



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

TIBURON TOWN COUNCIL

November 11, 2016
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

CLOSED SESSION

Public Employee Performance Review: Government Code Section 54957

Title: Town Attorney

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.

CC-1. 2017 Building Codes

Adopt ordinance amending Chapter 13 (Building Regulations) of the Tiburon

Municipal Code to adopt by reference the latest State of California-authorized construction codes (Community Development Department)

Documents:

[BUILDING REGULATIONS AMENDMENTS.PDF](#)

CC-2. Electric Bicycle Use

Adopt ordinance amending the Chapter 23 (Motor Vehicles and Traffic) of the Tiburon Municipal Code with regard to electric bicycle use (Community Development Department)

Documents:

[MOTOR VEHICLES AND TRAFFIC AMENDMENTS.PDF](#)

CC-3. Tiburon Peninsula Club EIR

Approve services agreement for preparation of an Environmental Impact Report for the Tiburon Peninsula Club Expansion Project (Community Development Department)

Documents:

[TIBURON PENINSULA CLUB EIR STAFF REPORT.PDF](#)

CC-4. Reclassification Of Public Works Employee

Authorize the reclassification of the Assistant Superintendent of Public Works to Superintendent of Public Works (Department of Public Works)

Documents:

[EMPLOYEE RECLASSIFICATION STAFF REPORT.PDF](#)

CC-5. Commendation Of Diane Crane Iacopi

Adopt resolution commending retiring Town Clerk Diane Crane Iacopi for her outstanding service to the Town of Tiburon (Department of Administrative Services)

Documents:

[COMMENDATION STAFF REPORT.PDF](#)

RECOGNITION OF TOWN SERVICES

Diane Crane Iacopi, Town Clerk, 21 Years Of Service

ACTION ITEMS

AI-1. Heritage & Arts Commission

Consider approval of recommendation by the Heritage & Arts Commission to reduce its membership from nine to seven persons; Resolution (Town Manager Chanis/Commission Chair Hall)

Documents:

[HERITAGE AND ARTS STAFF REPORT.PDF](#)

PUBLIC HEARINGS

PH-1. 60 Monterey Drive

Consider approval of an application for amendment to the Cypress Hollow Precise Development Plan for an additional 740 square feet of floor area to be constructed within the existing footprint of a single-family residence and to add an elevator to the exterior of the building; Resolution (Community Development Department)

Applicants: Michael & Kelly Day
Assessor Parcel No. 034-394-06

Documents:

[60 MONTEREY DRIVE STAFF REPORT.PDF](#)

TOWN COUNCIL REPORTS

TOWN MANAGER REPORT

WEEKLY DIGESTS

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



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

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

STAFF REPORT

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

From: **Community Development Department**

Subject: **Amend Title IV, Chapter 13 (Building Regulations) of the Tiburon Municipal Code to Adopt by Reference and with Modifications the Latest State-Authorized Constriction Codes; File MCA2016-04; Adoption of Ordinance**

Reviewed by: 

BACKGROUND

The Town Council held first reading of this ordinance following a public hearing at its meeting on November 2, 2016, and waived additional readings. The ordinance now comes to the Town Council for consideration of adoption.

PROCEDURE

This is a consent calendar item. The Council's motion to adopt this item on the consent calendar will constitute a motion to confirm the waiver of second reading from the previous meeting and adopt the ordinance. Each Councilmember's vote on the motion to approve this item on the consent calendar will constitute the equivalent of a roll call vote and will be recorded within the ordinance. Should any Councilmember choose to vote differently on this item than other items on the consent calendar, then the vote on this item should be taken separately from other items appearing on the Consent Calendar such that individual votes may be properly recorded. Should the Council wish to discuss the item, it must be removed from the Consent Calendar and voted upon separately.

RECOMMENDATION

Staff recommends that the Town Council approve the adoption of Ordinance No. 566 N. S., a draft of which is attached as **Exhibit 1**, as part of the Consent Calendar.

EXHIBIT

1. Draft Ordinance No. 566 N. S.

Prepared by: Scott Anderson, Director of Community Development 

44 **13-4.1 Building Code.**

45 The Town Council hereby adopts, for the purpose of providing minimum
46 requirements for the protection of life, limb, health, property, safety and welfare of the
47 general public, that certain code known as the 2016 California Building Code (based on
48 the International Building Code, 2015 Edition), Volume 1 and Volume 2, including the
49 following appendices: Appendices F, H, I, J and M as published by the California
50 Building Standards Commission in the California Code of Regulations, Title 24, Part 2,
51 hereinafter referred to as the "California Building Code", save and except such portions
52 as are hereinafter amended or modified by Section 13-4.1.1 of this chapter.

53 **13-4.1.1 Amendments made to the 2016 California Building Code.**

54 The 2016 California Building Code is amended to read as follows:

55 (a) Section 1.8.5.1 is amended to read as follows:

56 1.8.5.1 General. Subject to the provisions of law, including Code of Civil
57 Procedure Section 1822.50 et. seq., officers and agents of the Building Official
58 may enter and inspect public and private properties to secure compliance with
59 the provisions of this code and the rules and regulations promulgated by the
60 department of housing and community development. For limitations and
61 additional information regarding enforcement, see the following:

62 (The remainder of this section is unchanged.)

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64 (b) Section 1.8.8.1 is amended to add the following sentence thereto:

65 For appeal of non-administrative provisions of the code, the local appeals board
66 and the housing appeals board shall be the Tiburon Building Code Appeals
67 Board, except that if required by Health and Safety Code section 19957.5, the
68 local appeals board and the housing appeals board shall be the County of
69 Marin's Disability Access Appeals Board. The town council shall hear appeals
70 of administrative provisions as generally described in the administrative chapter
71 of this code.

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73 (c) Chapter 1, Division II is modified as follows:

74 (1) Section 104.6 is amended to add the following phrase to the end of
75 the last sentence:

76 ", including the warrant provisions of Section 1822.50 et. seq. of
77 the Code of Civil Procedure of the State of California."

78 (2) Section 105.2 is amended to delete subsections 2, 4, 5, 6 and 12,
79 and to modify subsections 1 and 7 to read as follows:

80 1. Detached accessory structures used as playhouses or play
81 structures provided that the structure:

- 82 a. Does not exceed one-hundred twenty (120)
83 square feet in area and is portable (i.e., is not
84 anchored or affixed in any way);
- 85 b. Does not exceed twelve (12) feet in height; and
- 86 c. Contains no plumbing, electricity or heating or
87 cooling appliances.
- 88 d. Does not exceed one-story.

89 7. Painting, papering, tiling, carpeting, counter tops and similar
90 finish work; except that repaving and/or re-striping of parking
91 lots shall require a permit.

92 (3) Section 105.5 is amended to read as follows:

93 1. All permits issued by the Building Official shall expire by
94 limitation and become null and void eighteen (18) months from
95 the date the permit is issued, except as follows:

- 96 a. In instances where the project is unusually large or
97 complex, a twenty-four (24) month permit may be issued
98 in the reasonable discretion of the Building Official at the
99 time of initial issuance; or
- 100 b. In instances where the permittee has proceeded with
101 due diligence and made substantial progress but is
102 unable to complete the project because of unforeseen
103 circumstances beyond the control of the permittee, one
104 extension of up to six (6) months may be granted,
105 without payment of additional charges or penalties. In
106 determining whether due diligence has been exercised,
107 the Building Official shall consider whether work began
108 promptly after permit issuance, whether work was
109 conducted on a regular basis and any other relevant
110 facts.

111 2. Once the initial permit and/or approved six (6) month
112 extension has expired, a Stop Work Order shall be issued and
113 work shall not recommence until the permit is reactivated and
114 extended. Reactivation and extension shall be allowed only if
115 there have been no substantive changes to the approved plans

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and specifications and a Reactivation/Extension Charge equal to the original project construction permit fees is paid. A Reactivation/Extension Charge, for purposes of this section, is primarily a penalty for failure to complete the project within the allotted time, and secondarily a fee to recover the cost of providing additional building inspection division services, and is defined as the subtotal of the building, electrical, plumbing, mechanical, grading, and business license fee portions of the original permit. A permit reactivated and extended under this subsection shall be valid for an additional six (6) months beyond the date of its expiration prior to the reactivation/extension granted pursuant to this paragraph.

3. If the project is not completed within the six (6) month extension allowed under subsection 2 above, a Stop Work Order shall be issued on the date of expiration and work shall not recommence until the permit is reactivated and extended. Reactivation and extension of the permit for another six (6) month period shall be allowed only if there have been no substantive changes in the approved plans and specifications and a Reactivation/Extension Charge equal to three (3) times the original project construction permit fees, as defined in subsection 2 above, is paid. The Building Official may, in his sole discretion, reduce the penalty based on such reasons as the project's nearness to completion and/or the cause of the delay. A permit reactivated and extended under this subsection shall be valid for an additional six (6) months beyond the date of its expiration prior to the reactivation/extension granted pursuant to this paragraph.

4. If the project is not completed within the six (6) month extension allowed under subsection 3 above, a Stop Work Order shall be issued and the matter referred to the town council for resolution. The town council may reactivate and extend the permit for an additional six (6) months upon submission and acceptance of a completion schedule for the project and payment of five (5) times the original project construction permit fees (as defined in subsection 2 above) as a Reactivation/Extension Charge, and provided that there have been no substantive changes in the approved plans and specifications. The town council may, in its sole discretion,

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reduce the reactivation/extension charge based on such reasons as the project's nearness to completion and/or the cause of the delay.

5. If the project is not completed within the six (6) month extension allowed under subsection 4 above, or pursuant to this subsection 5, a Stop Work Order shall be issued and the matter referred to the town council for resolution. The town council may impose additional requirements, such as the retention of a qualified contractor for owner/builder projects or retention of a qualified construction manager for a contracted project, in order to promote swift completion. The town council may reactivate and extend the permit upon imposition of any such conditions deemed reasonable, and payment of five (5) times the original project construction permit fees (as defined in subsection 2 above) as a Reactivation/Extension Charge, provided that there have been no substantive changes in the approved plans and specifications.

(4) Section 109.2 is amended to read as follows:

109.2 Schedule of Fees.

On buildings, structures, electrical, gas, mechanical and plumbing system alterations requiring a permit, a fee for each permit shall be required as set forth in the Building Division Fee Schedule as adopted by resolution of the town council and amended from time to time.

(5) Section 109.4 is amended to read as follows:

109.4 Work commencing before permit issuance.

Any person who commences any work without a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty as set forth in the Town's Schedule of Fines, established by resolution of the town council and amended from time to time.

(6) Section 113.1 is amended by adding the following sentence thereto:

For appeal of non-administrative provisions of the code, the local appeals board and the housing appeals board shall be the Tiburon Building Code Appeals Board, except that if required by Health and Safety Code section 19957.5, the local appeals board and the housing appeals board shall be the County of

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Marin’s Disability Access Appeals Board. The town council shall hear appeals of administrative provisions as generally described in the administrative chapter of this code.

(d) Section 501.2 is amended to read as follows:

501.2 Address Numbers.

1. The following standards for address markings shall apply to residential buildings:

- a. All residential structures shall display a street number in a prominent position so that it shall be easily visible from the street. The numerals in these numbers shall be no less than four inches in height, and one-half inch in width, of a color contrasting to the background and located so they may be clearly seen and read. If a building is not easily visible from the street, then the numbers are to be mounted at the access drive leading to the building.
- b. At each vehicular access to a multiple family dwelling complex having four or more buildings, there shall be an illuminated diagrammatic representation (plot plan) of the complex, which shows the location of the viewer and the building units within the complex.
- c. In multiple family dwelling complexes, any building having a separate identifying factor other than the street number shall be clearly identified in the manner described in subsection a. Each individual unit of residence shall have a unit identifying number, letter, or combination thereof displayed upon the door.
- d. Maps of the multiple family complex will be furnished to the police department and applicable fire district upon completion of construction. The maps shall include building identification and unit identification.
- e. Buildings shall be numbered in such a manner and sequence as to meet with the approval of the enforcing authority.
- f. This section shall not prevent supplementary numbering such as reflective numbers on street curbs or decorative numbering, but this shall be considered supplemental only and shall not satisfy the requirements of this section.

2. The following standards for address markings shall apply to commercial buildings:

- a. The address number of every commercial building shall be located and displayed so that it shall be easily visible from the street.

230 b. The numerals in these numbers shall be no less than six inches in
 231 height, one-half inch in width, and of a color contrasting to the
 232 background. In addition, any business which affords vehicular access to
 233 the rear through any driveway, alleyway, or parking lot shall also display
 234 the same numbers on the rear of the building.

235 c. When required by the Building Official, approved numbers or
 236 addresses shall be placed on all new and existing buildings in such a
 237 position as to be plainly visible and legible from the fire apparatus road
 238 at the back of a property or where rear parking lots or alleys provide an
 239 acceptable vehicular access. Number height and width shall comply
 240 with Section 501.2.

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242 (e) Section 903.2, first sentence, is amended to read as follows:
 243 903.2 Where required.
 244 Approved automatic sprinkler systems in new buildings and structures shall be
 245 provided in the locations described in this section, provided that where
 246 applicable code provisions adopted by the Tiburon Fire Protection District or
 247 Southern Marin Fire Protection District are more restrictive, the more restrictive
 248 provisions shall control.

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250 (f) Section 1015.2 is amended by adding the following sentence:
 251 Guards are also required at waterfront bulkheads, fixed piers and gangways.

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253 (g) Section 1505 is amended to read as follows:
 254 The roof covering on any structure regulated by this code shall be as specified
 255 in California Building Code Chapter 15 with the following conditions:

256 1. All new buildings and new additions shall have at least a Class A-
 257 listed or noncombustible roof covering.

258 2. Where alterations or repairs to existing roofs involve more than fifty
 259 (50) percent of the total area of an existing building within a one year
 260 time period, the entire roof shall be retrofitted with at least a Class A-
 261 listed or noncombustible roof.

262 3. Where applicable code provisions adopted by the Tiburon Fire
 263 Protection District or Southern Marin Fire Protection District are more
 264 restrictive, the more restrictive provisions shall control.

