

4.4 **Minutes**. The Secretary shall cause minutes to be kept of the meetings of the Board, and shall, as soon as possible after each meeting, cause a copy of the minutes along with copies of all ordinances and resolutions to be forwarded to each Director and to each of the Member Agencies.

4.5 **Quorum, Required Votes; Approvals**. Any action of the Board shall require the affirmative vote of a majority of the entire voting membership of the Board (a majority is four (4) votes of the six (6) voting Directors); provided however, that amendment or termination of this Agreement shall require approval by the governing body of each Member Agency. The following items of business will require a unanimous vote of the Directors: pricing of bus passes, decision to place a tax on the ballot, and a decision to pursue any other source of funding pursuant to this Agreement.

4.6 **By laws**. Within ninety (90) days' of the Authority's formation, the Board shall, pursuant to the terms of this Agreement, adopt by-laws to guide the Board in pursuing its purpose under this Agreement.

4.7 **Conflict of Interest Code**. As required by the Political Reform Act, Government Code section 81000, *et seq.*, the Board shall adopt and promulgate a conflict of interest code substantially similar to the standard conflict of interest code promulgated, and from time-to-time amended, by the Fair Political Practices Commission in 2 California Code of Regulations Section 18730.

ARTICLE 5

OFFICERS

5.1 **Chair**. The Board shall elect from its membership a Chair who shall perform the duties customary to said office. The Chair may sign contracts on behalf of the Authority, and shall perform such other duties as may be imposed by the Board.

5.2 **Vice-Chair**. The Board shall elect from its membership a Vice-Chair. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair and shall perform all duties customary to such office.

5.3 **Secretary**. The Authority shall have a Secretary who need not be a Director and who shall be selected by the Board and shall perform all duties customary to such office.

5.4 **Treasurer/Auditor**. Pursuant to Government Code section 6505.5 and 6505.6, the _____ of _____[*one of the Members*] _____ is designated as the Treasurer/Auditor of the Authority. The Treasurer/Auditor shall be the depository, shall have custody of all of the accounts, funds and money of the Authority from whatever source, shall have the duties and obligations set forth in Government Code sections 6505 and 6505.5, and shall assure strict accountability of all funds and reporting of all receipts and disbursements of the Authority. As provided for in Government Code section 6505.5, subdivision (e), the governing body of the Member Agency providing the Treasurer/Auditor shall determine charges to be made against the Authority for the services provided as Treasurer/Auditor. Further, as provided in Government Code section 6505 and 6505.6, the Treasurer/Auditor shall make arrangements with a certified public accountant or firm of certified public accountants for an annual independent audit of accounts and records of the Authority. As provided for in Government Code section 6505, subdivision (e), any costs of the audit shall be borne by the Authority.

5.5 **Official Bonds**. The Board shall require officers, employees, and agents of the Authority to file official bonds to the extent required by Government Code section 6505.1. The Authority shall pay the cost of the bond(s).

5.6 **Removal and Reappointment**. Unless otherwise expressly stated, all officers of the Authority shall serve at the pleasure of the Board. However, nothing in this paragraph shall authorize the Board to appoint or dismiss a Director.

5.7 **Other Officers**. The Board shall have the power to appoint such additional officers as may be appropriate.

5.8 **Term**. The term of each office shall be two years. Officers may be re-appointed to subsequent terms.

ARTICLE 6

CONTRIBUTIONS; ACCOUNTS AND REPORTS; FUNDS

6.1 **Contributions**. Each of the Member Agencies may in the appropriate circumstance: (1) make contributions from their treasuries for the purposes set forth herein; (2) make payments of public funds or private funds to defray the costs of such purposes; (3) make advances of public funds for such purposes, such advances to be repaid as provided in Section 6.2; or (4) use its personnel, equipment or property in lieu of contributions or advances.

6.2 **Repayment of Advances**. Advances of public funds extended to the Authority by any Member Agency shall be repaid on such terms and conditions as provided by the Board and agreed to by the governing body of such Member Agency.

6.3 **Revenue Bonds**. The Authority shall have the power and authority to issue Revenue Bonds in accordance with State Law, including Government Code sections 6540 et seq. and the Marks-Roos Local Bond Pooling Act of 1985 (Government Code section 6584 et seq.).

6.4 **Accounts and Reports**. The Treasurer/Auditor shall establish and maintain such funds and accounts as may be required by any applicable laws or regulations, good accounting practice, or by any provision of any trust agreement entered into with respect to the proceeds of any bonds issued by the Authority. In particular, the Treasurer/Auditor of the Authority shall strictly comply with the requirements governing joint powers agencies, Government Code sections 6500 *et seq.* The books and records of the Authority in the hands of the Treasurer/Auditor shall be open to inspection at all reasonable times by representatives of the Member Agencies. The Treasurer/Auditor shall annually, within 120 days after the close of each fiscal year, shall give a complete written report of all financial activities for each fiscal year to the Member Agencies.

6.5 **Fiscal Year**. The fiscal year of the Authority shall be any twelve-month period hereafter designated by the Board by resolution.

6.6 **Right to Audit**. Each Member Agency shall have the right to audit the records and accounts of the Authority, the cost and expense of which shall be borne by the Member Agency seeking such audit.

ARTICLE 7

ADMISSION, WITHDRAWAL, AND TERMINATION

7.1 **Admission**. The Member Agencies recognize that Public Entities, as defined by Government Code section 6500, other than the original Members Agencies, may wish to

participate in the Authority. Additional public entities may become parties to this Agreement on such terms and conditions as provided by the Board and with the express, written consent of the governing bodies of each of the existing Member Agencies, evidenced by the execution of a written addendum to this Agreement, and signed by all of the Member Agencies including the additional party. Provided, however, that the County of Marin and/or the City of Corte Madera may become parties to this Agreement with the unanimous consent of the existing members of the Board, and with the consent of the governing bodies of the County of Marin or the City of Corte Madera, evidenced by the execution of a written addendum to this Agreement, and signed by the Director of each Member Agency and by the County of Marin or the City of Corte Madera.

7.2 **Withdrawal**. The withdrawal of any Member Agency, either voluntary or involuntary, shall be conditioned as follows:

7.2.1 Any Member Agency may withdraw from this Agreement by providing ninety (90) days written notice of such withdrawal to the Authority and to all Member Agencies, after which time withdrawal becomes effective;

7.2.2 Withdrawal shall not relieve the Member Agency of contributions agreed to and owed by that Member Agency to the Authority, or costs assumed or incurred by that Member Agency arising from membership in the Authority prior to the effective date of the Member Agency's notice of withdrawal;

7.2.3 The withdrawal of any Member Agency from the Authority shall not terminate this Agreement or the Authority; and

7.3 **Termination**. This Agreement may be terminated at any time upon the approval of all the governing bodies of the Member Agencies. Upon such termination, the Authority, to the extent of the assets thereof, shall continue to be responsible for claims arising out of its operations prior to termination. No assets of the Authority shall be divided among or returned to the Member Agencies until all outstanding obligations of the Authority have been resolved or discharged. Thereafter, all assets of the Authority shall be returned to the Member Agencies in proportion to the contributions made.

ARTICLE 8

MISCELLANEOUS

8.1 **Notices.** Any notices required by or given pursuant to this Agreement shall be in writing and shall be delivered to each of the Member Agencies at the business offices listed below or at such other address as any party may specify in the writing to the Authority:

Town of Tiburon
Attn: Town Attorney
1505 Tiburon Boulevard
Tiburon, CA 94920

City of Belvedere
Attn: City Attorney
450 San Rafael Ave.
Belvedere, CA 94920-2336

Reed Union School District
Attn: Superintendent
277 A Karen Way
Tiburon, CA 94920

8.2 **Indemnity**. The Authority shall purchase insurance in an amount and type reasonably sufficient to indemnify, defend, and hold harmless each and every Member Agency, their respective officers, trustees, directors, agents and employees from any and all claims suits, actions, damages, losses, liability, and expenses (including attorney's fees and costs) relating to loss of life or bodily or personal injury or property damage, arising in whole or in part in connection with any condition of property, equipment, vehicles or facilities under the control of the Authority, or resulting from the use of such property, equipment, vehicles or facilities from the act, neglect, fault or omission of Agency's officers, trustees, employees, agents, contractors, or invitees.

8.3 **Complete Agreement**. The foregoing constitutes the full and complete Agreement of the Member Agencies. There are no oral understandings or agreements not set forth in writing herein.

8.4 **Governing Law**. This Agreement shall be deemed to have been made and shall be construed and interpreted in accordance with the laws of the State of California.

8.5 **Headings**. The section headings herein are for convenience only, and are not to be construed as modifying or governing language in the section.

8.6 **Amendments**. This Agreement may be amended from time-to-time in writing upon the approval of all the governing bodies of the Member Agencies; provided, however, that any such amendment shall take into consideration the holders of any revenue bonds or other forms of indebtedness.

8.7 **Severability**. If any one or more of the terms, provisions, promises, covenants or conditions of this Agreement shall to any extent be adjudged invalid, unenforceable, void or voidable, for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants, and conditions of this Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

8.8 **Successors**. This Agreement shall be binding upon and shall inure to the benefit of the successors of the Member Agencies. The Member Agencies may not assign any right or obligation hereunder without the written consent of the other Member Agencies to this Agreement.

8.9 **Execution in Counterparts**. This Agreement may be executed on behalf of the respective Member Agencies in one or more counterparts, all of which collectively shall constitute one document and agreement.

8.10 **Effective Date**. This Agreement shall take effect upon its execution on behalf of the later of the Member Agencies to do so.

IN WITNESS HEREOF, the Member Agencies have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized, on the day and year set opposite the name of each Member Agency.