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266 (h) Appendix J "GRADING" is amended as follows:

267 J103.3 Grading Permit Fees. Fees shall be as set forth in the Building Division
268 Fee Schedule established by resolution of the town council as amended from
269 time to time.

270 J110.3 Mud, Loose Dirt, or Debris on Public Street. No person, firm or
271 corporation who has a valid building, demolition or grading permit shall permit
272 any mud, loose dirt or debris to be removed from the job site and deposited on
273 any public street or sidewalk.

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275 **13-4.2 Residential Code.**

276 The Town Council hereby adopts, for the purpose of providing minimum
277 requirements for the protection of life, limb, health, property, safety, and welfare of the
278 general public, that certain code known as the 2016 California Residential Code (based
279 on the International Residential Code, 2015 edition), including Appendices G, H, and J
280 published by the International Code Council, and as amended by the California Building
281 Standards Commission in the California Code of Regulations, Title 24, Part 2.5,
282 hereinafter referred to as the "California Residential Code," save and except such
283 portions as are hereinafter amended or modified by Section 13-4.2.1 of this chapter.

284 **13-4.2.1 Amendments to the 2016 California Residential Code.**

285 The 2016 California Residential Code is amended as follows:

286 (a) Section 1.8.5.1 is amended to read as follows:

287 1.8.5.1 General. Subject to the provisions of law, including Code of Civil
288 Procedure Section 1822.50 et. seq., officers and agents of the Building Official
289 may enter and inspect public and private properties to secure compliance with
290 the provisions of this code and the rules and regulations promulgated by the
291 department of housing and community development. For limitations and
292 additional information regarding enforcement, see the following:

293 (The remainder of this section is unchanged.)

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295 (b) Section 1.8.8.1 to delete the final sentence and add the following:

296 For appeal of non-administrative provisions of the code, the local
297 appeals board and the housing appeals board shall be the Tiburon
298 Building Code Appeals Board, except that if required by Health and
299 Safety Code section 19957.5, the local appeals board and the housing
300 appeals board shall be the County of Marin's Disability Access Appeals

301 Board. The town council shall hear appeals of administrative provisions
302 as generally described in the administrative chapter of this code.

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304 (c) Chapter 1, Division II is modified as follows:

305 (1) Section 104.6 is amended to add the following phrase to the end of
306 the last sentence:

307 " , including the warrant provisions of Section 1822.50 et. seq. of
308 the Code of Civil Procedure of the State of California."

309 (2) Section 105.2 is amended to delete (building) subsections 2, 3, 4, 5,
310 9 and 10, and to modify subsections 1 and 6 to read as follows:

311 1. Detached accessory structures used as playhouses or play
312 structures provided that the structure:

- 313 a. Does not exceed one-hundred twenty (120)
314 square feet in area and is portable (i.e., is not
315 anchored or affixed in any way);
- 316 b. Does not exceed twelve (12) feet in height; and
- 317 c. Contains no plumbing, electricity or heating or
318 cooling appliances.
- 319 d. Does not exceed one-story.

320 6. Painting, papering, tiling, carpeting, counter tops and similar
321 finish work; except that repaving and/or re-striping of parking
322 lots shall require a permit.

323 (3) Section 105.5 is amended to read as follows:

324 Section 105.5 Expiration.

325 1. All permits issued by the Building Official shall expire by
326 limitation and become null and void eighteen (18) months from
327 the date the permit is issued, except as follows:

- 328 a. In instances where the project is unusually large or
329 complex, a twenty-four (24) month permit may be issued
330 in the reasonable discretion of the Building Official at the
331 time of initial issuance; or
- 332 b. In instances where the permittee has proceeded with
333 due diligence and made substantial progress but is
334 unable to complete the project because of unforeseen
335 circumstances beyond the control of the permittee, one
336 extension of up to six (6) months may be granted,
337 without payment of additional charges or penalties. In

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determining whether due diligence has been exercised, the Building Official shall consider whether work began promptly after permit issuance, whether work was conducted on a regular basis and any other relevant facts.

2. Once the initial permit and/or approved six (6) month extension has expired, a Stop Work Order shall be issued and work shall not recommence until the permit is reactivated and extended. Reactivation and extension shall be allowed only if there have been no substantive changes to the approved plans and specifications and a Reactivation/Extension Charge equal to the original project construction permit fees is paid. A Reactivation/Extension Charge, for purposes of this section, is primarily a penalty for failure to complete the project within the allotted time, and secondarily a fee to recover the cost of providing additional building inspection division services, and is defined as the subtotal of the building, electrical, plumbing, mechanical, grading, and business license fee portions of the original permit. A permit reactivated and extended under this subsection shall be valid for an additional six (6) months beyond the date of its expiration prior to the reactivation/extension granted pursuant to this paragraph.

3. If the project is not completed within the six (6) month extension allowed under subsection 2 above, a Stop Work Order shall be issued on the date of expiration and work shall not recommence until the permit is reactivated and extended. Reactivation and extension of the permit for another six (6) month period shall be allowed only if there have been no substantive changes in the approved plans and specifications and a Reactivation/Extension Charge equal to three (3) times the original project construction permit fees, as defined in subsection 2 above, is paid. The Building Official may, in his sole discretion, reduce the penalty based on such reasons as the project's nearness to completion and/or the cause of the delay. A permit reactivated and extended under this subsection shall be valid for an additional six (6) months beyond the date of its expiration prior to the reactivation/extension granted pursuant to this paragraph.

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4. If the project is not completed within the six (6) month extension allowed under subsection 3 above, a Stop Work Order shall be issued and the matter referred to the town council for resolution. The town council may reactivate and extend the permit for an additional six (6) months upon submission and acceptance of a completion schedule for the project and payment of five (5) times the original project construction permit fees (as defined in subsection 2 above) as a Reactivation/Extension Charge, and provided that there have been no substantive changes in the approved plans and specifications. The town council may, in its sole discretion, reduce the reactivation/extension charge based on such reasons as the project's nearness to completion and/or the cause of the delay.

5. If the project is not completed within the six (6) month extension allowed under subsection 4 above, or pursuant to this subsection 5, a Stop Work Order shall be issued and the matter referred to the town council for resolution. The town council may impose additional requirements, such as the retention of a qualified contractor for owner/builder projects or retention of a qualified construction manager for a contracted project, in order to promote swift completion. The town council may reactivate and extend the permit upon imposition of any such conditions deemed reasonable, and payment of five (5) times the original project construction permit fees (as defined in subsection 2 above) as a Reactivation/Extension Charge, provided that there have been no substantive changes in the approved plans and specifications.

(d) Section R319.1 is amended to read as follows:

R319.1 Address Numbers. The following standards for address markings shall apply to residential buildings:

a. All residential structures shall display a street number in a prominent position so that it shall be easily visible from the street. The numerals in these numbers shall be no less than four inches in height, and one-half inch in width, of a color contrasting to the background and located so they may be clearly seen and read. If a building is not easily visible from the street, then the numbers are to be mounted at the access drive leading to the building.

- 414 b. At each vehicular access to a multiple family dwelling complex having
415 four or more buildings, there shall be an illuminated diagrammatic
416 representation (plot plan) of the complex, which shows the location of
417 the viewer and the building units within the complex.
- 418 c. In multiple family dwelling complexes, any building having a separate
419 identifying factor other than the street number shall be clearly identified
420 in the manner described in subsection a. above. Each individual unit of
421 residence shall have a unit identifying number, letter, or combination
422 thereof displayed upon the door.
- 423 d. Maps of the multiple family complex will be furnished to the police
424 department and applicable fire district upon completion of construction.
425 The maps shall include building identification and unit identification.
- 426 e. Buildings shall be numbered in such a manner and sequence as to
427 meet with the approval of the enforcing authority.
- 428 f. This section shall not prevent supplementary numbering such as
429 reflective numbers on street curbs or decorative numbering, but this
430 shall be considered supplemental only and shall not satisfy the
431 requirements of this section.

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433 (e) Section R312.1.1 is amended by adding the following sentence:
434 "Guards are also required at waterfront bulkheads, fixed piers and gangways."
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436 (f) Section R313.3, first sentence, is amended to read as follows:
437 R313.3 Where required.
438 Approved automatic sprinkler systems in new buildings and structures shall be
439 provided in the locations described in this section, provided that where
440 applicable code provisions adopted by the Tiburon Fire Protection District or
441 Southern Marin Fire Protection District are more restrictive, the more restrictive
442 provisions shall control.

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444 (g) Section R905 is amended to read as follows:
445 The roof covering on any structure regulated by this code shall be as specified
446 in California Residential Code Chapter 9 with the following conditions:
447 1. All new buildings and new additions shall have at least a Class A-
448 listed or noncombustible roof covering.
449 2. Where alterations or repairs to existing roofs involve more than fifty
450 percent of the total area of an existing building within a one year time

451 period, the entire roof shall be retrofitted with at least a Class A-listed or
452 noncombustible roof.

453 3. Where applicable code provisions adopted by the Tiburon Fire
454 Protection District or Southern Marin Fire Protection District are more
455 restrictive, the more restrictive provisions shall control.

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458 **13-4.3 Plumbing Code.**

459 The Town Council hereby adopts, for the purpose of providing minimum
460 requirements for the protection of life, limb, health, property, safety and welfare of the
461 general public, that certain code known as the 2016 California Plumbing Code (based
462 on the Uniform Plumbing Code, 2015 Edition), including Appendices A, B, D, I, and L
463 published by the International Association of Plumbing and Mechanical Officials, and as
464 amended by the California Building Standards Commission in the California Code of
465 Regulations, Title 24, Part 5, hereinafter referred to as the "California Plumbing Code",
466 save and except such portions as are hereinafter amended or modified by Section 13-
467 4.3.1 of this chapter.

468 **13-4.3.1 Amendments made to the 2016 California Plumbing Code.**

469 The 2016 California Plumbing Code is amended as follows:

470 (a) Section 1.8.5.1 is amended to modify the first sentence to read as
471 follows:

472 Section 1.8.5.1 General. Subject to the provisions of law, including Section
473 1822.50 et. seq. of the Code of Civil Procedure of the State of California,
474 officers and agents of the Building Official may enter and inspect public and
475 private properties to secure compliance with the provisions of this code.

476 (The remainder of this section is unchanged)

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478 (b) Section 1.8.8.1 is amended by deleting the final sentence and adding
479 the following sentence thereto:

480 For appeal of non-administrative provisions of the code, the local
481 appeals board and the housing appeals board shall be the Tiburon
482 Building Code Appeals Board, except that if required by Health and
483 Safety Code section 19957.5, the local appeals board and the housing
484 appeals board shall be the County of Marin's Disability Access Appeals

485 Board. The town council shall hear appeals of administrative provisions
486 as generally described in the administrative chapter of this code.

487
488 (c) Chapter 1, Division II is amended as follows:

489 (1) Section 101.1 is amended to read as follows:

490 These regulations shall be known as the California Plumbing
491 Code, may be cited as such, and will be referred to herein as
492 "this code".

493 (2) Section 103.1 is amended to read as follows:

494 The definition of "AUTHORITY HAVING JURISDICTION" is amended to
495 read as follows:

496 AUTHORITY HAVING JURISDICTION — The Authority Having
497 Jurisdiction shall mean the Building Official or his duly authorized
498 representative.

499
500 (3) Section 103.4.2 is deleted.

501
502 (4) Section 104.3 is amended to read as follows:

503 103.2.1 Application. To obtain a permit, the applicant shall apply
504 to the Authority Having Jurisdiction for that purpose. Every such
505 application shall:

506 (The remainder of this section is unchanged.)

507
508 (5) Section 104.3.2 is amended to read as follows:

509 104.3.2 General. Fees shall be assessed in accordance with the
510 provisions of this section and as set forth in the Building Division
511 Fee Schedule adopted by resolution of the town council and
512 amended from time to time.

513
514 (6) Section 104.5 is amended to read as follows:

515 104.5 Fees. Any person desiring a permit required by this code
516 shall, at the time of issuance therefore, pay a fee, which fee
517 shall be as set forth in the Building Division Fee Schedule
518 adopted by resolution of the town council and amended from
519 time to time.

520

521 (7) Section 105.2.6 is amended to replace the fourth paragraph with
522 the following:

523 To obtain re-inspection, the applicant shall first pay the re-
524 inspection fee in accordance with the Building Division Fee
525 Schedule adopted by resolution of the town council and
526 amended from time to time.

527 (8) Table 1-1 is deleted.

528
529 (9) Section 203.0 is amended to read as follows:

530 The definition of "AUTHORITY HAVING JURISDICTION" is amended to read
531 as follows:

532 AUTHORITY HAVING JURISDICTION — The Authority Having
533 Jurisdiction shall mean the Building Official or his duly authorized
534 representative.

535

536 **13-4.4 Electrical Code.**

537 The Town Council hereby adopts, for the purpose of providing minimum
538 requirements for the protection of life, limb, health, property, safety and welfare of the
539 general public, that certain code known as the 2016 California Electrical Code (based
540 on the National Electrical Code, 2014 Edition) as published by the National Fire
541 Protection Association, and as amended by the California Building Standards
542 Commission in the California Code of Regulations, Title 24, Part 3, hereinafter referred
543 to as the "California Electrical Code", save and except such portions as are hereinafter
544 amended or modified by Section 13-4.4.1 of this chapter.

545 **13-4.4.1 Amendments made to the 2016 California Electrical Code.**

546 The 2016 California Electrical Code is amended or modified as follows:

547 (a) Section 89.108.4.2 is amended to read as follows:

548

549 89.108.4.2 Fees. Any person desiring a permit required by this code
550 shall, at the time of issuance thereof, pay a fee, which shall be as set
551 forth in the Building Division Fee Schedule adopted by resolution of the
552 town council and amended from time to time.

553

554 (b) Section 89.108.5.1 is amended to modify the first sentence to read as
555 follows:

556 Section 89.108.5.1 General. Subject to other provisions of law,
557 including Section 1822.50 et. seq. of the Code of Civil Procedure of the
558 State of California, officers and agents of the Building Official may enter
559 and inspect public and private properties to secure compliance with the
560 provisions of this code.

561 (The remainder of this section is unchanged.)

562
563 (c) Section 89.108.8.1 is amended by adding the following sentence
564 thereto:

565 For appeal of non-administrative provisions of the code, the local
566 appeals board and the housing appeals board shall be the Tiburon
567 Building Code Appeals Board, except that if required by Health and
568 Safety Code section 19957.5, the local appeals board and the housing
569 appeals board shall be the County of Marin's Disability Access Appeals
570 Board. The town council shall hear appeals of administrative provisions
571 as generally described in the administrative chapter of this code.

572
573 (d) Article 100 is amended to read as follows:

574 The definition of "Authority Having Jurisdiction" is amended to read as
575 follows:

576 Authority Having Jurisdiction (AHJ)—The Authority Having
577 Jurisdiction shall mean the Building Official or his or her duly
578 authorized representative.

579
580 (e) Section 210.12 (B) is amended by adding the following sentence:

581 The provisions of this section shall apply to existing dwelling units when
582 electrical service panels or sub-panels are replaced or upgraded.

583 **13-4.5 Fire Code.**

584 The Town Council hereby adopts, for the purpose of providing minimum
585 requirements for the protection of life, limb, health, property, safety and welfare of the
586 general public, that certain code known as the 2016 California Fire Code (as adopted
587 and modified by the current Tiburon Fire Protection District and Southern Marin Fire
588 Protection District ordinances), which Code and ordinances are hereby referred to,
589 ratified, and made a part hereof as if fully set forth herein. Copies of said code and
590 ordinances are on file and available for public inspection in the office of the town clerk.

591 **13-4.6. Housing Code.**

592 The Town Council hereby adopts, for the purpose of providing minimum
593 requirements for the protection of life, limb, health, property, safety and welfare of the
594 general public, that certain code known as the Uniform Housing Code (1997 Edition, as
595 published by the International Conference of Building Officials), hereinafter referred to
596 as the "Uniform Housing Code", save and except such portions as are hereinafter
597 changed or modified by Section 13-4.6.1 of this chapter.

598 **13-4.6.1 Amendments made to the 1997 Uniform Housing Code.**

599 The 1997 Uniform Housing Code is amended as follows:

600 (a) Section 103 is amended to revise the second sentence of the first
601 paragraph to read as follows:

602 Such occupancies in existing buildings may be continued as provided
603 by the California Existing Building Code, as contained in Title 24, Part
604 10 of the California Code of Regulations, except such structures as are
605 found to be substandard as defined by this code.

606
607 (b) Section 104.1 is amended to read as follows:

608 All buildings or structures that are required to be repaired under the
609 provisions of this code shall be subject to the provisions of the
610 California Existing Building Code, as contained in Title 24, Part 10 of
611 the California Code of Regulations.

612
613 (c) Section 201.1 is amended to revise the first paragraph to read as
614 follows:

615 The Building Official and his designees are hereby authorized and
616 directed to enforce all of the provisions of this code. For such purposes,
617 such officials shall have the powers of law enforcement officers.

618
619 (d) Section 201.2 is amended to read as follows:

620 Whenever necessary to make an inspection to enforce any of the
621 provisions of this title, or whenever the Building Official or his authorized
622 representative has reasonable cause to believe that there exists in any
623 building or upon any premises an immediate threat to health and safety,
624 the Building Official or his authorized representative may enter such
625 building or premises at all reasonable times to inspect the same or to
626 perform any duty imposed upon the Building Official by this code;
627 provided, that if such building or premises be occupied he shall first

628 present proper credentials and demand entry; and if such building or
629 premises be unoccupied he shall first make a reasonable effort to locate
630 the owner or other persons having charge or control of the building or
631 premises and demand entry. If such entry is refused, the Building
632 Official, or his authorized representative, shall have recourse to every
633 remedy provided by law to secure entry, including the warrant
634 provisions of Section 1822.50 et seq. of the Code of Civil Procedure of
635 the State of California.

636
637 (e) Section 203.1 is amended by adding the following sentence thereto:
638 For appeal of non-administrative provisions of the code, the housing
639 advisory and appeals board shall be the Tiburon Building Code Appeals
640 Board. If required by Health and Safety Code section 19957.5, the
641 housing advisory and appeals board shall be the County of Marin's
642 Disability Access Appeals Board. The town council shall hear appeals
643 of administrative provisions of this code.

644
645 (f) Section 301 is amended to read as follows:
646 No building or structure regulated by this code shall be erected,
647 constructed, enlarged altered, repaired, moved, improved, removed,
648 converted or demolished unless a separate permit for each building or
649 structure has first been obtained as required by the Building Code.

650
651 (g) Section 302 is deleted.

652
653 (h) Section 303 is amended to read as follows:
654 Buildings or structures within the scope of this code and all construction
655 or work for which a permit is required shall be subject to inspection by
656 the Building Official as provided by this code and in accordance with the
657 applicable requirements of the Building Code.

658
659 (i) Section 401 is amended as follows:
660 The definition of "Building Code" in Section 401 is amended to read as
661 follows:
662 BUILDING CODE is the California Building Code as adopted
663 with amendments by the Town of Tiburon.

664

665 (j) A definition for "Building Official" is added to Section 401 to read as
666 follows:

667 BUILDING OFFICIAL is the Building Official in the Community
668 Development Department of the Town of Tiburon.

669

670 (k) The definition of "Mechanical Code" in Section 401 is amended to read
671 as follows:

672 MECHANICAL CODE is the California Mechanical Code as adopted
673 with amendments by the Town of Tiburon.

674

675 (l) The definition of "Plumbing Code" in Section 401 is amended to read as
676 follows:

677 PLUMBING CODE is the California Plumbing Code as adopted with
678 amendments by the Town of Tiburon.

679

680 **13-4.7 Mechanical Code.**

681 The Town Council hereby adopts, for the purpose of providing minimum
682 requirements for the protection of life, limb, health, property, safety and welfare of the
683 general public, that certain code known as the 2016 California Mechanical Code (based
684 on the Uniform Mechanical Code, 2015 Edition) as amended by the California Building
685 Standards Commission in the California Code of Regulations, Title 24, Part 4,
686 hereinafter referred to as the "California Mechanical Code", save and except such
687 portions as are hereinafter amended or modified by Section 13-4.7.1 of this chapter.

688 **13-4.7.1 Amendments made to the 2016 California Mechanical Code.**

689 The 2016 California Mechanical Code is amended as follows:

690 (a) Chapter 1, Division I, Section 1.8.8.1 is amended by adding the
691 following sentence thereto:

692 For appeal of non-administrative provisions of the code, the board of
693 appeals shall be the Tiburon Building Code Appeals Board, except that
694 if required by Health and Safety Code section 19957.5, the board of
695 appeals shall be the County of Marin's Disability Access Appeals Board.
696 The town council shall hear appeals of administrative provisions as
697 generally described in the administrative chapter of this code.

698

699 (b) Chapter 1, Division II is amended as follows:

700 (1) Section 101.1 is amended to read as follows:
701 These regulations shall be known as the California Mechanical
702 Code, may be cited as such, and will be referred to herein as
703 "this code".
704

705 (c) Section 107.1 is amended by adding thereto:
706 For appeal of non-administrative provisions of the code, the board of
707 appeals shall be the Tiburon Building Code Appeals Board, except that
708 if required by Health and Safety Code section 19957.5, the board of
709 appeals shall be the County of Marin's Disability Access Appeals Board.
710 The town council shall hear appeals of administrative provisions as
711 generally described in the administrative chapter of this code.
712

713 (d) Section 104.3.2 is amended to read as follows:
714 104.3.2 General. Fees shall be assessed in accordance with the
715 provisions of this section and as set forth in the Building Division
716 Fee Schedule adopted by resolution of the town council and
717 amended from time to time.
718

719 (e) Section 104.5 is amended to read as follows:
720 104.5 Fees. Any person desiring a permit required by this code
721 shall, at the time of issuance for the permit, pay a fee, which fee
722 shall be as set forth in the Building Division Fee Schedule
723 adopted by resolution of the town council and amended from
724 time to time.
725

726 (f) Section 105.2.6 is amended to replace the third paragraph with the
727 following:
728 To obtain re-inspection, the applicant shall first pay the re-
729 inspection fee in accordance with the Building Division Fee
730 Schedule adopted by resolution of the town council and
731 amended from time to time.
732

733 (g) Section 203.0 is amended as follows:
734 The definition of "AUTHORITY HAVING JURISDICTION" is amended to
735 read as follows:

736 AUTHORITY HAVING JURISDICTION — The Authority Having
737 Jurisdiction shall mean the Building Official or his duly
738 authorized representative.

739

740 **13-4.8 Dangerous Building Code.**

741 The Dangerous Building Code of the Town shall be the California Code for the
742 Abatement of Dangerous Buildings (1997 edition, as published by the International
743 Conference of Building Officials), on file with the office of the Town Clerk, which Code
744 is hereby referred to, adopted and made a part hereof as if fully set forth herein, save
745 and except such portions as are hereinafter amended or modified by Section 13-4.8.1
746 of this chapter.

747 **13-4.8.1 Amendments made to the 1997 California Code for the Abatement of**
748 **Dangerous Buildings.**

749 The 1997 California Code for the Abatement of Dangerous Buildings is
750 amended as follows:

751 (a) Section 103 is amended to read as follows:

752 All buildings or structures which are required to be repaired under the
753 provisions of this code shall be subject to the provisions of the
754 California Existing Building Code, as contained in Title 24, Part 10 of
755 the California Code of Regulations.

756

757 (b) Section 201.3 is amended to read as follows:

758 Whenever necessary to make an inspection to enforce any of the
759 provisions of this title, or whenever the Building Official or his authorized
760 representative has reasonable cause to believe that there exists in any
761 building or upon any premises an immediate threat to health and safety,
762 the Building Official or his authorized representative may enter such
763 building or premises at all reasonable times to inspect the same or to
764 perform any duty imposed upon the Building Official by this code;
765 provided, that if such building or premises be occupied he shall first
766 present proper credentials and demand entry; and if such building or
767 premises be unoccupied he shall first make a reasonable effort to locate
768 the owner or other persons having charge or control of the building or
769 premises and demand entry. If such entry is refused, the Building
770 Official, or his authorized representative, shall have recourse to every

771 remedy provided by law to secure entry, including the warrant
772 provisions of Section 1822.50 et seq. of the Code of Civil Procedure of
773 the State of California.

774

775 (c) Section 203 is deleted.

776

777 (d) Section 204 is amended to read as follows:

778 All buildings or structures within the scope of this code and all
779 construction or work for which a permit is required shall be subject to
780 inspection by the Building Official as provided in this code and in
781 accordance with the applicable requirements of the Building Code.

782

783 (e) Section 205.1 is amended by adding the following sentence thereto:

784 For appeal of non-administrative provisions of the code, the board of
785 appeals shall be the Tiburon Building Code Appeals Board, except that
786 if required by Health and Safety Code section 19957.5, the board of
787 appeals shall be the County of Marin's Disability Access Appeals Board.
788 The town council shall hear appeals of administrative provisions of this
789 code.

790

791 (f) Section 301 is amended as follows:

792 The definition of "Building Code" is amended to read as follows:
793 BUILDING CODE is the California Building Code as adopted with
794 amendments by the Town of Tiburon.

795

796 (g) A definition of "Building Official" is added to read as follows:

797 BUILDING OFFICIAL is the Building Official in the Community
798 Development Department of the Town of Tiburon.

799

800 **13-4.9 Green Building Standards Code.**

801 The Town Council hereby adopts, for the purpose of providing minimum
802 requirements to enhance the public health and welfare and assure that residential and
803 commercial development is consistent with the Town's desire to create a more
804 sustainable community by incorporating green building measures into the design,
805 construction, and maintenance of buildings and appurtenant development, that certain
806 code known as the California Green Building Standards Code, 2016 edition (also
807 known as the 2016_CALGreen Code) as published by the California Building Standards

808 Commission in the California Code of Regulations, Title 24, Part 11, herein referred to
809 as the "CALGreen Code," save and except such portions as are hereinafter amended
810 or modified by Section 13-4.9.1 of this chapter.

811 **13-4.9.1 Amendments made to the 2016 CALGreen Code.**

812 The California Green Building Standards Code is amended as follows:

- 813 (a) For new residential construction only (not including additions), the Town
814 Council hereby adopts as mandatory measures the following otherwise
815 voluntary divisions of Appendix A4:
- 816 1. Division A4.1 (Planning & Design);
 - 817 2. Division A4.3 (Water Efficiency & Conservation);
 - 818 3. Division A4.4 (Material Conservation and Resource Efficiency);
 - 819 4. Division A4.5 (Environmental Quality); and
 - 820 5. Division A4.6 (Tier 1 & Tier 2), deleting all Tier 2 measures.

- 821
- 822 (b) For new nonresidential construction only (not including additions), the
823 Town Council hereby adopts as mandatory measures the following
824 otherwise voluntary divisions of Appendix A5:
- 825 1. Division A5.1 (Planning & Design);
 - 826 2. Division A5.3 (Water Efficiency & Conservation);
 - 827 3. Division A5.4 (Material Conservation and Resource Efficiency);
 - 828 4. Division A5.5 (Environmental Quality); and
 - 829 5. Division A5.6 (Tier 1 & Tier 2), deleting all Tier 2 measures.
- 830

831 **13-4.10 Energy Code.**

832 The Energy Code of the Town shall be the California Energy Code, 2016
833 edition, and the appendices thereof, as published by the California Building Standards
834 Commission, on file with the office of the Town Clerk, which Code and appendices are
835 hereby referred to, adopted and made a part hereof as if fully set forth herein.

836 **13-4.11 Miscellaneous Portions of the Building Standards Code.**

837 The Town Council hereby adopts, for the purpose of providing minimum
838 requirements for the protection of life, limb, health, property, safety, and welfare of the
839 general public, 2016 California Building Standards Code Part 8 (Historical Building

840 Code), Part 10 (Existing Building Code), and Part 12 (Referenced Standards Code),
841 said codes being on file with the office of the Town Clerk.