Signatures on Following Page

TOWN OF TIBURON By: _____ _____, _____ Dated: _____, 2016 APPROVED AS TO FORM: _____ Benjamin L. Stock, Town Attorney	CITY OF BELVEDERE By: _____ _____, _____ Dated: _____, 2016 APPROVED AS TO FORM: _____ Robert Epstein, City Attorney
REED UNION SCHOOL DISTRICT By: _____ _____, _____ Dated: _____, 2016 APPROVED AS TO FORM: _____	

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
March 16, 2016
Agenda Item: PH - 1

STAFF REPORT

To: Mayor and Members of Town Council

From: Community Development Department
Office of the Town Attorney

Subject: Public Hearing to Consider Introduction and First Reading of Ordinances Amending Tiburon Municipal Code Chapter 32 (Regulation of Firearms), including but not Limited to Reporting the Loss or Theft of a Firearm, Required Storage of Handguns, and Possession of Large Capacity Ammunition Magazines; and Chapter 16 (Zoning), including but not Limited to Regulations Regarding Firearms Uses, Marijuana Sales and Cultivation, Yards and Setbacks, and Use-for Use Changes in Commercial Zones; Files MCA 2016-01 and MCA 2016-02; Town-initiated Amendments

Reviewed By: h.c.

BACKGROUND

In reaction to increased mass shootings throughout this country, a number of local jurisdictions have considered and enacted various measures relating to firearms. The Town has previously enacted Chapter 32 in the Municipal Code addressing firearms. Chapter 32 addresses several areas of concern, including, (1) firearm dealer's requirement to obtain a permit from the Town for selling firearms, (b) recordkeeping for ammunition sales, and (c) the discharging of air rifles and firearms within Town limits.

The Town has initiated amendments to the Tiburon Municipal Code Chapter 32 (Regulation of Firearms) and Chapter 16 (Zoning) to consider adding additional measures addressing firearms. Draft ordinances setting forth the proposed amendments have been prepared and now come before the Council as a public hearing item.

ANALYSIS

Under the California Constitution, the Town has the authority to regulate all things that are injurious to the public welfare, and firearms have been interpreted to be a proper item for regulation. While the Second Amendment of the U.S. Constitution and California State law preempt certain areas for regulation, California cities have the ability to regulate other areas that are not preempted by the State.

There are two separate sets of proposed text amendments. The first set deals with firearms regulations set forth in Municipal Code Chapter 32 (Regulation of Firearms). The second set are zoning text amendments codified in Chapter 16 (Zoning), some of which complement the

firearms regulation amendments and some of which propose a variety of amendments relating to topics such as yards and setbacks, marijuana sale and cultivation, and use-for-use changes in commercial zones. These sets are discussed separately below.

Firearms-related Amendments (Chapter 32)

In January 2016, the Town Council discussed amendments to the Town's existing provisions regulating 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. Minutes of the discussion on that item are attached as **Exhibit 1**. The proposed amendments would add several sections to Chapter 32, including provisions for:

1. Reporting requirements for the loss or theft of firearms.
2. Requirements for the safe storage of handguns.
3. Prohibition on the possession of large capacity magazines.

In addition to the above, the Town Council also directed that zoning regulations regarding firearms dealers be added to clarify where such uses might be permitted. These proposed amendments are discussed in the zoning text section below.

1. Reporting Requirements for the Loss or Theft of Firearms

Federal and California laws currently require licensed firearms dealers, but not gun owners, to report the loss or theft of firearms. Local governments in California with reporting laws include San Francisco, Sacramento, Oakland, Berkeley, Los Angeles, West Hollywood, Thousand Oaks, Simi Valley, Sunnyvale, and Port Hueneme. Jurisdictions that have imposed this type of reporting requirement have adopted findings that conclude that the reporting requirements are useful for law enforcement investigatory purposes.

The proposed reporting law would be useful to law enforcement for several reasons. First, when a crime gun is traced by law enforcement to the last purchaser of record, the owner may claim that the gun was lost or stolen to hide his or her involvement in the crime or in gun trafficking. A reporting law would provide a tool for law enforcement to detect this behavior and charge criminals who engage in it.

Second, a reporting law would help disarm prohibited persons. When a person who legally owned a gun falls into a prohibited category, it is crucial that law enforcement remove the firearm from his or her possession. For example, a gun owner who is convicted of a felony or who becomes the subject of a domestic violence restraining order is not permitted under federal or state law to continue to possess his or her firearm. However, when ordered to surrender the firearm by law enforcement or a judge, the owner may falsely claim it has been lost or stolen. A mandatory reporting law would provide a deterrent to this behavior.

Third, a reporting requirement would make it easier for law enforcement to locate a lost or stolen firearm and return it to its owner. Timely reporting of gun thefts or losses enables police to trace guns more effectively, and makes the successful prosecution of users of stolen guns more likely.

Finally, a reporting law would make gun owners more accountable for their weapons. Such a law would also protect gun owners from unwarranted criminal accusations when a gun that was lost or stolen is later recovered at a crime scene.

This proposed reporting law would require a person to report the loss or theft of a firearm he or she owns or possesses within 48 hours of the time he or she knew or reasonably should have known of such loss or theft. The law also requires persons who have had a firearm lost or stolen within five (5) years prior to the effective date of the law to report the loss or theft within sixty (60) days of the Ordinance's effective date. This provision is designed to decrease the ability of a gun owner to falsely claim that his or her gun was lost or stolen before the reporting requirement went into effect.

There is an exception to the reporting requirements for 1) law enforcement officials engaged in their official duties; 2) members of the armed forces of the United States or the National Guard while engaged in their official duties; and 3) Firearms dealers and manufacturers licensed under federal and state law while engaged in the course and scope of their activities as licensees. The exceptions for members of the armed forces and for firearms dealers are included to avoid any possible claims that the requirements would be preempted by or duplicative of federal or state law. The exception for law enforcement officials engaged in their official duties was included to avoid any possible conflict with local law enforcement reporting policies.

2. Safe Storage of Handguns

Certain local jurisdictions are enacting safe storage ordinances to deter leaving unsecured firearms in homes that may create an enhanced risk because children and other persons who are not the lawful owner of a firearm, can obtain them and subsequently use them to cause a dangerous accident or to perpetrate a crime. Guns kept in the home may be involved in an unintentional shooting, criminal assault, or used in suicides and against family and friends. Safe storage ordinances aim at keeping a firearm locked when it is not being carried to avoid access and use by others without the owners' knowledge or permission.

Local jurisdictions, including Sunnyvale, Los Angeles, Santa Cruz, Oakland, and San Francisco, have also considered and adopted requirements mandating that any firearm be kept securely in a locked container or disabled with a trigger lock in any residence. These ordinances also provide certain exceptions, including that the firearm does not need to be kept in safe storage if the weapon is carried on a person over the age of 18.

The proposed safe storage requirement is modeled after the City of San Francisco's law, which only applies to handguns and not to other types of firearms. San Francisco's ordinance was challenged unsuccessfully, which led other jurisdictions to replicate its prohibition. However, some jurisdictions, like Sunnyvale and Oakland, have adopted broader restrictions that require all firearms, and not just handguns, to be secured when not being carried.

3. Prohibition of Large Capacity Magazines

In 1994, Congress adopted a law prohibiting the transfer and possession of large capacity magazines as part of the federal assault weapon ban. That law was enacted with a sunset clause,

however, providing for its expiration after ten years. Congress allowed the federal ban to expire on September 13, 2004.

Since January 1, 2000, California law has, with limited exceptions, prohibited any person from manufacturing, importing into the state, keeping for sale, offering or exposing for sale, giving, or lending any large capacity magazine. California does not currently ban the *possession* of large capacity magazines, however.

Large capacity magazines can hold up to 100 rounds of ammunition, and magazines with a capacity of more than 10 rounds of ammunition are generally considered to be "large capacity" magazines. While large capacity magazines are typically associated with semi-automatic assault weapons or machine guns, such devices are generally available for any semi-automatic firearm that accepts a detachable magazine.

Large capacity magazines significantly increase a shooter's ability to injure and kill large numbers of people quickly because they enable the shooter to fire repeatedly without needing to reload. The time required to reload can be critical in enabling victims to escape and law enforcement or others to intervene.

In 2013, the City of Sunnyvale and the City and County of San Francisco both adopted ordinances prohibiting the possession of large capacity magazines. A legal challenge to the Sunnyvale ordinance was unsuccessful, and subsequently, the cities of Los Angeles and Oakland enacted similar bans.

The Police Chief has reviewed and is supportive of all three proposed measures.

Zoning Text Amendments (Chapter 16)

Specific zoning text amendments proposed would add a definition for "firearms sales", add "firearms sales" to the list of conditionally permitted uses in the Town's 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 majority of non-firearms-related zoning text amendments are summarized as follows:

1) Amendments to clarify the relationship between "setbacks" and "yards" in the zoning Ordinance. These terms were a subject 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.

2) Amendments to categorically prohibit the sale and cultivation of marijuana in all zones, by adding these uses 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.

3) Amendments to clarify the existing provisions regarding "use-for-use" changes in the Neighborhood Commercial and Village Commercial zones by the addition of additional explanatory text addressing the circumstances under which a conditional use permit would or would not be required.

Attached **Exhibit 2** contains the draft ordinance for the Chapter 32 amendments. **Exhibit 3** contains the draft ordinance for the Chapter 16 amendments. **Exhibit 4** depicts the proposed Chapter 16 amendments in redline format so that they can be viewed in context. The Chapter 32 amendments are all additions to the chapter, such that no separate redline document is necessary.

Planning Commission Review and Recommendation

The Planning Commission reviewed the proposed Chapter 16 amendments at its regular meeting of February 24, 2016. The Commission adopted Resolutions 2016-03 and 2016-04 **(Exhibits 5 and 6)** recommending approval of the zoning text amendments. The Commission was not required to consider or make a recommendation regarding the proposed Chapter 32 amendments, but was made aware of their nature, and was provided the minutes of the Town Council's discussion on the topic at the Council's January 20, 2016 meeting.

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.

CORRESPONDENCE

As of the preparation of this report, no letters or other correspondence has been received regarding the proposed amendments.

FISCAL EFFECTS

Staff foresees no direct fiscal impact from the adoption and implementation of these ordinances.