842

843 **Section 3. Findings Pursuant to Health & Safety Code.**

844

845 A. California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5
846 require that findings be made in order to change or modify building standards found
847 in the California Building Standards Code based on local climatic, geologic, or
848 topographic conditions. Therefore, the Town of Tiburon hereby finds that these
849 changes or modifications to the Building Code as adopted herein are reasonably
850 necessary because of the following local climatic, geological and topographical
851 conditions:

852

853 1. Climatic conditions:

854

- 855 a. Most of the annual rainfall in Tiburon occurs during the winter, it receives no
856 measurable precipitation between May and October. During this time, temperatures
857 average between 60 and 85 degrees. These conditions eliminate most of the
858 moisture in the natural vegetation and heavily wooded hillsides. The area also
859 suffers periodic droughts that can extend the dry periods to other months of the year.
860 These conditions can be further exacerbated by occasional off-shore hot, dry, Santa-
861 Ana winds.
- 862 b. Most of the annual rainfall in Tiburon occurs during the winter, and some portions
863 of Tiburon are subject to tidal influences, there are times that flooding conditions
864 occur in low-lying areas.
- 865 c. Tiburon is situated within a densely populated major metropolitan area (the San
866 Francisco Bay Area) that generates and releases into the atmosphere significant
867 quantities of greenhouse gases, which have detrimental effects to the local climate
868 as determined by the State of California.

869

870 2. Geologic conditions:

871

- 872 a. Tiburon lies near several earthquake faults, including the very active San Andreas
873 Fault and the Hayward Fault, and there are significant potential hazards such as road
874 closures, fires, collapsed buildings, and isolation of residents requiring assistance.
- 875
- 876 b. Much of the Downtown commercial area is located on bay alluvial soils, which are
877 subject to liquefaction in the event of an earthquake.

878

879 3. Topographic conditions:

880

- 881 a. Much of Tiburon is located in steep, hilly areas; many of the residential areas are
882 heavily landscaped; and many exist adjacent to hilly open space areas which are
883 characterized by dry vegetation and have limited access. In addition, the steepness

884 of grades located in the hills and dales results in narrow and winding roads, and
885 limited water supply.

886
887 b. The major arterial route between Tiburon and U. S. Highway 101 is Tiburon
888 Boulevard (State Highway 131). Should that highway become impassable, the only
889 alternative roadway on and off the Peninsula is Paradise Drive, a narrow, winding
890 road easily subject to closure in storms and having an extensive history of lane
891 failures due to unstable soils and poor drainage. This would result in traffic
892 congestion, severely limiting emergency access.

893
894 B. Adoption by Reference of Tiburon Fire Protection District and Southern Marin Fire
895 District Findings:

896
897 The Town Council further adopts by reference all applicable climatic, geological,
898 and topographical conditions findings of the Tiburon Fire Protection District and the
899 Southern Marin Fire Protection District in their most recently-enacted ordinances
900 adopting and modifying the California Fire Code and other related codes.

901
902 C. The above modified building standards are listed below with the corresponding
903 climatic, geological or topographical condition which necessitates the modification.
904

Residential Building Code Section Number	Building Code Section Number	Climatic, geological and topographical condition
R319.1	501.2	1a, 2a, 3a, 4
R313.3	903.2	1a, 2a, 3a, 3b, 4
R312.1.1	1015.2	1b, 2a, 4
R905	1505	1a, 4

905
906 **Section 4. Repeal of Local Energy Efficiency Enhancements.**

907
908 Article V (Energy Efficiency Standards) of Title IV, Chapter 13 is deleted in its entirety.

909
910 **Section 5. Severability.**

911
912 If any section, subsection, clause, sentence, or phrase of this Ordinance is for any
913 reason held to be invalid or unconstitutional by a decision of a Court of competent
914 jurisdiction, such decision shall not affect the validity of the remaining portions of the
915 Ordinance. The Town Council of the Town of Tiburon hereby declares that it would have
916 passed this Ordinance, any section, subsection, sentence, clause or phrase thereof,
917 irrespective of the fact that any one or more sections, subsections, sentences, clauses, or
918 phrases may be declared invalid or unconstitutional.

919
920 **Section 6. Effective Date.**

921

922 A summary of this Ordinance shall be published and a certified copy of the full text
923 of this Ordinance shall be posted in the office of Town Clerk at least five (5) days prior to
924 the Council meeting at which it is adopted. This Ordinance shall be in full force and effect
925 thirty (30) days after the date of adoption, or on January 1, 2017 (whichever occurs last),
926 and the summary of this Ordinance shall be published within fifteen (15) days after its
927 adoption, together with the names of the Councilmembers voting for or against same, in a
928 newspaper of general circulation in the Town of Tiburon, County of Marin, State of
929 California.

930
931

932 This ordinance was read and introduced at a regular meeting of the Town Council of
933 the Town of Tiburon, held on the 2nd day of November, 2016, and was adopted at a regular
934 meeting of the Town Council of the Town of Tiburon, held on the ____ day of
935 _____, 2016, by the following vote:

936
937

938 AYES: COUNCILMEMBERS:

939

940 NAYS: COUNCILMEMBERS:

941

942 ABSENT: COUNCILMEMBERS:

943

944

945

946

947

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949

ERIN TOLLINI, MAYOR
TOWN OF TIBURON

950 ATTEST:

951

952

953

954

955 _____
DIANE CRANE IACOPI, TOWN CLERK



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

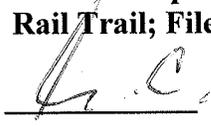
Town Council Meeting
November 16, 2016
Agenda Item: CC-2

STAFF REPORT

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

From: **Community Development Department**

Subject: **Amend Title VI, Chapter 23 (Motor Vehicles and Traffic) of the Tiburon Municipal Code to Clarify Provisions Regarding Electric Bicycles on Town Paths, including Old Rail Trail, and to Establish a 15 mile/8 mile per hour speed limit for wheeled vehicles or devices on Old Rail Trail; File MCA2016-05; Adoption of Ordinance**

Reviewed by: 

BACKGROUND

The Town Council held first reading of this ordinance following a public hearing at its meeting on November 2, 2016, and waived additional readings. The ordinance now comes to the Town Council for consideration of adoption.

PROCEDURE

This is a consent calendar item. The Council's motion to adopt this item on the consent calendar will constitute a motion to confirm the waiver of second reading from the previous meeting and adopt the ordinance. Each Councilmember's vote on the motion to approve this item on the consent calendar will constitute the equivalent of a roll call vote and will be recorded within the ordinance. Should any Councilmember choose to vote differently on this item than other items on the consent calendar, then the vote on this item should be taken separately from other items appearing on the Consent Calendar such that individual votes may be properly recorded. Should the Council wish to discuss the item, it must be removed from the Consent Calendar and voted upon separately.

RECOMMENDATION

Staff recommends that the Town Council approve the adoption of Ordinance No. 567 N. S., a draft of which is attached as **Exhibit 1**, as part of the Consent Calendar.

EXHIBIT

1. Draft Ordinance No. 567 N. S.

Prepared by: Scott Anderson, Director of Community Development 

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ORDINANCE NO. 567N.S. (DRAFT)

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON
AMENDING MUNICIPAL CODE TITLE VI, CHAPTER 23 (REGULATION OF
MOTOR VEHICLES AND TRAFFIC) TO AUTHORIZE THE USE OF CERTAIN
CLASSES OF ELECTRIC BICYCLES ON BICYCLE AND PEDESTRIAN PATHS
OWNED BY THE TOWN OF TIBURON, INCLUDING OLD RAIL TRAIL, AND TO
ESTABLISH A MAXIMUM SPEED LIMIT ON OLD RAIL TRAIL**

The Town Council of the Town of Tiburon does ordain as follows:

SECTION 1. ADOPTION OF AMENDMENTS TO MUNICIPAL CODE.

A. Title VI, Chapter 23, Section 23-24 is amended to read as follows:

23-24 Vehicles and horses prohibited on bicycle/pedestrian paths.

(a) No person shall operate or drive any motorized vehicle upon any portion of any bicycle or pedestrian paths owned by the Town of Tiburon. This prohibition shall not apply to:

- (1) The Town of Tiburon's official vehicles, or to emergency vehicles, operated by public employees;
- (2) Vehicles operated by any public utility company engaged in emergency repairs, or any vehicle operated under the terms of a valid encroachment permit issued by the Town of Tiburon;
- (3) Any "class 1 electric bicycle" or "low-speed pedal-assisted electric bicycle," as defined in California Vehicle Code section 312.5;
- (4) Any "class 2 electric bicycle" or "low-speed throttle-assisted electric bicycle," as defined in California Vehicle Code section 312.5.

(b) No person shall permit or allow any horse to enter any paved portion, exclusive of identified crossing points, of any bicycle or pedestrian path owned by the Town of Tiburon.

EXHIBIT NO. 1

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B. Title VI, Chapter 23, Section 23-25 is amended to read as follows:

23-25 Use of vehicles on Old Rail Trail.

(a) Permitted vehicles and devices. The following uses shall be permitted only on the asphalt concrete portion of that certain multi-use path owned by the Town of Tiburon, commonly known as Old Rail Trail, and formerly the Northwestern Pacific Railroad Company right-of-way, more particularly described in those certain deeds conveying the property to the Town of Tiburon, recorded in Book 2426, Page 99, and Book 2429, Page 428, of the Official Records of Marin County:

- (1) Roller skates or roller blades;
- (2) Skateboards;
- (3) Pedal-powered, non-motorized bicycles or tricycles that do not exceed thirty-six inches in width and are not used for commercial purposes;
- (4) “Class 1 electric bicycles” or “low-speed pedal-assisted electric bicycles” and “class 2 electric bicycles” or “low-speed throttle-assisted electric bicycles,” as defined in California Vehicle Code section 312.5; provided that such bicycles do not exceed thirty-six inches in width and are not used for commercial purposes.
- (5) Baby carriages and strollers;
- (6) Conveyances for disabled persons;
- (7) Emergency vehicles;
- (8) Department of public works vehicles.
- (9) Vehicles operated by any public utility company engaged in emergency repairs, or any vehicle operated under the terms of an encroachment permit issued by the Town of Tiburon.

(b) Vehicles required to yield the right-of-way to pedestrians. Under all circumstances the rider or operator of wheeled vehicles or devices which are permitted uses on Old Rail Trail under subsection (a) of this section, shall yield the right-of-way to pedestrians; due and proper care for the health and safety of pedestrians shall at all times be exercised by the rider or operator of such vehicles or devices.

(c) Group riding. No more than two persons shall ride or operate wheeled vehicles or devices side-by-side on Old Rail Trail.

(d) Racing—Unsafe riding. It is unlawful for any person riding or operating any wheeled vehicle or device to race any other such vehicle or device or person upon Old Rail Trail. It is also unlawful for any person riding or operating any wheeled vehicle or device to engage in any unsafe riding or operating which endangers the health or safety of any person, including the operator or such vehicle.

80 (e) Dangerous speed. It is unlawful for any person to ride or operate any wheeled
81 vehicle or device on Old Rail Trail at a speed greater than fifteen (15) miles per hour,
82 or if pedestrians are present no greater than eight (8) miles per hour, or to endanger the
83 health, safety or property of any other person while riding or operating any wheeled
84 vehicle or device on Old Rail Trail, or to ride or operate such vehicle or device on Old
85 Rail Trail in a reckless, wanton or careless manner so as to endanger the health or
86 safety of any person, including such rider or operator.
87

88 (f) Applicability of traffic regulations. Every person who rides or operates any wheeled
89 vehicle or device permitted on Old Rail Trail shall have all the rights and shall be
90 subject to all of the duties applicable to the driver of a vehicle under this chapter except
91 those provisions which by their very nature can have no application to such persons.

92 **SECTION 2. SEVERABILITY.**

93
94 If any section, subsection, clause, sentence, or phrase of this Ordinance is for any reason held to
95 be invalid or unconstitutional by a decision of a Court of competent jurisdiction, such decision
96 shall not affect the validity of the remaining portions of the Ordinance. The Town Council of the
97 Town of Tiburon hereby declares that it would have passed this Ordinance, any section,
98 subsection, sentence, clause or phrase thereof, irrespective of the fact that anyone or more
99 sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.
100

101 **SECTION 3. PUBLICATION AND EFFECTIVE DATE.**

102
103 This Ordinance shall take effect and be in force thirty (30) days after the date of passage, and
104 before the expiration of fifteen (15) days after passage by the Town Council, a copy of the
105 ordinance shall be published with the names of the members voting for and against it at least
106 once in a newspaper of general circulation published in the Town of Tiburon.
107

108 This ordinance was introduced at a regular meeting of the Town Council of the Town of Tiburon
109 on November 2, 2016, and was adopted at a regular meeting of the Town Council of the Town of
110 Tiburon on _____, 2016, by the following vote:

111
112 AYES: COUNCILMEMBERS:

113
114 NAYS: COUNCILMEMBERS:

115
116 ABSENT: COUNCILMEMBERS:
117
118
119

120 _____
ERIN TOLLINI, MAYOR
TOWN OF TIBURON

121
122 ATTEST:
123
124

125
126

DIANE CRANE IACOPI, TOWN CLERK



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
November 16, 2016
Agenda Item: *CC-3*

STAFF REPORT

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

From: **Community Development Department**

Subject: **Approve Services Agreement for Preparation of an Environmental Impact Report for the Tiburon Peninsula Club Expansion Project**

Reviewed By: *h.c.*

BACKGROUND

The Town of Tiburon is currently processing an application for an expansion of the Tiburon Peninsula Club to construct two additional tennis courts, accessory facilities and parking, and to install lights for six existing courts and the two proposed courts. The Town has determined that an environmental impact report will be required and that outside professional environmental review assistance is required. Staff has received two proposals for the environmental work, as follows:

Leonard Charles & Associates:	\$ 86,169
Nichols Berman Environmental Planning:	\$152,500

Staff recommends that the firm of Leonard Charles & Associates be selected to perform this work. The cost of the services will be borne by the applicants.

RECOMMENDATION

Staff recommends that the Town Council approve the recommended selection and authorize the Town Manager to negotiate and execute the agreement in an amount not to exceed \$86,169.

Prepared By: Scott Anderson, Director of Community Development



TOWN OF TIBURON
 1505 Tiburon Boulevard
 Tiburon, CA 94920

Town Council Meeting
 November 16, 2016
 Agenda Item: CC-4

STAFF REPORT

To: Mayor and Members of the Town Council
From: Office of the Director of Public Works
Subject: Reclassification of Assistant Superintendent of Public Works to Superintendent of Public Works
Reviewed By: *[Signature]*

BACKGROUND

On March 14, 2016, the Town’s Superintendent of Public Works retired. Town Management backfilled the Superintendent’s position at the Assistant Superintendent of Public Works level. Patrick Kerslake was promoted to the Assistant position from his position as Senior Maintenance Worker. The approved FY 2017 Municipal Budget allocated the Assistant Superintendent of Public Works position for the full year. The Director of Public Works has completed the Assistant Superintendent of Public Works six-month evaluation. During the past six months Patrick Kerslake has performed at the Superintendent level and has improved processes in the shop and started new initiatives to improve performance. It is clear that Mr. Kerslake is properly functioning at the level of Superintendent of Public Works and should be promoted to that position.

ANALYSIS

The Assistant Superintendent of Public Work’s current annual salary is \$87,300. The Town’s salary schedule calls for a beginning annual salary of \$96,384 for the Superintendent of Public Works. It is recommended that Patrick Kerslake be promoted to the position of Superintendent of Public Works effective November 7, 2016. Should Council accept this recommendation, the additional cost for the remainder of the fiscal year would be \$6,541, broken down as follows:

Salary	\$6,056
FICA	88
CalPERS	<u>397</u>
	\$6,541

Staff is not recommending a budget amendment for this reclassification as the increased costs can be absorbed in the current budget.

RECOMMENDATION

It is recommended that the Town Council:

1. Authorize the reclassification of the Assistant Superintendent of Public Works to Superintendent of Public Works effective November 7, 2016.

Prepared by: Patrick Barnes



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
November 16, 2016
Agenda Item: CC - 5

STAFF REPORT

To: Mayor and Members of the Town Council
From: Office of the Town Clerk
Subject: Recommendation to Adopt Resolution Commending Diane Crane Iacopi upon her Retirement from the Town of Tiburon
Reviewed By: *M.C.*

BACKGROUND

Town Clerk Diane Crane Iacopi announced her retirement from the Town earlier this year. Diane has been involved in all aspects of our community life over the past twenty-one years. Her dedication to the Town is ongoing, even though she will step down at the end of November.

RECOMMENDATION

Staff recommends that the Council adopt the resolution commending Diane Crane Iacopi for her outstanding service to the Town, upon her retirement.

Exhibit: Resolution
Prepared By: Lea Stefani, Community Development Aide

Resolution No. 28-2016

**A Resolution of the Town Council of the Town of Tiburon Commending
Diane Crane Iacopi
On the Occasion of her Retirement from the Town of Tiburon**

WHEREAS, on March 18, 2015, the Town Council adopted Resolution No. 13-2015, commending Diane Crane Iacopi on her 20th anniversary of employment with the Town of Tiburon; and

WHEREAS, less than 18 months after receiving these commendations, Diane has chosen to deservedly rest on her laurels and retire from her position as the longest-serving Town Clerk in Tiburon's history; and

WHEREAS, Diane has performed the many duties of Town Clerk in an exemplary manner, serving the Town Council with distinction, overseeing elections with openness and fairness, and acting as guardian of the Town's administrative records and a custodian of the Town's recent history; and

WHEREAS, Diane's actions have helped keep the Town on the straight and narrow by navigating the complicated legal waters of the California Fair Political Practices Commission, various and sundry other State regulations, and, of course, the Brown Act; and

WHEREAS, Diane has helped to foster the bonds of community in Tiburon by serving a vital role in the creation and ongoing publication of the Tiburon Talk electronic newsletter to connect the Town with its citizens, facilitating special events throughout Tiburon and ensuring that the Town's records and processes are as open as possible; and

WHEREAS, Diane has managed to accomplish all these things with good humor and strength of character, through changing times and challenging circumstances, and has been a cherished co-worker to all at the Town, but has now chosen a well-earned retirement with her beloved husband Tony.

NOW THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Tiburon, on behalf of all our citizens, does hereby amend and amplify Resolution No. 13-2015 to commend, congratulate and sincerely thank Diane Crane Iacopi for more than 21 years of exceptional service to the Town of Tiburon on the occasion of her retirement in 2016.

PASSED AND ADOPTED at a regular meeting of the Council, on November 16, 2016, by the following vote:

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

ERIN TOLLINI, MAYOR

ATTEST:

GREG CHANIS, DEPUTY TOWN CLERK



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
November 16, 2016
Agenda Item: AI-1

STAFF REPORT

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

From: **Office of the Town Manager**

Subject: **Consider Request from the Heritage & Arts Commission to Reduce its Membership from Nine to Seven Persons---Resolution**

Reviewed by: H.C.

BACKGROUND

In July 2014, the membership of the Heritage & Arts Commission was increased from seven to nine persons as part of a larger update of the Commission's mission, scope, and duties, as set forth in Resolution No. 31-2014 (**Exhibit 1**).

At the time, the stated objective of increasing the membership was to provide adequate manpower to better shoulder the workload borne by the Commission. However, in the two plus years since the membership change was made, it has become apparent that more is not always better. The Commission has had difficulty with member attraction and retention, resulting in prolonged vacancies and creating problems with achieving a simple quorum to hold its regular meetings. For these reasons, a nine-member group is proving to be unsustainable and unwieldy, and the Commission is requesting a return to seven members.

DISCUSSION

The Commission recognizes and appreciates the reasons why the membership was increased in 2014. The Town Council had expressed interest in seeing larger projects such as the Tiburon Art Festival come to fruition, and the hope was that with more "hands", the Heritage & Arts Commission would be able to make such projects more feasible. However, after detailed exploration of this project in particular, and of other projects discussed at the October 27, 2015 Town Council/Heritage and Arts Workshop, the Commission has realized that without extensive collaboration and support by other entities (such as the Chamber of Commerce or the Landmarks Society), these larger events remain beyond the means of the Commission, regardless of the additional hands on board. Instead, the larger membership requirement has through circumstances and unintended consequences reduced the functional effectiveness of the Commission. There are currently two vacancies on the Commission, and the most recent advertisement for recruitment of members produced no applicants. In the interim, attaining a quorum for regular meetings has become an increasing challenge. A return to seven members is therefore being urgently requested by the Commission.

RECOMMENDATION

Staff recommends that the Town Council accept the recommendation of the Heritage & Arts Commission and adopt the resolution (**Exhibit 2**) reducing the membership from nine to seven persons.

EXHIBITS

1. Resolution No. 31-2014
2. Draft Resolution

Prepared by: Patti Pickett, Liaison to Heritage & Arts Commission
Scott Anderson, Director of Community Development

RESOLUTION NO. 31-2014

A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF TIBURON REAFFIRMING THE ESTABLISHMENT OF THE
HERITAGE AND ARTS COMMISSION AND MODIFYING ITS DUTIES AND
MEMBERSHIP TO CONFORM TO PROVISIONS OF CHAPTER 2, ARTICLE VI,
SECTION 2-25 OF THE TIBURON MUNICIPAL CODE

WHEREAS, the Tiburon Peninsula Heritage and Arts (H&A) Commission was established on November 5, 1986 by adoption of Town Council Resolution No. 2417, the provisions of which were subsequently modified by Town Council Resolutions 2746, 3071, and 3329; and

WHEREAS, in 1999, the Town Council adopted Ordinance No. 444 N. S., codified in part as Chapter 2, Article VI of the Tiburon Municipal Code, said ordinance modifying provisions regarding the establishment and duties of boards and commissions authorized by resolution of the Town Council; and

WHEREAS, the H&A Commission constitutes one such commission established by resolution of the Town Council; and

WHEREAS, on June 18, 2014, the Town Council directed Town staff to prepare the documents necessary to expand the membership of the H&A Commission; and

WHEREAS, the prudent course of action would be to update the H&A Commission's governing resolutions to conform with provisions of Chapter 2, Article IV of the Tiburon Municipal Code; and

WHEREAS, Town staff has prepared a draft resolution proposing the recommended membership expansion and incorporating other conforming amendments for consideration by the Town Council; and

WHEREAS, the Town Council has duly considered the draft resolution, and has heard and considered any testimony received on the matter at a public meeting held on July 2, 2014.

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby adopts modified governing provisions, as set forth herein, for the Tiburon Peninsula Heritage and Arts Commission, and supersedes all provisions of Resolutions 2417, 2746, 3071, and 3329, with the exception of the basic establishment clauses set forth therein.

BE IT FURTHER RESOLVED that the Town Council, pursuant to Chapter 2, Article VI, Section 2-25 of the Tiburon Municipal Code, does hereby re-affirm the Tiburon Peninsula Heritage and Arts Commission as an official standing body of the Town of Tiburon and sets forth its duties and qualifications, procedures for appointment and removal, terms of office and other such information as necessary for the proper appointment and functioning of said Commission, as follows:

1. **Mission.** The mission of the H&A Commission is to “Preserve and advance the Town’s unique historic and cultural character and to advance the arts in and for the benefit of the community”.
2. **Purposes.** The purposes of the H&A Commission are:
 - (a) To assist and encourage citizen participation in the cultural and artistic life of the community; and
 - (b) To encourage and support local exposure of the talents of Peninsula residents.
 - (c) To provide initial financial assistance for the pursuit of cultural and related artistic endeavors on the Tiburon Peninsula.
 - (d) To advise, via review and recommendations, Town review authorities and officials on various aspects of the arts and historic and cultural resources on the Tiburon Peninsula.
3. **Duties and Functions.** The duties of the H&A Commission are advisory and may supplement, but not supersede, the duties of a board or commission established by ordinance. The duties and functions of the H&A Commission are established as follows:
 - (a) To recommend the appropriate selection, placement, modification and/or maintenance of art and historic objects in the Town of Tiburon for protection, enhancement, or perpetuation.
 - (b) To make recommendations upon referral pursuant to Title IV, Chapter 13B (Historical Landmarks), of the Tiburon Municipal Code.
 - (c) To approve work and/or exterior alterations to local Historic Landmarks, designated as such pursuant to Chapter 13B of the Municipal Code, when the designating resolution requires H&A Commission review and approval prior to performance of any such work and/or exterior alterations.
 - (d) To make recommendations to the Town Manager pursuant to the adopted Naming of Town-owned Parks, Lands, Streets, and Other Facilities Policy, as may be amended from time to time by the Town Council.
 - (e) To organize, promote and implement events, programs and/or projects that foster and fulfill the mission and purposes of the H&A Commission as set forth herein and which are primarily self-supporting in nature.
 - (f) To review and make recommendations on the request of any group interested in artistic displays at Town of Tiburon facilities.
 - (g) Upon request from the Town Council, Planning Commission, Design Review Board, or Town staff, review and provide recommendations on any zoning permit or other relevant matter involving cultural or historic resources within the Town of Tiburon.
 - (h) To prepare an annual report to the Town Council, on or about June 30 of each year, describing and evaluating the Commission’s efforts during the past fiscal year and outlining planned efforts for the next fiscal year.

4. **Membership & Qualifications.** The H&A Commission shall be comprised of nine (9) members whose qualifications shall be as follows:
 - (a) Five (5) members who must be residents of the Town of Tiburon.
 - (b) Four (4) members who may be residents of any part of the greater Tiburon Peninsula (comprised of the Town of Tiburon, City of Belvedere, and any unincorporated area including Paradise Drive and the Strawberry/Eagle Rock/Bay Vista area).

5. **Appointment and Removal of Members.** Members shall be appointed by the affirmative vote of a majority of the Town Council, and may be removed by the affirmative vote of a majority of the Town Council.

6. **Terms.** The term of office of H&A Commission members shall be four (4) years, and shall be staggered in a manner determined by the Town Council. Appointments to fill a vacancy where there is an unexpired term shall be for the balance of the unexpired term only.

7. **Procedures.** The H&A Commission shall annually elect its own officers, which shall include a Chair, a Vice-Chair, and a Secretary, and shall adopt such rules and regulations as it may deem necessary for the conduct of its duties, including by-laws. Election of officers shall be at the first meeting held after June 30 of each year. The Chair shall preside over meetings and establish the agenda for each meeting with the staff liaison. The Vice-Chair shall assume the responsibilities of the Chair in the absence of the Chair. The Secretary shall be responsible for keeping summary minutes of Commission meetings. The H&A Commission shall have the authority to appoint ad-hoc subcommittees of less than a quorum of its members as it deems necessary or appropriate to fulfill its duties.

8. **Liaison.** The Town Manager may appoint a representative or representatives to act as liaison between the H&A Commission and the Town Manager, Town staff, and other Town boards and commissions. Said representative(s) may serve as an ex-officio recording secretary for the H&A Commission on an as-needed basis as determined by the Town Manager.

9. **Meetings.** The H&A Commission shall adopt a regular schedule of meetings and should meet at least quarterly, but may meet more or less often as needed. Meetings of the H&A Commission are subject to State of California open meeting laws (i.e., the Brown Act) and shall be open to the public. Notices of meetings shall be posted and distributed in accordance with state law.