RECOMMENDATION

Staff recommends that the Town Council:

1. Hold a public hearing on the proposed municipal code amendments to Chapter 32 and Chapter 16 and consider all testimony and correspondence received.
2. Deliberate on the proposed municipal code amendments, making any desired revisions.
3. Introduce the draft ordinance regarding the Chapter 32 amendments. The procedure would be to move to read by title only, waiving any additional readings, and introduce the

ordinance amending Title VI, Chapter 32 (Regulation of Firearms) of the Tiburon Municipal Code. Hold a vote on passage of first reading by roll call vote. If the first reading is passed, the ordinance will return for final adoption on a future consent calendar.

4. Introduce the draft ordinance regarding the Chapter 16 amendments. The procedure would be to move to read by title only, waiving any additional readings, and introduce the ordinance amending Title IV, Chapter 16 (Zoning) of the Tiburon Municipal Code. Hold a vote on passage of first reading by roll call vote. If the first reading is passed, the ordinance will return for final adoption on a future consent calendar.

EXHIBITS

1. Excerpt of Town Council minutes of January 20, 2016 regarding firearms.
2. Draft Ordinance containing proposed Chapter 32 amendments.
3. Draft Ordinance containing proposed Chapter 16 amendments.
4. Redline of proposed Chapter 16 amendments.
5. Planning Commission Resolution No. 2016-03.
6. Planning Commission Resolution No. 2016-04.

Prepared by: Scott Anderson, Director of Community Development
Ben Stock, Town Attorney

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

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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

ORDINANCE NO. XXX N. S.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON AMENDING MUNICIPAL CODE TITLE VI, CHAPTER 32 (REGULATION OF FIREARMS) TO REGULATE FIREARMS STORAGE, REQUIRE THE REPORTING OF LOSS OR THEFT OF FIREARMS, AND BAN THE POSSESSION OF LARGE CAPACITY MAGAZINES

SECTION 1. FINDINGS.

(1) The Town Council finds as follows:

A. In 2011, 2,928 people died from firearm-related injuries in California and 2,884 other people were hospitalized for non-fatal gunshot wounds;

B. In 2011, 1,356 homicides were committed with a firearm in California – 337 of those victims were under the age of 21;

C. Federal and California law require licensed firearms dealers to report the loss or theft of firearms to law enforcement within 48 hours;

D. When a crime gun is traced by law enforcement to the last purchaser of record, the owner may falsely claim that the gun was lost or stolen to hide his or her involvement in the crime or in gun trafficking. Reporting laws provide a tool for law enforcement to detect this behavior and charge criminals who engage in it;

E. Existing reporting laws, like California's requirements that firearms dealers report the loss or theft of firearms and that motorists report serious automobile accidents to the Department of Motor Vehicles, demonstrate that reporting laws are not unduly burdensome. Moreover, the highly lethal nature of firearms justifies an increased level of responsibility over that required for ownership of other, less dangerous products;

G. Reporting laws protect gun owners from unwarranted criminal accusations when their guns are recovered at a crime scene, and make it easier for law enforcement to locate a lost or stolen firearm and return it to its lawful owner;

H. The extreme danger firearms pose to public safety requires a heightened level of accountability on the part of individuals who choose to own firearms. Reporting laws make gun owners more accountable for their weapons;

I. Data from the U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms, and Explosives indicate that more than 173,000 guns were reported lost or stolen by persons other than federally licensed dealers in 2012. Survey research indicates that at least 500,000 firearms are stolen annually from residences, however. This discrepancy shows that most lost or stolen firearms are not reported;

J. Many stolen guns are used to commit other crimes. A U.S. Department of the Treasury study revealed that nearly a quarter of ATF gun trafficking investigations

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involved stolen firearms and were associated with over 11,000 trafficked firearms – including 10 percent of the investigations which involved guns stolen from residences;

K. Neither federal nor California law contains any requirement that firearm owners report lost or stolen firearms;

L. Several local governments in California already require the reporting of lost or stolen firearms, including San Francisco, Sacramento, Oakland, Berkeley, Los Angeles, West Hollywood, Thousand Oaks, Simi Valley and Port Hueneme. Local ordinances often serve as catalysts for statewide policies;

M. Laws requiring the reporting of lost and stolen firearms are associated with a reduction in gun trafficking. One study found that states without mandatory lost or stolen reporting laws export two and a half times more crime guns across state lines than jurisdictions with such laws;

N. In International Association of Chiefs of Police (IACP), *Taking a Stand: Reducing Gun Violence in Our Communities* 16, p. 22 (Sept. 2007), The International Association of Chiefs of Police states, "law enforcement's early awareness of every lost and stolen gun will enhance their ability to recover those guns and reduce gun violence." The report recommends that state and local governments mandate reporting of lost or stolen firearms;

O. Having a loaded or unlocked gun in the home is associated with an increased risk of gun-related injury and death.

1. A firearm stored loaded or unlocked increases the risk of an accidental shooting.

2. All United States case control studies (12 to date) have found that people who die by suicide are more likely to have lived in a home with a gun than similar people who did not die by suicide. Studies have also shown that the risk of suicide increases in homes where guns are kept loaded or unlocked.

3. A 2007 study compared the 40 million people who live in the states with the lowest firearm prevalence (Hawaii, Massachusetts, Rhode Island, New Hampshire, Connecticut, and New York) to about the same number living in the states with the highest firearm prevalence (Wyoming, South Dakota, Alaska, West Virginia, Montana, Arkansas, Mississippi, Iowa, North Dakota, Alabama, Kentucky, Wisconsin, Louisiana, Tennessee, and Utah). Although non-firearm suicides were about equal in the two groups, total suicides were almost twice as high in the high-gun states.

P. Children are particularly at risk of injury and death, or causing injury and death, when they can access guns in their own homes or homes that they visit.

1. The authors of a 2005 study found that an estimated 1.69 million children age 18 and under are living in households with loaded and unlocked firearms. Many young children, including children as young as three years old, are strong enough to fire handguns.

2. A significant majority of the guns used in youth suicide attempts and unintentional injuries were stored in the residence of the victim, a relative, or a friend. Of youths who died by firearm suicide, the vast majority used a family member's gun, usually a parent's. And more than two thirds of school shooters obtained their gun(s) from their own home or that of a relative.

3. Quick access to loaded firearms heightens the risk that a young person's impulsive decision to commit suicide will be carried out without reflection or seeking help, and that the impulsive attempt will be fatal. One third of youths who died by suicide had faced a crisis within the previous 24 hours. Among people who nearly died in a suicide attempt, almost a quarter indicated that fewer than five minutes had passed between deciding on suicide and making the attempt. While fewer than 10 percent of suicide attempts by other means are fatal, at least 85 percent of firearm suicide attempts end in death.

Q. Guns kept in the home are most often used in suicides and against family and friends rather than in self-defense.

1. Guns kept in a home are more likely to be involved in an unintentional shooting, criminal assault, or suicide attempt than to kill or injure in self-defense.

2. Only one in ten firearm homicides in the shooter's home is considered justifiable, meaning the shooter was not the assailant. Of every ten firearm homicide victims killed at the shooter's residence, six were intimate partners or family members of the shooter, three were friends or acquaintances of the shooter, and only one was a stranger to the shooter.

R. Applying trigger locks or using lock boxes when storing firearms in the home reduces the risk of firearm injury and death.

1. Keeping a firearm locked when it is not being carried ensures that it cannot be accessed and used by others without the owner's knowledge or permission. This simple measure significantly decreases the risk that the gun will be used to commit suicide, homicide, or inflict injury, whether intentionally or unintentionally.

2. Safe storage measures have a demonstrated protective effect in homes with children and teenagers where guns are stored.

S. There is a wide consensus among medical professionals, police chiefs, gun control advocates and gun rights groups that applying trigger locks or using lock boxes to store unsupervised guns in the home promotes health and safety.

1. The International Association of Chiefs of Police recommends that state and local governments mandate safe storage of firearms.

2. The American Academy of Pediatrics recommends that if families must have firearms in their homes, the firearms should be stored locked, unloaded, and separate from locked ammunition.

3. Both gun control and gun rights advocates endorse the use of locking devices when storing guns to ensure that unauthorized or untrained persons cannot use the gun to

inflict injury or death. For example, the National Rifle Association's Home Firearm Safety Handbook, developed and used as part of the National Rifle Association (NRA) Basic Firearm Training Program, emphasizes that there is one general rule that must be applied under all conditions: "Store guns so they are not accessible to untrained or unauthorized persons." The NRA Guide To The Basics Of Personal Protection In The Home further explains that "all storage methods designed to prevent unauthorized access utilize some sort of locking method."

T. Requiring stored unsupervised firearms to be secured with trigger locks or in a locked container does not substantially burden the right or ability to use firearms for self-defense in the home.

1. The locking requirements apply only to handguns that are not being carried. Gun owners and adults over 18 may carry loaded and unlocked handguns in the home at any time. The safe storage requirements also permit owners who wish to do so to store their handguns fully loaded.

2. Gun security does not preclude quick access. For example, affordable lockboxes using Simplex-type locks, which pop open immediately when several keys or push buttons are touched in a preset sequence, are widely available. Users report that they can retrieve a loaded weapon in just two to three seconds, and that the locks are also easy to open in the dark. The NRA describes this type of lockbox as providing "a good combination of security and quick access." Some lockboxes also feature biometric locks, which provide immediate access when they scan the owner's fingerprint.

3. Portable lockboxes can store loaded weapons such that they are always within easy reach on counters, tables or nightstands. Such safely stored weapons are more quickly and easily retrieved for use in self-defense than unlocked guns that have been hidden away in seldom-used locations.