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///

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon on July 2, 2014, by the following vote:

AYES:	COUNCILMEMBERS:	Doyle, Fraser, Fredericks, O'Donnell
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Tollini


ALICE FREDERICKS, MAYOR
TOWN OF TIBURON

ATTEST:


DIANE CRANE IACOPI, TOWN CLERK

DRAFT

RESOLUTION NO. XX-2016

**A RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF TIBURON AMENDING RESOLUTION NO. 31-2014
TO DECREASE THE NUMBER
OF HERITAGE AND ARTS COMMISSION MEMBERS FROM NINE TO SEVEN**

WHEREAS, Resolution No. 31-2014, adopted in July of 2014, increased membership of the Heritage & Arts Commission from seven (7) to nine (9) members, each with a term of four (4) years; and

WHEREAS, since that time the Heritage and Arts Commission has experienced difficulties with member retention, prolonged vacancies, and with establishing a quorum at regular meetings, and now requests that membership be reduced again to seven (7) members, and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Tiburon does hereby amend Section 4 of Resolution No. 31-2014 to read as follows:

- 4. **Membership & Qualifications.** The H&A Commission shall be comprised of seven (7) members whose qualifications shall be as follows:
 - (a) A minimum of four (4) members must be residents of the Town of Tiburon at the time of appointment.
 - (b) Up to two (2) members may be residents of the City of Belvedere at the time of appointment.
 - (c) One (1) member may be a resident of unincorporated territory located on the greater Tiburon Peninsula (including the Paradise Drive area and the Strawberry/Eagle Rock/Bay Vista area) at the time of appointment.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon on November 16, 2016, by the following vote:

AYES: COUNCILMEMBERS:
 NOES: COUNCILMEMBERS:
 ABSENT: COUNCILMEMBERS:

ERIN TOLLINI, MAYOR
 TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK



TOWN OF TIBURON
 1505 Tiburon Boulevard
 Tiburon, CA 94920

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

STAFF REPORT

To: Mayor and Members of the Town Council
From: Community Development Department
Subject: 60 Monterey Drive; File No. PDPA2016002
 Request to Amend the Cypress Hollow Precise Development Plan (PD #45) to Increase the Maximum Floor Area for Lot 34; Michael and Kelly Day, Owner; Ayse Sercan, Applicant; Assessor's Parcel No. 034-394-06
Reviewed By: *[Signature]*

PROJECT DATA

Address: 60 Monterey Drive (Lot 34, Cypress Hollow Subdivision)
Assessor's Parcel Number: 034-394-06
File Number: PDPA2016002
Lot Size: 10,392 square feet
Zoning: RPD (Residential Planned Development)
Precise Plan: Cypress Hollow Precise Development Plan (PD #45)
General Plan: M (Medium Density Residential)
Current Use: Single-Family Residential
Owners: Michael and Kelly Day
Applicant: Larson Shores Architecture + Interiors- Ayse Sercan

BACKGROUND

The project is the proposed amendment to the Cypress Hollow Precise Development Plan for property located at 60 Monterey Drive. The property owner proposes to increase the maximum floor area permitted for this lot (Lot 34). On October 26, 2016, the Planning Commission adopted Resolution No. 2016-18 (**Exhibit 2**) recommending to the Town Council that the Precise Development Plan amendment be approved.

PROJECT DESCRIPTION

The single-family residence on this property was originally constructed with a floor area of 3,072 square feet (29.5% floor area) and a 738 square foot garage. The property owners wish to convert undeveloped space within the existing mass and bulk of the house, beneath the garage, into a 640 square foot den, a second study, storage, and a half bathroom adjacent to the upper floor level of the house, and also add an elevator on the east side of the home. The proposed addition would increase the floor area of the house to 3,712 square feet, resulting on a floor area ratio of 35.7%. As the resulting floor area ratio would exceed the 30% maximum floor area ratio permitted for

this property, the applicant is requesting to amend the Cypress Hollow Precise Development Plan to increase the maximum permitted floor area ratio for this property to 35.7%.

HISTORY

The Cypress Hollow Precise Development Plan was originally approved in 1988 by the Marin County Board of Supervisors. County Resolution No. 88-252 (**Exhibit 5**) currently governs this precise development plan and states that the floor area ratio for each parcel “shall be a maximum of 30%.” Garage space does not count toward the floor area allowed under the precise development plan.

The house size limitations in the Cypress Hollow Precise Development Plan were established prior to annexation into Tiburon, and prior to the Town’s adoption of floor area ratio limits in all residential zones. House size limits were placed on certain precise plans in both the County and in Tiburon in the early 1980’s, as a precursor to current floor area limitations established Town-wide in 1990. Current practice for the Town is that a precise development plan approval must specify floor area limits on all lots within a development.

For comparison purposes, under the Town’s current “default” floor area ratio standards, the subject property would be allowed a maximum floor area of 3,039 square feet for the dwelling, plus an additional 600 square feet for garage space. The floor area ratio provided under the Cypress Hollow Precise Development Plan would allow 3,118 square feet of floor area for this home. The 3,712 square foot total area requested by this amendment would exceed the Cypress Hollow floor area maximum by 594 square feet; and would also exceed the Tiburon default floor area maximum for a lot of this size by 673 square feet.

Eight amendments to the Cypress Hollow Precise Development Plan have been approved to increase the maximum floor area limit for various lots since this subdivision was annexed into Tiburon in 1999. These amendments are: 70 Monterey Drive, 170 Rancho Drive, 70 Cypress Hollow Drive, 120 Rancho Drive, 50 Monterey Drive, 20 Baccharis Place, 40 Monterey Drive and 110 Rancho Drive. The review of these requests is summarized in the October 26, 2016 Planning Commission staff report (**Exhibit 3**).

ANALYSIS

The majority of the floor area requested in this application would be situated within the existing footprint of the originally constructed house with a minor addition for an elevator. The elevator would involve a minor exterior expansion to the walls of the residence and would be seen from the front and east side of the home. The elevator addition would not appear to impact the adjacent neighbors, but would increase the mass and bulk of the existing residence. In addition, the proposed elevator would not serve all three levels, but would only provide access to the garage level and upper level, and not the lower level.

The proposed addition would exceed the maximum floor area currently permitted by the Cypress Hollow Precise Development Plan and the default Tiburon Floor area ratio for a lot of this size by 594 square feet and 673 square feet, respectively

REVIEW BY THE PLANNING COMMISSION

The Planning Commission held a public hearing on this application at its October 26, 2016 meeting. There was no public comment. The Planning Commission supported the proposed request and found it was in conformance with the overall intent of Cypress Hollow Precise Development Plan and the Tiburon General Plan. The Commission voted 5-0 adopting Resolution No. 2016-18 recommending approval of the amendment to the Town Council. Meeting minutes of the October 26, 2016 meeting are attached as **Exhibit 4**.

ENVIRONMENTAL REVIEW

Staff has preliminarily determined that the subject application is categorically exempt from the requirements of CEQA per Sections 15301 and 15303 of the CEQA Guidelines.

RECOMMENDATION

Staff recommends that the Town Council:

1. Hold a public hearing on this item
2. Adopt the draft Resolution (**Exhibit 6**) finding the project exempt from CEQA and conditionally approving the application.

EXHIBITS

1. Application form and supplemental materials
2. Planning Commission Resolution No. 2016-18
3. Planning Commission Staff Report dated October 26, 2016
4. Minutes of the October 26, 2016 Planning Commission Meeting
5. Marin County Board of Supervisors Resolution No. 88-252
6. Draft Resolution
7. Submitted plans

Prepared By: Kyra O'Malley, Associate Planner



TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION

RECEIVED
AUG 22 2016
PLANNING DIVISION

TYPE OF APPLICATION

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

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 60 Monterey Dr. PROPERTY SIZE: 10,392 SF
PARCEL NUMBER: 034-394-06 ZONING: RPD-#45

PROPERTY OWNER: Michael + Kelly Day
MAILING ADDRESS: 60 Monterey Dr.
Tiburon CA 94920
PHONE/FAX NUMBER: _____ E-MAIL: michael.day@
bhnetwork.com

* APPLICANT (Other than Property Owner): Ayse Sercan
MAILING ADDRESS: Larson Shores Architecture + Interiors
1940 Union St #22, Oakland CA 94607
PHONE/FAX NUMBER: 510-444-9788 x5 E-MAIL: ayse@larsonshores.com

ARCHITECT/DESIGNER/ENGINEER Carrie Shores
MAILING ADDRESS: Larson Shores Architecture + Interiors
1940 Union St #22, Oakland CA 94607
PHONE/FAX NUMBER: 510-444-9788 E-MAIL: carrie@larsonshores.com

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

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

EXHIBIT NO. 1

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: * Michael Long

Date: 8/18/2016

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

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

Signature: * Michael Long

Date: 8/18/2016

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

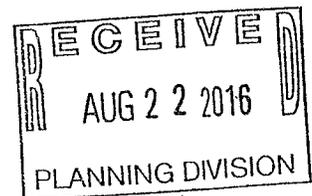
NOTICE TO APPLICANTS

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

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

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

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

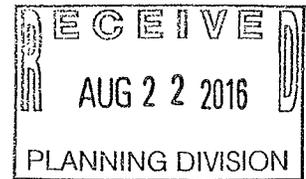


DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION		
Application No.: PDPA2016-002	GP Designation:	Fee Deposit: \$1540
Date Received: 8/22/2016	Received By: LS	Receipt #: R1726
Date Deemed Complete: 10/4/16	Action:	By: KO
Acting Body:		Date:
Conditions of Approval or Comments:		EXHIBIT NO. Finance #

2015

60 Monterey Drive



The request from 60 Monterey is to convert the undeveloped area beneath the garage into a play area with storage and a half bath. They also want to construct an elevator tower from the garage to their main level for easier access as they age; this tower would be entirely inside of the existing exterior stairwell, below existing rooflines and above existing house foundations, for minimum site impact. This project would increase the floor area from 3,210 square feet to 3,850 square feet on a 10,477 square foot lot. The resulting floor area will be 36.7% of the lot size which was an increase of 6.1 percentage points and would exceed Tiburon's default floor area ratio .

EXHIBIT NO. 1
30F5



60 MONTEREY | PROJECT NARRATIVE

At first glance, the location of the elevator for this project may seem a bit odd. It is in a place where the only room it gives stair-free access to is a playroom, rather than the rest of the house. There are some sound design reasons for this location.

The first reason is about project scope. Our clients wanted a relatively small home remodel rather than an extensive whole-house remodel, because with a young family they want to minimize the disruption of a larger-scale project. With that in mind, we brought a soils engineer and two structural engineers to see the site, and all recommended not altering the existing foundation if at all possible because of the cost, disruption, and complexity. So our plan is designed to use the existing foundation as is, without any excavation. That means that the elevator has to sit above the foundation, which means 2-3 steps down from the elevator to the floor to accommodate the elevator pit. Since the homeowners are able to navigate stairs, this is still a usable configuration.

Then there is the issue of the floorplan of the home. This house has multiple split levels, and plenty of interior stairs. This is the nature of this house and trying to provide elevator access to all levels would require large-scale work that again crosses the line into a major remodeling project. Fortunately, the interior stairs in the home are not a problem for the homeowners. It is the stairs to the street level – 22 of them whether you take the interior staircase to the garage or the exterior staircase – that pose the greatest challenge, because they are often traversed while carrying a toddler plus diaper bag and stroller, maybe a trash bag, the mail, groceries, and whatever else needs to be carried. If they cannot manage it all in one trip, that's another time down then back up the stairs, while trying to keep small children corralled and on-task. The elevator, while a somewhat expensive solution, is meant to address this struggle. It opens into the playroom, where the children can be parked while loading or unloading is underway. There is a half bath at hand for urgent needs.

So this is not the perfect location for an elevator. It does not give perfect access to the home. And while ideally there would be a location to install an elevator that would give accessible access to the entire home, we do not have that luxury here. Although in the future the homeowners may have to move in order to live in a truly accessible home, the elevator pushes that time further into the future, allowing them to age in place for longer than they could with just the stair access. It is often small accommodations like this that can make a house just navigable enough.

Because this elevator is an addition to an already large home, we also chose its position to reduce its visual impact. We sited the elevator where the existing home bends around it and conceals it from view in most directions. For minimal site impact we chose a location that was entirely within the existing developed footprint of the home. It sits on an existing concrete landing, above existing house foundations, and does not go above the existing roof line. Even on elevations, where additions are usually emphasized, the elevator tower does not change the overall massing of the house substantially, and in

EXHIBIT NO. 1

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ARCHITECTURE AND INTERIORS

the only direction where it is fully visible there are tall existing redwood trees blocking it from the sights of the nearest neighbor.

As far as the town's concerns over the space's potential for conversion into an unpermitted inlaw unit, we did not add any doors between the main house and the family room to show the intent to leave the space connected to the existing home. (There is an existing door to the upper hallway which we did leave in place, but there is no door separating this added space from the existing interior access to the garage.) Because this space will be used as a family play room for two small children and their friends, we put in a half bath for their use (small children often announce their need to use the bathroom when the need is immediate rather than far enough in the future to allow a walk down the hall).

We do understand the concerns the town has about increased density, and would like to offer a plan that both meets those concerns and the needs of our clients, who are not trying to sneak an unpermitted apartment or additional bedroom into the space but just want to modify their home in a way that fits the needs of their family. We are unable to open the space more to the home because of existing shear walls, but some changes we could make to the space to show that intent are:

- Reduce the half bathroom to a minimal footprint
- Remove the toy storage closet and make that space open to the rest of the room
- Change the existing door between the upper hallway and the garage staircase to a glass door to give a visual connection between the spaces

We would prefer to take as many steps as possible towards meeting the town's concern for density and potential for abuse of space without giving up entire programmatic elements of the design.

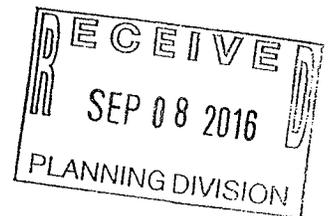


EXHIBIT NO. 1

5 of 5

RESOLUTION NO. 2016-18

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON
RECOMMENDING TO THE TOWN COUNCIL APPROVAL OF
AN AMENDMENT TO THE CYPRESS HOLLOW PRECISE DEVELOPMENT PLAN (PD #45)
FOR PROPERTY LOCATED AT 60 MONTEREY DRIVE**

ASSESSOR PARCEL NO. 034-394-06

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

Section 1. Findings.