U. Large capacity magazines, some of which can hold up to 100 rounds of ammunition, significantly increase a shooter's ability to injure and kill large numbers of people quickly because they enable the shooter to fire repeatedly without needing to reload. The time required to reload can be critical in enabling victims to escape and law enforcement or others to intervene;

V. Magazines with a capacity of more than 10 rounds of ammunition are generally considered to be "large capacity" magazines, although the statutory definitions vary. While large capacity magazines are typically associated with semi-automatic assault weapons or machine guns, such devices are generally available for any semi-automatic firearm that accepts a detachable magazine;

W. Large capacity ammunition magazines are the common thread uniting all of the high-profile mass shootings in America. In Newtown, Connecticut, the shooter equipped his assault weapon with 30-round magazines, which enabled him to fire 154 rounds in less than five minutes. The gunman in Tucson in 2011 used a handgun equipped with a 33-round magazine, and was only tackled when he stopped to reload his weapon;

X. Large capacity magazines were also used in the assault weapons massacres in Aurora, Columbine, Fort Hood, and at 101 California Street in San Francisco. Moreover, the shooter who killed 67 people at a summer camp in Norway in 2011 stated in his written manifesto that he purchased 30-round ammunition magazines via mail order from a dealer in the United States;

Y. A review of 62 mass shootings between 1982 and 2012 by Mother Jones magazine found that large capacity ammunition magazines were recovered in fifty percent of them. A review of mass shootings between January 2009 and January 2013 by Mayors Against Illegal Guns found that incidents where assault weapons or large capacity ammunition magazines were used resulted in 135% more people shot and 57% more killed, compared to other mass shootings;

Z. Large capacity magazines are a relatively new phenomenon. Prior to the 1980s, the most popular handgun design was the revolver, but, during the 1980s, the firearms industry shifted design and marketing toward high-capacity semiautomatic pistols. In 1980, semiautomatic pistols accounted for only 32% of the 2.3 million handguns produced in America. By 2008, however, such pistols accounted for 76% of the 1.8 million handguns produced that year;

AA. Bans on large capacity ammunition magazines are often adopted in concert with bans on assault weapons. However, large capacity ammunition magazine bans reduce the capacity, and thus the potential lethality, of any firearm that can accept a large capacity ammunition magazine, including a firearm that is not an assault weapon. Crime data also suggests that a ban on large capacity magazines would have a greater impact on gun crime than a ban on assault weapons alone;

BB. Polling consistently shows that a strong majority of Americans support laws banning large capacity ammunition magazines. In a 2012 survey for CNN, 62% of those polled supported such laws;

CC. In 1994, in recognition of the dangers posed by these devices, Congress adopted a law prohibiting the transfer and possession of large capacity magazines as part of the federal assault weapon ban. (Violent Crime Control and Law Enforcement Act of 1994, P.L. 103-322, codified at: 18 U.S.C. §§ 921(a)(31), 922(w)(1), (2).) That law was enacted with a sunset clause, however, providing for its expiration after ten years. Despite overwhelming public support for the law, Congress allowed the federal ban to expire on September 13, 2004;

DD. A researcher hired by the U.S. Department of Justice to analyze the effect of the 1994 federal ban on assault weapons (AWs) and large capacity magazines (LCMs) found that, "attacks with semiautomatics including AWs and other semiautomatics equipped with LCMs result in more shots fired, more persons hit, and more wounds inflicted per victim than do attacks with other firearms."

EE. A study that analyzed data kept by the Virginia State Police found a clear decline in the percentage of crime guns that were equipped with large capacity ammunition magazines after the federal ban was enacted. (*About the Project: The Hidden Life of*

Guns, Wash. Post, Jan. 22, 2011; David S. Fallis & James V. Grimaldi, *Virginia Data Show Drop in Criminal Firepower during Assault Gun Ban*, Wash. Post, Jan. 23, 2011.) The percentage reached a low of 10% in 2004 and then steadily climbed after Congress allowed the ban to expire; by 2010, the percentage was close to 22%;

FF. Since the end of the federal ban, the Los Angeles Police Department has recovered significantly greater numbers of large capacity ammunition magazines, from 38 in 2003 to anywhere from 151 to 940 each year between 2004 and 2010. (Citizens Crime Commission of New York City, Press Release, *NYC & LA City Councils Introduce Rezo for Federal Ban On Large Capacity Ammunition Magazines* (Mar. 2, 2011), at http://www.nycrimecommission.org/pdfs/CrimeCmsnNYCLACouncils.pdf.);

GG. Since January 1, 2000, California law has, with limited exceptions, prohibited the manufacture, importation into the state, keeping for sale, offering or exposing for sale, giving, or lending of large capacity magazines (Cal. Penal Code §§ 32130, 16590, 17700-17745, 32315, 32400-32450; Cal. Code Regs. tit. 11, §§ 5480 – 5484), and declares any large capacity magazine a "nuisance" subject to confiscation and summary destruction. The attorney general, district attorneys and city attorneys may seek an injunction against the possession of these magazines, with criminal penalties available for violation of the injunction under certain circumstances. (Cal. Penal Code §§ 166, 18010.) California law does not, however, generally prohibit the possession of large capacity magazines, and this gap in the law threatens public safety;

HH. Laws banning large capacity magazines are consistent with the Supreme Court's interpretation of the Second Amendment. In the 2008 ruling in *District of Columbia v. Heller,* the United States Supreme Court stated for the first time that the Second Amendment protects a law-abiding citizen's right to possess an operable handgun in the home for self-defense. (*District of Columbia v. Heller*, 554 U.S. 570 (2008).) The Court noted, however, that the right is limited. Among other limitations, the Court recognized that the Second Amendment would not preclude banning "dangerous and unusual weapons";

II. Seven states (Colorado, Connecticut, Hawaii, Maryland, Massachusetts, New York and New Jersey) already prohibit the possession of large capacity magazines. Cook County, Illinois has also enacted an ordinance of this type. Federal district courts in Connecticut and New York have held that these laws do not violate the Second Amendment, and cases raising similar claims are still pending in Colorado, Illinois, and Maryland;

JJ. In 2013, the City of Sunnyvale and the City and County of San Francisco both adopted ordinances prohibiting the possession of large capacity magazines.

(2) Accordingly, the Town Council finds and declares that the purposes of this ordinance are to preserve the peace and protect the public health, safety and general welfare of the residents of the Town by reducing firearms related injuries and crime.

(3) The Town Council further finds it is within its basic police power to implement and enforce the provisions of this ordinance.

(4) The Town Council finds that the amendments adopted herein are exempt from review under the California Environmental Quality Act (CEQA) pursuant to Sections 15305 and 15061(b)(3) of the CEQA Guidelines. The amendments constitute minor alterations in land use limitations and it can be seen with certainty that there is no potential for a significant effect on the environment as a result of the amendments.

SECTION 2. ADOPTION OF AMENDMENTS TO MUNICIPAL CODE FOR REPORTING LOSS OR THEFT OF FIREARMS.

A. Title VI, Chapter 32, Section 32-27 is added to the Tiburon Municipal Code as follows:

32-27 – Reporting of Loss or Theft of Firearm

It is unlawful for any person to fail to report to the Police Department the theft or loss of a firearm he or she owns or possesses within forty-eight (48) hours of the time he or she knew or reasonably should have known that the firearm has been stolen or lost, if the person resides in the Town or the loss or theft occurs in the Town.

After [insert date 60 days after the effective date of this ordinance], it is unlawful for any person to fail to report to the Police Department the theft or loss of a firearm he or she owned or possessed within the five years prior to [insert the effective date of this ordinance] if the person resided in the Town at the time of the loss or theft, or the loss or theft occurred in the Town, unless the firearm has been recovered.

Pursuant to California Penal Code § 11108, the Chief of Police shall submit a description of each firearm that has been reported lost or stolen directly to the California Department of Justice automated property system for firearms.

B. Title VI, Chapter 32, Section 32-28 is added to the Tiburon Municipal Code as follows:

32-28 – Exceptions to Reporting of Loss or Theft of Firearm

Section 32-27 shall not apply to the following persons:

(a) Law enforcement officials while engaged in their official duties;

(b) Members of the Armed Forces of the United States or the National Guard while engaged in their official duties;

(c) Firearms dealers and manufacturers licensed under federal and state law while engaged in the course and scope of their activities as licensees.

C. Title VI, Chapter 32, Section 32-29 is added to the Tiburon Municipal Code as follows:

32-29 – Penalty for Failing to Report Loss or Theft of Firearm

(a) Any person violating Section 32-27 is guilty of a misdemeanor;

(b) Any person who reports to any law enforcement officer, pursuant to Section 32-27 of this Chapter that a firearm has been lost or stolen, knowing the report to be false, is guilty of a misdemeanor.

SECTION 3. ADOPTION OF AMENDMENTS TO MUNICIPAL CODE REGULATING HANDGUN STORAGE.

A. Title VI, Chapter 32, Section 32-30 is added to the Tiburon Municipal Code as follows:

32-30 – Required Storage of Handgun in Residence

No person shall keep a handgun within a residence owned or controlled by that person unless the handgun is stored in a locked container or disabled with a trigger lock that has been approved by the California Department of Justice.

B. Title VI, Chapter 32, Section 32-31 is added to the Tiburon Municipal Code as follows:

32-31 – Definitions Related to Handgun Storage Requirements

(a) "Residence." As used in this Section, "residence" is any structure intended or used for human habitation including but not limited to houses, condominiums, rooms, in-law units, motels, hotels, time-shares, recreational and other vehicles where human habitation occurs.

(b) "Locked container." As used in this Section, "locked container" means a secure container that is fully enclosed and locked by a padlock, key lock, combination lock or similar locking device.

(c) "Handgun." As used in this Section, "handgun" means any pistol, revolver, or other firearm that is capable of being concealed upon the person, designed to be used as a weapon, capable of expelling a projectile by the force of any explosion or other form of combustion, and has a barrel less than 16 inches in length.

(d) "Trigger lock." As used in this Section, a "trigger lock" means a trigger lock that is listed in the California Department of Justice's list of approved firearms safety devices and that is identified as appropriate for that handgun by reference to either the manufacturer and model of the handgun or to the physical characteristics of the hand gun that match those listed on the roster for use with the device under California Penal Code Section 12088(d).

C. Title VI, Chapter 32, Section 32-32 is added to the Tiburon Municipal Code as follows:

32-32 – Exceptions to Handgun Storage Requirements Set Forth in Section 32-30

Section 32-31 shall not apply in the following circumstances:

(a) The handgun is carried on the person of an individual over the age of 18.

(b) The handgun is under the control of a person who is a peace officer under California Penal Code Section 830.

D. Title VI, Chapter 32, Section 32-33 is added to the Tiburon Municipal Code as follows:

32-33 – Penalty for Failing to Properly Store Handgun in Residence

Every violation of Section 32-30 shall constitute a misdemeanor and upon conviction shall be punished by a fine not to exceed $1,000.00 or by imprisonment in the county jail not to exceed six months, or by both.

SECTION 4. ADOPTION OF AMENDMENTS TO MUNICIPAL CODE TO BAN THE POSSESSION OF LARGE CAPACITY MAGAZINES.

A. Title VI, Chapter 32, Section 32-34 is added to the Tiburon Municipal Code as follows:

32-34 - Definition of Large Capacity Magazine

"Large capacity magazine" means any detachable ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

(a) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds;

(b) A .22 caliber tube ammunition feeding device; or

(c) A tubular magazine that is contained in a lever-action firearm.

B. Title VI, Chapter 32, Section 32-35 is added to the Tiburon Municipal Code as follows:

32-35 - Prohibition on Possession of Large Capacity Magazines

(a) No person, corporation, or other entity in the Town may possess a large capacity magazine.

(b) Any person who, prior to [insert the effective date of this ordinance], was legally in possession of a large capacity magazine shall have until [insert date 90 days after the effective date of this ordinance] to do either of the following without being subject to prosecution:

(1) Remove the large capacity magazine from the Town;

(2) Surrender the large capacity magazine to the Police Department for destruction; or

(3) Sell or transfer the large capacity magazine lawfully in accordance with Part 6 of the California Penal Code.

C. Title VI, Chapter 32, Section 32-36 is added to the Tiburon Municipal Code as follows:

32-36 - Exceptions to Prohibition on Possession of Large Capacity Magazines

Section 32-35 shall not apply to the following:

(a) Any government officer, agent, or employee, member of the armed forces of the United States, or peace officer, to the extent that such person is otherwise authorized to possess a large capacity magazine, and does so while acting within the scope of his or her duties;

(b) A person licensed pursuant to California Penal Code §§ 26500-26915;

(c) A gunsmith for the purposes of maintenance, repair or modification of the large capacity magazine;

(d) Any entity that operates an armored vehicle business pursuant to the laws of the state, and an authorized employee of such entity, while in the course and scope of his or her employment for purposes that pertain to the entity's armored vehicle business;

(e) Any person, corporation or other entity that manufactures the large capacity magazine for a person mentioned in subsection (a) or for export pursuant to applicable federal regulations;

(f) Any person using the large capacity magazine solely as a prop for a motion picture, television or video production, or entertainment event;

(g) Any holder of a special weapons permit issued pursuant to California Penal Code §§ 18900, 31000, 32650, 32700-32720, or 33300, in accordance with the terms of the permit;

(h) Any person issued a permit pursuant to California Penal Code § 32315 by the California Department of Justice upon a showing of good cause for the possession, transportation, or sale of large capacity magazines between a person licensed pursuant to California Penal Code §§ 26500-26915 and an out-of-state client, when those activities are in accordance with the terms and conditions of that permit;

(i) Any federal, state or local historical society, museum, or institutional collection which is open to the public, provided that the large capacity magazine is properly housed, secured from unauthorized handling, and unloaded;

(j) Any person who finds the large capacity magazine, if the person is not prohibited from possessing firearms or ammunition pursuant to federal or state law, and the person possesses the large capacity magazine no longer than is necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law;

(k) A forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities;

(l) Any person in the business of selling or transferring large capacity magazines in accordance with Part 6 of the California Penal Code, who is in possession of a large capacity magazine solely for the purpose of doing so; or

(m) Any person lawfully in possession of a firearm that the person obtained prior to January 1, 2000 if no magazine that holds 10 or less rounds of ammunition is compatible with that firearm and the person possesses the large capacity magazine solely for use with that firearm.

D. Title VI, Chapter 32, Section 32-37 is added to the Tiburon Municipal Code as follows:

32-37 - Penalty for Possession of Large Capacity Magazines in Violation of Section 32-35

Any person violating Section 32-35 is guilty of a misdemeanor.

SECTION 5. ADOPTION OF AMENDMENTS TO MUNICIPAL CODE REGARDING SEVERABILITY.

Title VI, Chapter 32, Section 32-38 is added to the Tiburon Municipal Code as follows:

32-38 - Severability

If any section, subsection, sentence or clause of this Chapter is for any reason declared unconstitutional or invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity or the enforceability of the remaining portions of this Chapter or any part thereof. The Town Council of the Town of Tiburon hereby declares that it would have adopted this Chapter notwithstanding the unconstitutionality, invalidity or unenforceability of any one or more of its sections, subsections, sentences or clauses.

SECTION 6. PUBLICATION AND EFFECTIVE DATE.

This ordinance shall be in full force and effect thirty (30) days after the date of adoption. Pursuant to the provisions of the California Government Code, a summary of this ordinance shall be prepared by the Town Attorney. At least five (5) days prior to the Town Council meeting at which adoption of the ordinance is scheduled, the Town Clerk shall (1) publish the summary in a newspaper of general circulation in the Town of Tiburon, and (2) post in the office of the Town Clerk a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the Town Clerk shall (1) publish the summary in a newspaper of general circulation in

the Town of Tiburon, and (2) post in the office of the Town Clerk a certified copy of the ordinance along with the names of those Council members voting for and against the ordinance.

This ordinance was introduced at a regular meeting of the Town Council of the Town of Tiburon on _____, 2016, and was adopted at a regular meeting of the Town Council of the Town of Tiburon on _____, 2016, by the following vote:

AYES: COUNCILMEMBERS:

NAYS: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

_____
ERIN TOLLINI, MAYOR
Town of Tiburon

ATTEST:

_____
DIANE CRANE-IACOPI, TOWN CLERK

ORDINANCE NO. XX-2016 N. S.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON AMENDING MUNICIPAL CODE TITLE IV, CHAPTER 16 (ZONING) REGARDING SETBACKS, YARDS, MARIJUANA SALE AND CULTIVATION, USE-FOR-USE CHANGES, FIREARMS-RELATED REGULATIONS, AND OTHER MISCELLANEOUS AMENDMENTS

SECTION 1. FINDINGS.

A. On February 24, 2016, the Planning Commission adopted Resolution No. 2016-04 recommending to the Town Council that various text amendments be made to Title IV, Chapter 16 (Zoning) of the Tiburon Municipal Code.

B. The Town Council held a duly noticed public hearing on _____, 2016, and has heard and considered all public testimony on the proposed Ordinance.

C. The Town Council finds that all notices and procedures required by law attendant to the adoption of this Ordinance have been followed.

D. The Town Council finds that the amendment actions made by this Ordinance are necessary for the protection of the public health, safety, and welfare and to comply with federal law.

E. The Town Council has found that the amendments made by this Ordinance are consistent with the goals and polices of the Tiburon General Plan and other adopted ordinances and regulations of the Town of Tiburon, and further the intent and purposes of General Plan goals and policies.

F. The Town Council finds that adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Minor Alterations to Land Use Limitations) of the CEQA Guidelines, as well as Section 15061(b)(3) of the CEQA Guidelines. It can be seen with certainty that the text amendments will not result in a significant adverse effect on the environment.

SECTION 2. ADOPTION OF AMENDMENTS TO MUNICIPAL CODE.

(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

EXHIBIT NO. 3

(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.

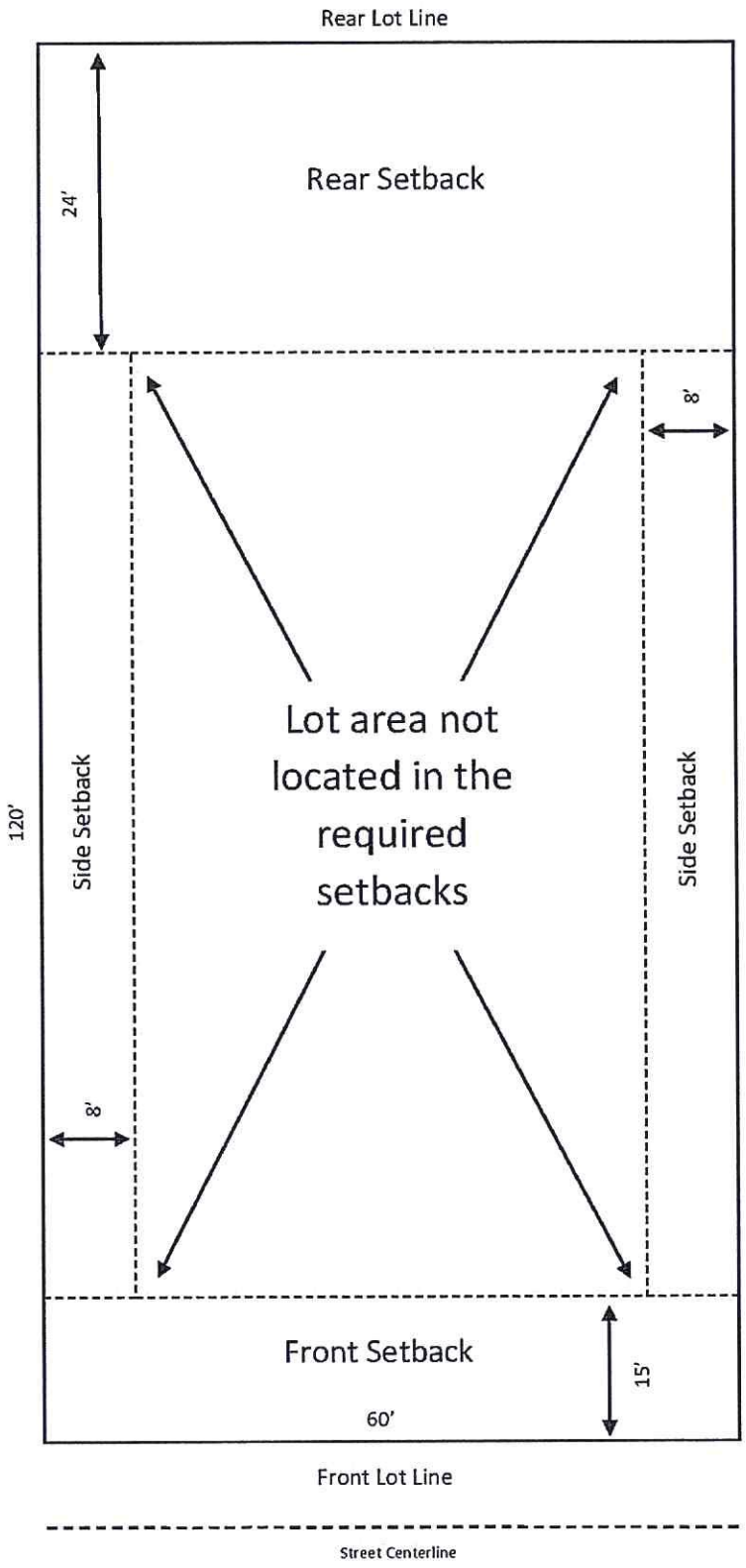


Figure 3.1. Setbacks (Example using R-1 zone setbacks)

65

(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.2.a.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 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.