- A. The Town has received and considered an application filed by Michael and Kelly Day for an amendment to the Cypress Hollow Precise Development Plan to increase the maximum floor area permitted for Lot 34 of the Cypress Hollow Subdivision. The subject property is developed with existing single-family residence, and is commonly known as 60 Monterey Drive. The application consists of the following:
1. Application form, dated August 22, 2016
 2. Site Plan and Floor Plans, received October 17, 2016
- B. The Planning Commission held a duly-noticed public hearing on October 26, 2016, and heard and considered testimony from interested persons.
- C. The Planning Commission has found that the project is exempt from the requirements of the California Environmental Quality Act per Sections 15301 and 15303 of the CEQA Guidelines.
- D. The Planning Commission finds, based upon application materials and analysis presented in the October 26, 2016 staff report, as well as visits to the site and testimony received from the applicant, that the project, as conditioned, is consistent with the requirements of the Tiburon Zoning Ordinance regarding precise development plan amendments and is compatible with the overall intentions of the Cypress Hollow Precise Development Plan. The requested increase in floor area does not substantially alter the visual mass and bulk of the existing home, and does not increase the number of bedrooms.
- E. The Planning Commission finds that the project, as conditioned is consistent with the goals and policies of the Tiburon General Plan. Policy LU-15 of the Land Use Element states that “remodels, tear-down/rebuilds, and new construction shall be compatible with the design, size, and scale of existing dwellings in the surrounding neighborhood.” The proposed project, as conditioned, would involve construction within the existing footprint of the house in a manner similar to that approved for numerous other homes in the Cypress Hollow neighborhood.

- F. The proposed project, as conditioned, does not substantially add to the mass and bulk of the existing house nor change the structure's relationship to the contours of the property. The structure is still consistent with the surrounding neighborhood and does not result in privacy concerns for nearby residences. This project therefore is not detrimental to the public health, safety or welfare.

Section 2. Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the amendment to the Cypress Hollow Precise Development Plan to the Town Council, subject to the following conditions:

1. Condition of Approval No. 3 (C) of Marin County Board of Supervisors Resolution No. 88-252 shall be amended to read as follows:

“The FAR shall be a maximum of 30%; except that greater area is permitted for the following lots:

- a. Lot 33 (70 Monterey Drive) if attained entirely within undeveloped space within the existing mass and bulk of the approved house, as generally depicted on drawings dated 10/1/99, prepared by Marshall Balfe (4 sheets);
- b. Lot 16 (170 Rancho Drive) if attained entirely within undeveloped space within the existing mass and bulk of the approved house, as generally depicted on drawings dated 1/4/2000, prepared by Mahoney Architects (4 sheets);
- c. Lot 7 (70 Cypress Hollow Drive), as generally depicted on drawings dated 4/18/2001, prepared by Geoffrey Butler Architect (6 sheets), approving the garage conversion and limiting the deck enclosure so that the total floor area of the house does not exceed the Town of Tiburon default floor area ratio for this property;
- d. Lot 11 (120 Rancho Drive) if attained entirely within undeveloped space within the existing mass and bulk of the approved house, as generally depicted on drawings dated 9/14/2002, prepared by Marshal Balfe (6 sheets);
- e. Lot 35 (50 Monterey Drive) if attained entirely within undeveloped space within the existing mass and bulk of the approved house, as generally depicted on drawings dated 1/28/2004, prepared by Richard Esteb (5 sheets);
- f. Lot 26 (20 Baccharis Place) if attained entirely within undeveloped space within the existing mass and bulk of the approved house, as generally depicted on drawings dated 11/8/2005, prepared by Richard Esteb (6 sheets);
- g. Lot 36 (40 Monterey Drive) if attained entirely within undeveloped space within the existing mass and bulk of the approved house, as generally depicted on drawings dated 7/6/2006, prepared by Mohamad Sadrieh (7 sheets).”

- h. Lot 10 (110 Rancho Drive) if attained entirely within undeveloped space within the existing mass and bulk of the approved house, as generally depicted on drawings dated 8/14/2012, prepared by Holscher Architecture (3 sheets).”
 - i. Lot 34 (60 Monterey Drive), as generally depicted on drawings dated 10/17/2016, prepared by Larson Shores Architecture + Interiors (10 sheets),”
2. This approval shall in no way alter other provisions of the Cypress Hollow Precise Development Plan not specifically described herein.

PASSED AND ADOPTED at a regular meeting of the Tiburon Planning Commission on October 26, 2016, by the following vote:

AYES: COMMISSIONERS: WILLIAMS, CORCORAN, KULIK, WELLER AND WELNER
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

ERICA WILLIAMS, CHAIR
Tiburon Planning Commission

ATTEST:

KYRA O’MALLEY, SECRETARY



TOWN OF TIBURON
 1505 Tiburon Boulevard
 Tiburon, CA 94920

Planning Commission Meeting
 October 26, 2016

Agenda Item: **PH-2**

STAFF REPORT

To: Members of the Planning Commission
From: Community Development Department
Subject: 60 Monterey Drive; File No. PDPA2016002
 Request to Amend the Cypress Hollow Precise Development Plan (PD #45) to Increase the Maximum Floor Area; Michael and Kelly Day, Owner; Ayse Sercan, Applicant; Assessor's Parcel No. 034-394-06

PROJECT DATA

Address: 60 Monterey Drive (Lot 34, Cypress Hollow Subdivision)
Assessor's Parcel Number: 034-394-06
File Number: PDPA2016002
Lot Size: 10,392 square feet
Zoning: RPD (Residential Planned Development)
Precise Plan: Cypress Hollow Precise Development Plan (PD #45)
General Plan: M (Medium Density Residential)
Current Use: Single-Family Residential
Owners: Michael and Kelly Day
Applicant: Larson Shores Architecture + Interiors- Ayse Sercan
Flood Zone: X (Outside 500-year storm event)

PROJECT DESCRIPTION

The project is the proposed amendment to a precise development plan (the Cypress Hollow Precise Development Plan) for property located at 60 Monterey Drive. The property owner proposes to increase the maximum floor area permitted for this lot (Lot 34), which is currently developed with a single-family dwelling.

The single-family residence on this property was originally constructed with a floor area of 3,072 square feet (29.5% floor area) and a 738 square foot garage. The property owners wish to convert undeveloped space within the existing mass and bulk of the house, beneath the garage, into a 640 square foot den, a second study, storage, and a half bathroom adjacent to the upper floor level of the house, and also add an elevator on the east side of the home. The proposed addition would increase the floor area of the house to 3,712 square feet, resulting on a floor area ratio of 35.7%. As the resulting floor area ratio would exceed the 30% maximum floor area permitted for this property, the applicant is requesting to amend the Cypress Hollow Precise Development Plan to increase the maximum permitted floor area for this property to 35.7%.

EXHIBIT NO. 3
 PAGE 1 OF 5

10F5

BACKGROUND

The Cypress Hollow Precise Development Plan was originally approved in 1988 by the Marin County Board of Supervisors. County Resolution No. 88-252 (**Exhibit 2**) currently governs this precise development plan and states that the floor area ratio for each parcel “shall be a maximum of 30%.” Garage space does not count toward the floor area allowed under the precise development plan. Multiple amendments to the Cypress Hollow Precise Development Plan have been approved to increase the maximum floor area limit for various lots since this subdivision was annexed into Tiburon in 1999.

The house size limitations in the Cypress Hollow Precise Development Plan were established prior to annexation into Tiburon, and prior to the Town’s adoption of floor area ratio limits in all residential zones. House size limits were placed on certain precise plans in both the County and in Tiburon in the early 1980’s, as a precursor to current floor area limitations established Town-wide in 1990. Current practice for the Town is that a precise development plan approval must specify floor area limits on all lots within a development.

For comparison purposes, under the Town’s current “default” floor area ratio standards, the subject property would be allowed a maximum floor area of 3,039 square feet for the dwelling, plus an additional 600 square feet for garage space. The floor area ratio provided under the Cypress Hollow Precise Development Plan would allow 3,118 square feet of floor area for this home. The 3,712 square foot total area requested by this amendment would exceed the Cypress Hollow floor area ratio by 594 square feet; and would also exceed the Tiburon default floor area ratio for a lot of this size by 673 square feet.

Eight properties have been approved since 2000 to amend the Cypress Hollow Precise Development Plan to increase the maximum allowable floor area. The following approved properties are shown in the table below:

Address	Year Approved	As Constructed FAR	Current FAR	Approved Percentage	New Approved Living Space- underneath garage
40 Monterey Dr.	2006	3,213 SF	3,818 SF	35.2%	Playroom
50 Monterey Dr.	2004	3,115 SF	3,531 SF	33.8%	Playroom, storage
70 Monterey Dr.	2000	3,100 SF	3,750 SF	32.3%	Playroom, office
110 Rancho Dr.	2012	2,678 SF	2,854 SF	31.5%	Office
120 Rancho Dr.	2002	2,567 SF	2,607 SF	33%	Exercise and Play Rooms
170 Rancho Dr.	2000	2,840 SF	3,420 SF	34.2%	Bedroom, Bathroom
70 Cypress Hollow Dr.	2001	2,611 SF	2,981 SF	32.5%	Office, Family room Expansion
20 Baccharis Pl.	2006	2,452 SF	2,718 SF	33%	Library, bathroom

The eight previously approved applications included qualifying language noting that special circumstances were considered in the approval of requests, including findings that additions were located within the existing walls of the houses, and did not result in any increase in mass and bulk to the existing residences; that the additions would not increase the intensity of use of the residences; or that the additional floor area requested by these applications did not significantly exceed the maximum floor area currently permitted by the Cypress Hollow Precise Development Plan.

PROJECT SETTING



The subject property is located near the end of a cul-de-sac on Monterey Drive. The property slopes downward from the street. The majority of the homes on Monterey Drive have garages on the street level with the rest of the homes at lower levels following the slope. These homes were constructed with undeveloped crawlspace beneath the garage space.

ANALYSIS

Project Design

The majority of the floor area requested in this application would be situated within the existing footprint of the originally constructed house with a minor addition for an elevator. The elevator would involve a minor exterior expansion to the walls of the residence and would be seen from the front and east side of the home. The elevator addition would not appear to impact the adjacent neighbors, but would increase the mass and bulk of the existing residence. In addition, the proposed elevator would not serve all three levels, but would only provide access to the garage level and upper level, and not the lower level. Staff believes that the bathroom, separate study and the elevator addition could potentially increase the intensity of use of the home and increase the potential for this separate space to be used as a separate rental unit.

Except as noted above, the proposed application would be generally consistent with the findings made for approval of the prior amendments to the Cypress Hollow Precise Development Plan. The den, half bathroom, and study additions would be contained within the existing exterior walls of the residences. The elevator addition would not increase the height of the home, but could be seen from the street. The den, study and half bath could potentially increase the intensity of use of the house. The proposed addition would exceed the maximum floor area currently permitted by

the Cypress Hollow Prevised development Plan and the default Tiburon Floor area ratio for a lot of this size by 594 square feet and 673 square feet, respectively

Compliance with the Cypress Hollow Precise Development Plan and General Plan

The proposed project has been reviewed for consistency with the Tiburon General Plan and with the requirements of the Tiburon Zoning Ordinance regarding precise development plan amendments. The project would appear to be consistent with the overall intent of the Cypress Hollow Precise Development Plan, with the exception of a small addition that would minimally add to the mass and bulk of the dwelling. The requested increase in floor area would not alter the visual mass and bulk, except for the minor elevator addition.

Land Use Element Policy LU-15 states that *“Remodels, tear-down/rebuilds, and new construction shall be compatible with the design, size, and scale of existing dwellings in the surrounding neighborhood.”* The majority of the proposed construction would be within the existing footprint of the house, which would be similar to the numerous other homes in the Cypress Hollow neighborhood, with the exception of the elevator addition that would have a small “pop out” in the front and east side of the home.

Staff concludes that the proposed elevator addition would be inconsistent with prior Town approvals for floor area additions in the Cypress Hollow subdivision. Staff recommends that the Commission consider limiting the approval to construction within the existing building footprint, thus eliminating the proposed elevator addition. The draft resolution reflects this elevator elimination.

ENVIRONMENTAL REVIEW

Staff has preliminarily determined that the subject application is categorically exempt from the requirements of CEQA per Sections 15301 and 15303 of the CEQA Guidelines.

PUBLIC COMMENT

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

FUTURE ACTIONS REQUIRED

The Planning Commission’s action on this project would be in the form of a recommendation of approval to the Town Council or denial by the Commission. A Commission denial could be appealed to the Town Council, while a recommendation for approval would be automatically forwarded to the Town Council. If the precise development plan amendment is approved by the Town Council, the proposal would require Site Plan and Architectural Review approval and the necessary building permits.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Hold a public hearing on this application:
2. If the Commission concludes that the proposed amendment would be consistent with the intent of the Cypress Hollow Precise Development Plan, the Commission should consider the draft resolution (**Exhibit 3**) recommending approval of the amendment to the Town Council, and

Exhibits:

1. Application and Supplemental Materials
2. County of Marin Resolution No. 88-252
3. Draft Resolution
4. Submitted Plan

Prepared By: Kyra O'Malley, Associate Planner

comfortable with a 6 month review period, stating that by that time the Commission will have an idea of whether it is working or not. Commissioner Weller, Vice Chair Corcoran and Chair Williams agreed to that amendment.

Vice Chair Corcoran asked if the use, if approved, could be transferred and a larger rental business could come in. Mr. Watrous stated that the new use would be subject to the conditions of approval of the adopted resolution, which includes information in the use and information management document limiting the number of rentals. He said that a larger bike rental business could not operate in a fashion which conflicts with the use permit.

ACTION: It was M/S (Weller/Williams) that the Commission adopt the resolution approving the conditional use permit, as amended as follows: At the end of Condition No. 1's sentence, amend to state, "...except as modified by this resolution"; and modify Condition No. 2 to read "Outdoor display of merchandise shall be limited to the west side of the corner entrance door. No other outdoor storage of materials or signage, other than display of bicycles, is permitted. Rental transactions shall be conducted wholly within the building interior. All outdoor display and commercial activities, including bicycle demonstrations, shall be limited to areas on private property and shall not extend onto Town-owned property. Up to twenty-five (25) bicycles may be available for rental per day. The Planning Commission shall determine six (6) months after the adoption of this resolution whether any other limits shall be imposed on the bicycle display area." Motion carried 5-0.