(T) 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.

(U) 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.

(V) 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.

(W) 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.

(X) 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 (Figure 3.1) for a graphic representation. See also "Front setback", "Rear setback", and "Side setback".

(Y) 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.

(Z) 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.

(AA) 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".

(BB) 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.

(CC) 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.

(DD) Title IV, Chapter 16, Section 16-52.110B is revised to 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.

(EE) 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.

(FF) 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.

SECTION 3. SEVERABILITY.

If any section, subsection, clause, sentence, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Town Council of the Town of Tiburon hereby declares that it would have passed this Ordinance, any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

SECTION 4. PUBLICATION AND EFFECTIVE DATE.

This ordinance shall be in full force and effect thirty (30) days after the date of adoption. Pursuant to the provisions of the California Government Code, a summary of this ordinance shall be prepared by the Town Attorney. At least five (5) days prior to the Town Council meeting at which adoption of the ordinance is scheduled, the Town Clerk shall (1) publish the summary in a newspaper of general circulation in the Town of Tiburon, and (2) post in the office of the Town Clerk a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the Town Clerk shall (1) publish the summary in a newspaper of general circulation in the Town of Tiburon, and (2) post in the office of the Town Clerk a certified copy of the ordinance along with the names of those Council members voting for and against the ordinance.

This ordinance was introduced at a regular meeting of the Town Council of the Town of Tiburon on _____, 2016, and was adopted at a regular meeting of the Town Council of the Town of Tiburon on _____, 2016, by the following vote:

AYES: COUNCILMEMBERS:

NAYS: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

_____

ERIN TOLLINI, MAYOR
Town of Tiburon

ATTEST:

_____

DIANE CRANE IACOPI, TOWN CLERK

Redline Showing Amendments in Context
(Zoning Text Amendments)

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. 4

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.

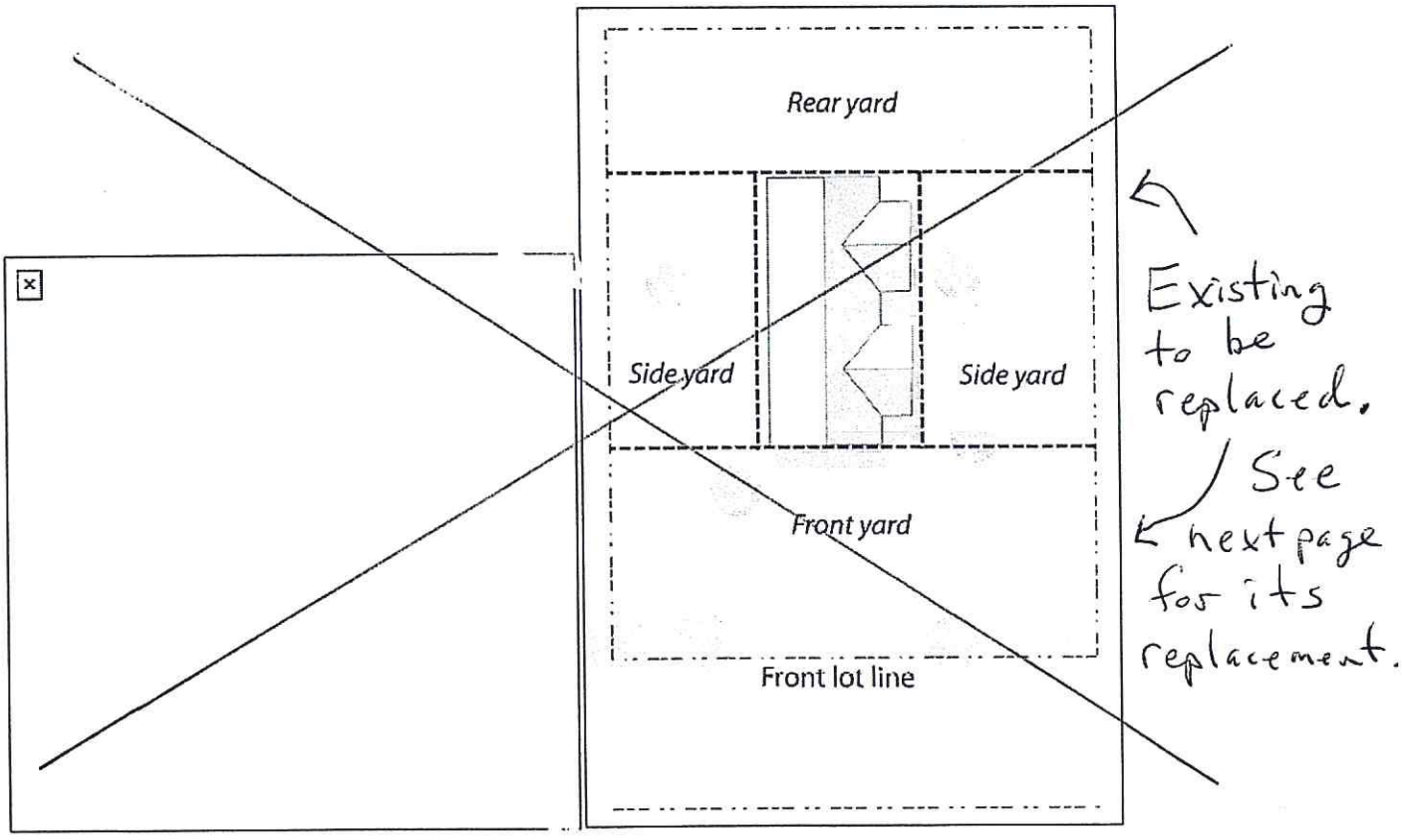


Figure 3-1. Yards

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.

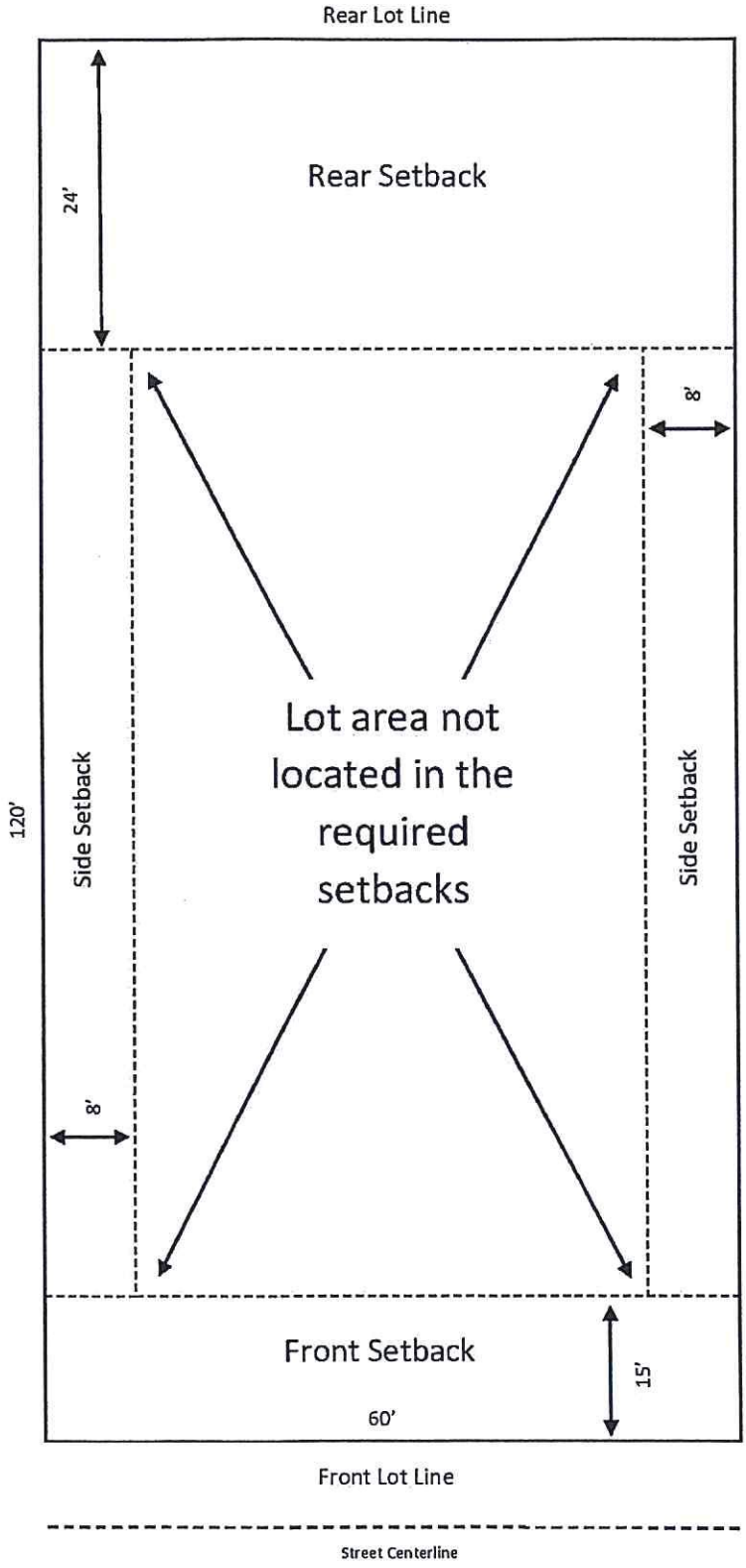


Figure 3-1. Setbacks (Example using R-1 zone setbacks)

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.

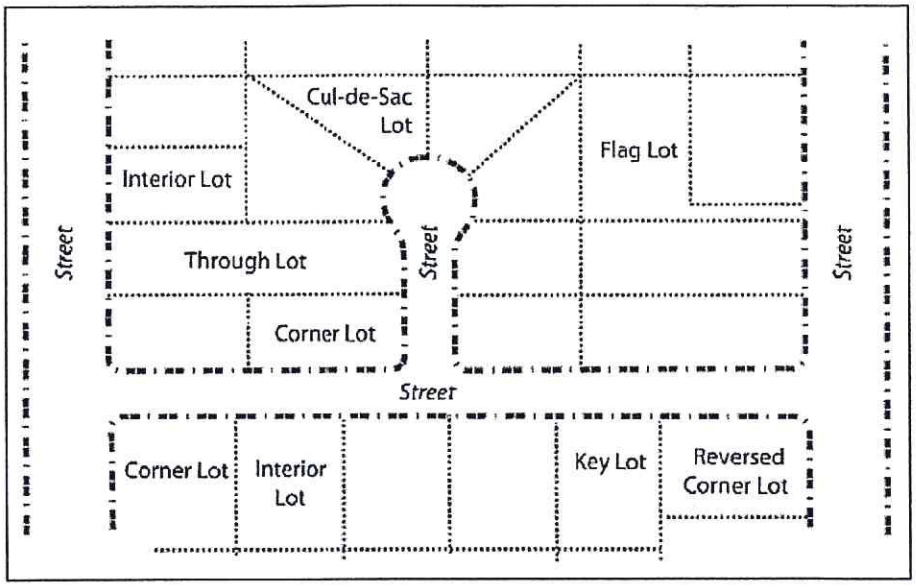


Figure 10-2 Lot Types

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."

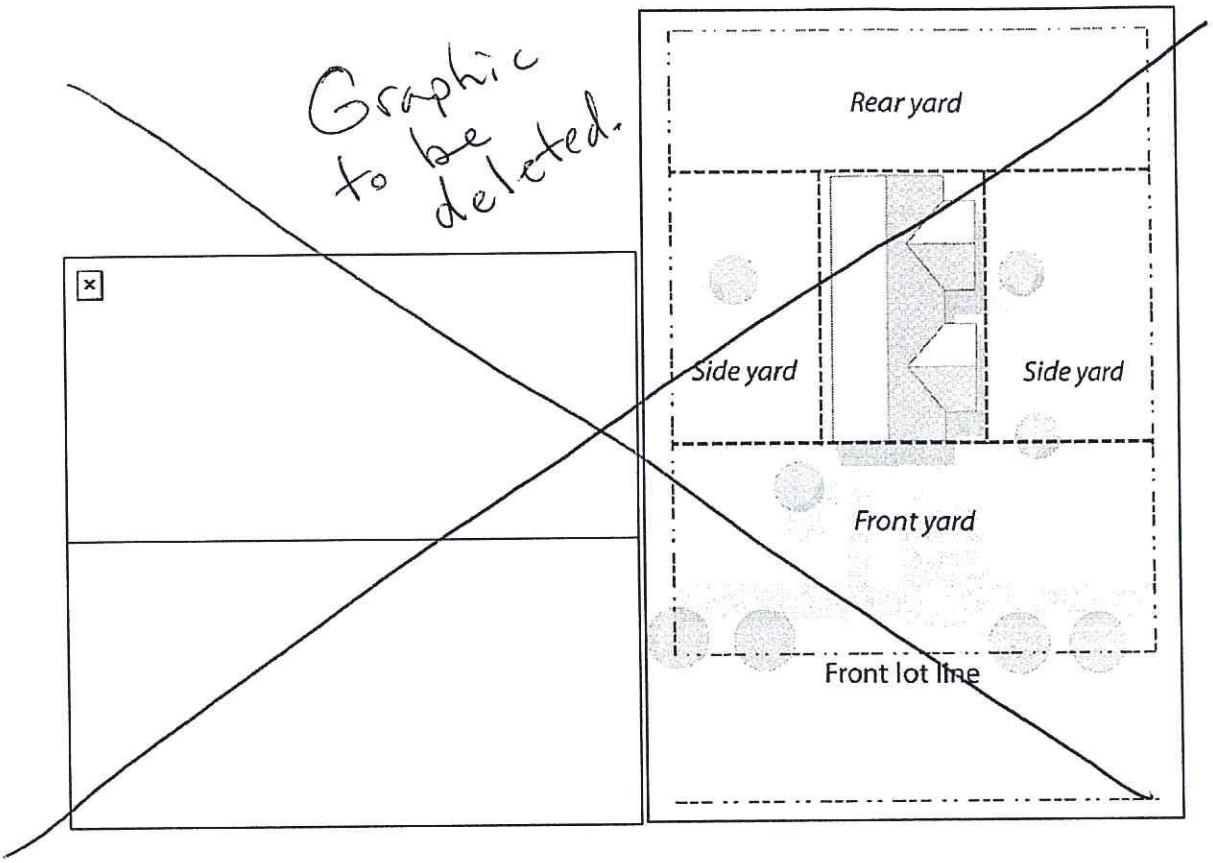
"Yard". When used in the context of a physical portion of a lot or parcel, "yard" is synonymous with "setback".

~~"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. 2016-03

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 February 24, 2016, by the following vote:

AYES: COMMISSIONERS: Corcoran, Kulik, Weller, Williams

NAYS: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Welner

EXHIBIT NO. 5

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. 2016-04

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 February 24, 2016, by the following vote:

AYES: COMMISSIONERS: Corcoran, Kulik, Weller, Williams

NAYS: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Welner

EXHIBIT NO. 6

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.

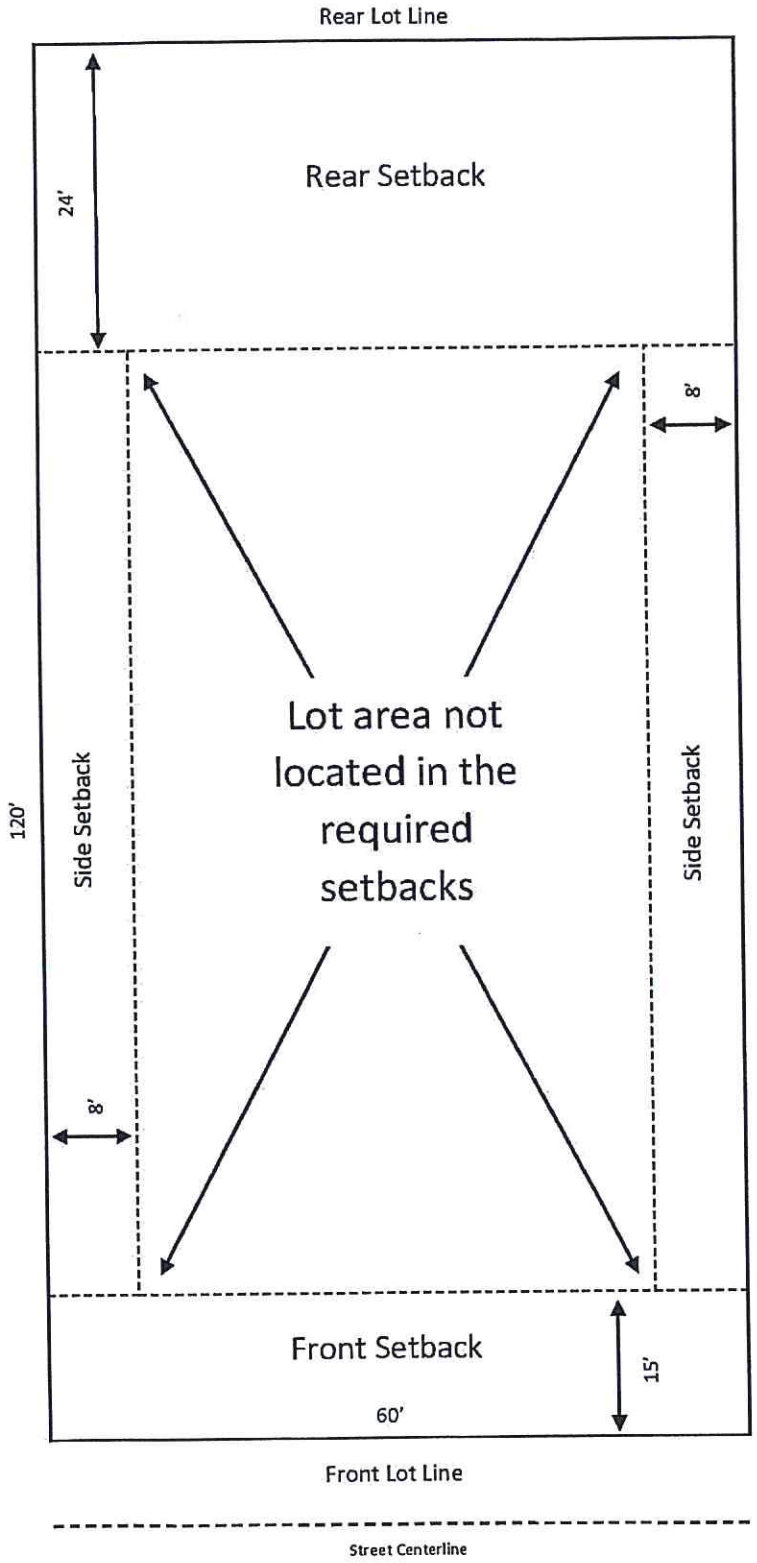


Figure 3.1. Setbacks (Example using R-1 zone setbacks)

(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 OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
March 16, 2016
Agenda Item: PH-2

STAFF REPORT

To: **Mayor and Members of the Town Council**

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: MC

BACKGROUND

The Town is in receipt of a Vesting Tentative Map application from SODA LLC which would subdivide a 52.2 acre parcel into 14 lots. The property is 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. The project is commonly known as the Alta Robles project. In 2012, the Town Council approved the Alta Robles Precise Development Plan. On February 24, 2016 the Planning Commission adopted Resolution No. 2016-02 (**Exhibit 1**) recommending approval with conditions of the Alta Robles Vesting Tentative Map application to the Town Council.

HISTORY

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 2**). 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. It also addressed the design of the homes based on drawings by architect Ken Kao, analyzed environmental impacts of the project, and established a lengthy list of mitigation measures to be implemented as the project is constructed.

The applicants are now applying for the vesting tentative subdivision map approval that would establish the proposed lot lines for the subdivision, consistent with those approved as part of the Alta Robles Precise Development Plan. The tentative subdivision map is the first of several "trailing" permits that follow the precise development plan approval. 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 precise development plan conditions of approval, requirements for preparation of subdivision improvement drawings, requirements for monetary security (bonding), and payment of development impact fees.

Future applications would include a final subdivision map, subdivision improvement drawings, site plan and architectural review applications and building permits for each residence.

PROJECT DESCRIPTION

The proposal sets forth the proposed 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 Alta Robles Vesting 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 Town's consulting engineer and Planning Division Staff have reviewed the Vesting Tentative Map and found it in conformance with the approved Precise Development Plan and state and local subdivision regulations. The Planning Commission reviewed the application on February 24, 2016 and found the tentative map to be consistent with the Tiburon General Plan, the Alta Robles Precise Development Plan, and the Tiburon Subdivision Ordinance.

PUBLIC COMMENTS

Four public comment letters have been received regarding this application (**Exhibits 4-7**), all dating to September 2015. At the February 24, 2016 meeting, the Planning Commission addressed the concerns raised in these letters regarding construction staging and management and requests to reduce the number of approved lots in this subdivision. The Commission determined that conditions of approval attached to the Alta Robles Precise Development Plan and Alta Robles Vesting Tentative Map addressed issues related to construction parking, staging, and management of the project. The Commission also determined that it was inappropriate to reconsider the project density that had been established in the Alta Robles Precise Development Plan following years of extensive review and environmental analysis. Draft minutes of the February 24, 2016 Planning Commission meeting are attached as **Exhibit 8**.

ENVIRONMENTAL REVIEW

A Final Environmental Impact Report was certified by the Town Council in 2011 for this project. No substantive changes to the project are proposed as part of the vesting tentative map and no additional environmental review is warranted or required. All adopted mitigation measures would continue to apply.

RECOMMENDATION

Staff recommends that the Town Council:

1. Hold a public hearing on this item
2. Adopt the draft resolution (**Exhibit 3**) approving the application

EXHIBITS

1. Planning Commission Resolution No. 2016-02
2. Town Council Resolution No. 09-2012
3. Draft Resolution
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. Draft minutes of the February 24, 2016 Planning Commission meeting
9. Application form and supplemental materials
10. Alta Robles Vesting Tentative Map drawings (9 sheets)

Prepared By: Daniel M. Watrous, Planning Manager

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RESOLUTION NO. 2016-02

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.

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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.

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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

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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.

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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.

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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.

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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.

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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. The Construction Management Plan shall specify that 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 indicate that this property cannot be further subdivided.

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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: Corcoran, Kulik, Weller, Williams

NAYS: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Welner

_____
DAVID KULIK, CHAIR
TIBURON PLANNING COMMISSION

ATTEST:

_____
DANIEL WATROUS, SECRETARY

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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

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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)

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RESOLUTION NO. (Draft)-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIBURON
APPROVING 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 Town Council of the Town of Tiburon does resolve as follows:

Section 1. Findings.

A. An application for 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 Town Council 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 March 16, 2016.

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p. 1 of 9

E. The Planning Commission held a duly-noticed public hearing on February 24, 2016, and adopted Resolution No. 2016-02 recommending approval with conditions of the Alta Robles Vesting Tentative Map application to the Town Council.

F. The Town Council held a duly-noticed public hearing on March 16, 2016, and has heard and considered testimony from interested persons.

G. The Town Council finds that the application, as conditioned, is consistent with the goals and policies of the Tiburon General Plan. The Council 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 Town Council of the Town of Tiburon does hereby approve the Alta Robles Vesting Tentative Map application (File #TM2015001), 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.

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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.

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

EXHIBIT NO. 3
p. 3 of 9

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 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

EXHIBIT NO. 3
p. 4 of 9

by the Town Engineer. Street lighting maintenance and utility expense (if any) shall be included in the private roadway maintenance agreement.

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

EXHIBIT NO. 3
p. 5 of 9

satisfy this condition.

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. 3
p. 6 of 9

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. 3
p. 7 of 9

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. The Construction Management Plan shall specify that 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.

EXHIBIT NO. 3
P. 8 of 9

34. The Final Map shall indicate that this property cannot be further subdivided.

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 Town Council of the Town of Tiburon held on March 16, 2016 by the following vote:

AYES: COUNCILMEMBERS:

NAYS: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

_____
ERIN TOLLINI, MAYOR
Town of Tiburon

ATTEST:

_____
DIANE CRANE IACOPI, TOWN CLERK

EXHIBIT NO. 3
p. 9 of 9

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

Chair Kulik lightheartedly commended the applicants on their efforts to reduce emissions from cars in Tiburon by shortening their customers' drives. He felt that the strongest policy pertinent to this use was that "Retail storefronts and active outdoor spaces for community gatherings such as sidewalk cafes which are strongly encouraged." He said that the only practical use for the existing courtyard area would be for alfresco dining or seating for the bakery, so having a little bit of both would be great.

ACTION: It was M/S (Williams/Corcoran) to adopt the Resolution approving the conditional use permit. Motion carried: 4-0.

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

Planning Manager Dan Watrous gave the staff report, stating on February 15, 2012, the Town Council approved the Alta Robles Precise Development Plan which created the allotments for 14 homes that could be developed on this property. The applicants are now applying for the vesting tentative subdivision map approval to establish the proposed lot lines for the subdivision.

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. There is currently a single family dwelling that exists on one lot and of the other 13 lots, they would range in size from 1.03 to 1.67 acres.

Private open space easements and common open space cover approximately 77% of the site. 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.

Staff reviewed the application and found it to be consistent with the Alta Robles Precise Plan, the Tiburon General Plan, the zoning ordinance and the Tiburon subdivision ordinance. Staff concluded that all required findings can be made for conditional approval for this application. Staff recommended that the Commission take public testimony on this item and adopt the draft resolution recommending approval of the vesting tentative map to the Town Council.

Commissioner Weller noted that some of the comments from the public invited the Commission to revisit one aspect of the approval. He said that his impression was that the applicant was given the right by the Town Council to build the number of units that this map reflects, and that it was really not in the Commission's jurisdiction to change that. Mr. Watrous confirmed this and said that the precise development plan would need to be amended to make any substantive changes.

Chair Kulik added that some of the public comments included concerns about construction parking and staging, and he thought that Condition No. 31 of the draft resolution addressed that

EXHIBIT NO. 8
p. 1 of 2

issue. Mr. Watrous stated that concerns about those specific issues were covered in the mitigation measures and conditions of approval.

Daniel Rabin, applicant, thanked the Commission and said that they were excited to move forward with this project. He said that this project went through extensive planning and review when the precise development plan was reviewed in 2012 and the culmination of that process was before the Commission today. He said that his family remains committed to the unique vision of this plan and hope it will set an example for thoughtful and environmentally conscious development for generations to come.

Chair Kulik opened the public hearing and there were no speakers. He closed the public hearing.

Commissioner Weller said that he views the Commission's role as very narrow on this application and not one that involves making a decision about the precise development plan that was already debated and approved. He said that the conditions of approval seemed to accurately reflect the concerns from the public comments. To address the neighbors' concerns about construction parking, he recommended a modification to Condition No. 31 to state, "The construction management plan shall specify that no parking or staging of construction vehicles shall be permitted along or adjacent to Paradise Drive." He supported the resolution with that modification.

Commissioner Corcoran acknowledged the concerns of nearby neighbors, but stated that the Planning Commission did not have much discretion on this particular application. He thought that some of the construction concerns would be addressed when the construction management plan is submitted in the future. He supported approval of the resolution.

Vice Chair Williams agreed with her fellow Commissioners and said that this was a fairly routine process and the Commission's review was quite limited for this application. She appreciated addressing the concerns raised in the letters and said that this is an important role of the Commission. She said that the precise development plan is in full force and effect as are the conditions therein and the applicant has satisfied all conditions regarding additional studies and mitigation requirements to the satisfaction of the Planning Division. She agreed with Commissioner Weller's proposed modification to the construction management plan condition. She felt comfortable making all of the findings the Commission is required to make under the subdivision ordinance.

Chair Kulik concurred and thought the resolution addressed the concerns in the letters.

ACTION: It was M/S (Weller/Williams) that the Planning Commission make findings and adopt the draft resolution, as modified, recommending approval of the Alta Robles Vesting Tentative Map application to the Town Council, with Condition No. 31 amended to state, "The construction management plan shall specify that no parking or staging of construction vehicles shall be permitted along or adjacent to Paradise Drive." Motion carried: 4-0.

EXHIBIT NO. 8
p. 2 of 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 Robin (415) 522-5700 E-MAIL: ariel.robin@robin.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: slh4ipa@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 # 09-2012 & 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 Robin - 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 #: 29509
By: DC
Date:
Resolution or Ordinance # _____

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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

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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

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