2. 60 Monterey Drive: Consider approval to amend the Cypress Hollow Precise Development Plan (PD #45) to increase the maximum floor area for an existing single-family dwelling; File #PDPA2016002; Michael and Kelly Day, Owner; Ayse Sercan, Applicant; Assessor's Parcel No. 034-394-06 [KO]

Associate Planner Kyra O'Malley gave the staff report, and said the project is the proposed amendment to a precise development plan (the Cypress Hollow Precise Development Plan) for property located at 60 Monterey Drive. The property owner proposes to increase the maximum floor area permitted for this lot.

This single-family residence on this property was originally constructed with a floor area of 3,072 square feet which is 29.5% floor area. The property owners wish to convert undeveloped space beneath the garage, into a 640 square foot den, a second study, storage, and a half bathroom adjacent to the upper floor level of the house, and also add an elevator on the east side of the home.

The proposed addition would increase the floor area of the house to 3,712 square feet, resulting on a floor area ratio of 35.7%. The Cypress Hollow Development Plan was originally approved in 1988 by the Marin County Board of Supervisors. She said 8 properties have been approved since 2000 to amend the precise development plan to increase the maximum allowable floor area. She then referred to page 2 of the staff report which summarizes those amendments as well as the outcome of all approvals.

The majority of the request would be situated within the existing footprint of the originally constructed house with a minor addition for an elevator. The elevator would involve a minor exterior expansion to the walls of the residence and would be seen from the front and east side of the home. In addition, the proposed elevator would not serve all three levels, but would only provide access to the garage level and upper level.

Staff believes that the bathroom, study and the elevator addition could potentially increase the intensity of use and increase the potential for this separate space to be used as a separate rental unit. Staff has reviewed this application and has found it consistent with the Tiburon General Plan and requirements of the Tiburon Zoning Ordinance, and the majority of proposed construction would be within the existing footprint of the house and would be similar to the numerous other homes approved in the Cypress Hollow neighborhood, with the exception of the elevator addition that would have a small pop-out. Staff concludes that the proposed elevator addition would be inconsistent with the Town approvals for the floor area addition within the Cypress Hollow subdivision and staff recommends that the Commission consider limiting the approval to construction within the existing building footprint, thus eliminating the proposed elevator addition.

Staff recommended that the Commission hold a public hearing, and if the Commission concludes that the proposed amendment would be consistent with the intent of the Cypress Hollow Precise Development Plan, the Commission should consider the draft resolution as Exhibit 3 recommending approval of the amendment to the Town Council.

Chair Williams said her understanding is that staff believes the elevator is not consistent with the spirit of prior amendments because it adds to the mass and bulk. Mr. Watrous stated that the issue had more to do with previous decisions made for other amendments and consistency where the Council has allowed additional floor area only within the existing building footprint and less a matter of the visual massiveness or creation of visual impacts.

Commissioner Kulik asked what the current condition of the undeveloped space was. Ms. O'Malley stated that it is crawl space under the garage, which is common for the subdivision. He asked and confirmed that the conversion would be completely contained within the volume limit of the house.

Commissioner Welner confirmed that there was no opposition relating to the request.

Ayse Sercan, designer, showed pictures of the existing house and topography and the location of the proposed addition. She said that they consulted with engineers to find the best location for the elevator due to the existing house foundations and slope. She said that they were unable to move the elevator further into the house because it would be disruptive to the foundation, and they did not want to dig out a hole in the hillside to put an elevator in to serve all three floors. She said that the elevator would enable the homeowners to bring groceries and items up and down and not have to travel up and down 22 steps to the street level.

Michael Day, owner, stated they have two children and it would be nice to have a large area for the kids to play and a study so they can do their homework and let the main floor look like an adult house.

Kelly Day, owner, said that they were very concerned about aging out of the house. She said that as they and their friends get older, they may need to live up on the main floor but will still need to get up and down the stairs. Ms. Sercan added that their firm does a lot of work with aging in place and accessible housing, and their goal was to enable the homeowners to remain in their house and it seemed like a small request to make the home more accessible.

Mr. Day explained that the stairs within the house to the bottom floor to the bedroom are not very steep and easy to travel, but the stairs up from the main floor to the garage are very steep.

Ms. Sercan stated that the proposed rooms would not have legal egress windows that would enable them to be used as a bedroom, so she felt that it would be short-sighted to not allow the elevator.

Chair Williams opened the public hearing. There were no speakers and she closed the public hearing.

Commissioner Welner said that for a precise plan that was approved so long ago he was swayed by to whether there is opposition. He said that it spoke volumes that there were no neighbors or letters submitted opposing the request. He felt that this would be a very minor change and he was inclined to approve the request, including the elevator.

Vice Chair Corcoran agreed and observed that only one of the other amendments to the precise plan was approved in the last 10 years and the plan was approved over 25 years ago. He said that the Commission will be faced with more of these requests and wants residents to be able to age in place and stay in their homes in communities they love. He supported the request as submitted. Bureaucrats

Commissioner Kulik echoed Commissioner Welner's comments and said that the Commission has been cautious about approving precise development amendments in the past if there was significant push-back from neighbors. He said that the lack of opposition here was noteworthy. He said that there were 8 different conversions of similar space nearby and he felt that this request was consistent with the precedent of previous approvals, even if the approved FAR would be slightly higher than the previous maximum approved. He said that he understood staff's concerns about the elevator, but since this would have no visual impact, he supported approval.

Commissioner Weller said that he completely agreed with his fellow Commissioners and supported the project.

Chair Williams concurred and said that she could make the findings to approve the elevator, which would be contained within the existing structure of the home and would not substantially increase the bulk of the house and would be consistent with the overall development.

Commissioner Kulik asked if there was anything in the original Cypress Hollow plan that forbids a second unit. Mr. Watrous said that there was not. He noted that unpermitted second units occur less often in Tiburon than in other jurisdictions and he believed that the applicants properly addressed these concerns. Ms. O'Malley added that the Town Council had raised concerns about the intensity of use when looking at other Cypress Hollow amendments and this was why staff raised the concern regarding a second unit.

ACTION: M/S (Williams/Corcoran) to find that proposed amendment is consistent with the intent of the Cypress Hollow Precise Development Plan; adopt the draft resolution as amended to recommend approval of the project as submitted to the Town Council. Motion carried 5-0.

ACTION ITEMS

1. Planning Commission Minutes –Meeting of September 14, 2016

Commissioner Welner requested the following amendments:

- Page 4, 3rd paragraph; amend to read: “Commissioner Welner asked about EIR certification. He understands how the extensions have worked for the tentative map.”
- Page 6, 3rd paragraph, amend to read: “Commissioner Welner had a comment said he is a bit perplexed about the letters that arrived just before the meeting. Normally, the Town receives complaints about criticisms of what is going to be built. However, the letters are in this case are complaining. This appears to be a complaint about how long it has taken and he is sympathetic to that.”
- Page 6, 4th paragraph, amend to read: “He said he would therefore vote in favor of the extension in the interest of moving forward. He admonished the letter writers that even if the project is approved it still might take years for the project to be actually built.”, ~~but also emphasized the question about the end product of the process. He said the land could sit there for years and nothing could happen, and he suggested the Littles simply paint their house and not wait. The bulldozers will take time even if the processing moves forward quickly, and he supported adoption of the resolution to extend.~~

Vice Chair Corcoran requested the following amendments:

- Page 6, 2nd paragraph, 2nd sentence, amend to read: “The recession caused many inconveniences for many people, but based on the general guidelines and time extensions for tentative maps, they are generally granted unless the project is not consistent with the General Plan or if any more of circumstances around the project area have changed dramatically, neither of which has happened.”

ACTION: M/S (Corcoran/Welner) to approve the meeting minutes of September 14, 2016, as amended. Motion carried: 5-0.

This Ordinance has been administratively corrected to incorporate the terms of a Stipulated Settlement in Case No. 140135 of the California Superior Court filed 11/30/88. The deletions are shown by overstriking and the additions by bold type.

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 88-252

A RESOLUTION GRANTING THE APPEAL OF THE CYPRESS HOLLOW PARTNERSHIP AND APPROVING THE CYPRESS HOLLOW DEVELOPMENT PLAN AND VESTING TENTATIVE MAP FOR ASSESSOR'S PARCEL NOS. 34-153-15, 34-012-34, 35, 37 and 51.

* * * * *

- I. WHEREAS on August 15, 1988 the Marin County Planning Commission voted to recommend that the Board of Supervisors approve with conditions the Cypress Hollow Master Plan and voted to approve the Cypress Hollow Development Plan and Vesting Tentative Map; and
- II. WHEREAS on August 23, 1988 the Marin County Board of Supervisors certified the Cypress Hollow Environmental Impact Report and approved the Cypress Hollow Master Plan with several changes to the conditions as recommended by the Planning Commission; and
- III. WHEREAS the Cypress Hollow, a California limited partnership, filed a timely appeal on August 25, 1988 requesting that the Board of Supervisors amend the approval of the Cypress Hollow Development Plan/Vesting Tentative Map to bring it into conformance with the Cypress Hollow Master Plan as approved by the Board of Supervisors; and
- IV. WHEREAS the Board of Supervisors held a duly noticed public hearing on September 13, 1988 to consider the appeal by Cypress Hollow; and
- V. WHEREAS the Board of Supervisors, after conducting a public hearing and considering the administrative record concurs in the following findings made by the Planning Commission:
 - a. that, based on the recommended Draft EIR, the proposed project incorporates all necessary environmental mitigations in the modifications and conditions contained herein and meets all the County's public health and safety standards for design, and it will not have a significant effect on the environment or substantially or avoidably injure wildlife or their habitat, and will not cause public health or safety problems; and
 - b. that, based on the modifications and conditions contained herein, the Development Plan and Vesting Tentative Map are in substantial accordance with the Master Plan as recommended to the Board of Supervisors; and
 - c. that the proposed project, with the modifications and conditions contained herein, is consistent with the policies of the Marin Countywide Plan, particularly Housing Policy A-3, Transportation Policy B-3, and the Urban Services Area Policies, and the Visual Quality policies with respect to Wooded Hillside given the proposed mitigations of removing one lot, reconfiguring building envelopes to move development away from the retained eucalyptus trees, the increased clustering of the house sites, a reforestation program for the designated non-development portions of upslope lots, and the retention of several significant tree specimens by reconfiguring the lots along Rancho Drive; and

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- d. that the proposed project, including the proposed design and improvements, with the modifications and conditions contained herein, is consistent with the policies of the Strawberry Community Plan; and
- e. that the site is physically suitable for the type of development and density of 45 44 units single-family residences, given conditions of approval of the Master Plan and this approval of the Development Plan and Vesting Tentative Map, because the project is infill development in an area of single-family homes with available urban services from the County and service districts; and it is consistent with all County development policies and standards; and
- f. that the proposed project will not conflict with existing easements acquired by the general public at large for access through or use of the property within the subdivision because no such easements exist on the property, and because the public will gain right of use of an improved public park area of approximately .49 acres as a result of the conditions of approval of the Master Plan; and
- g. that all the required findings necessary to approve a Vesting Tentative Map pursuant to Marin County Code Section 20.32.220 can be made; and

VI. WHEREAS, the Board of Supervisors finds that it is appropriate to revise the Cypress Hollow Development Plan/Vesting Tentative Map to reflect the changes in the Planning Commission's recommended conditions of approval made by the Board of Supervisors in approving the Master Plan which changes included:

- a. the restoration of the lot adjacent to the proposed public park (Parcel A) which had been recommended for deletion by the Planning Commission; and
- b. the deletion of two lots from the downhill side of Rancho Drive leaving twelve lots abutting the existing homes on Blackfield Drive; and
- c. reduction in the height limits of several lots downslope from the Rancho Drive extension; and

VII. WHEREAS the Board of Supervisors finds that with the revisions, the Cypress Hollow Development/Vesting Tentative Map is consistent with the Master Plan approved by the adoption of Ordinance # 2980;

NOW THEREFORE BE IT RESOLVED, the Marin County Board of Supervisors approves the Cypress Hollow Development Plan and Vesting Tentative Map subject to the following conditions:

Planning Department

- 1. The Cypress Hollow Development Plan/Vesting Tentative Map is hereby approved subject to the following:
 - a- ~~This approval shall not be considered in force and effect unless and until the Cypress Hollow EIR is certified and the Master Plan is approved by the Board of Supervisors.~~
 - a. Except as modified by the Master Plan conditions of approval and the conditions of this Development Plan/Vesting Tentative Map approval the final map and subsequent development and use of the property shall be consistent with the applicant's submitted plan set (Exhibit "A" "V" to the Master Plan), application text (Exhibit "B"

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to the Master Plan), the alternative site plan (Exhibit "C" to the Master Plan), the supplemental landscaping plan (Exhibit "D" to the Master Plan), and the landscaping plans for two adjacent properties (Exhibits "E" and "F" to the Master Plan). Where there are discrepancies among the exhibits, Exhibits "C" and "D" shall govern.

The lot numbers on the Final Map shall be the same as those shown on Exhibit "C" "V".

2. Pursuant to California Government Code Section 66474.9(b), the County requires as a condition of this tentative map approval that Cypress Hollow, a California Limited Partnership, or its successors in interest, defend, indemnify, and hold harmless Marin County or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the County concerning the Cypress Hollow subdivision, which action is brought in a timely manner. The County of Marin shall promptly notify the subdivider of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the subdivider of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
3. The Architectural Development Standards contained as Exhibit "F" in the application text for Cypress Hollow Subdivision (Exhibit "B" of the Cypress Hollow Master Plan) is hereby incorporated into this Development Plan and Vesting Tentative Map approval, with the following changes:

A. Additional Development Standards for Lot 10 through 23 21

- 1) Building Height. The maximum allowable building height for houses shall be 26 ft. above natural grade for Lots 10 to 17 and 28 ft. for Lots 18 to 21. Natural grade shall mean the final rough grade after the subdivision improvements are in place. New "fill" slopes resulting from street improvements shall be graded at a three to one slope (horizontal to vertical). In addition, no portion of a house structure shall be higher than 16 ft. above the top-of-curb elevation at the front of the lot for Lots 10 to 17 and 18 ft. for Lots 18 to 21. These are the maximum heights to be permitted, and in evaluating the individual house designs through the Design Review process, the height should be less than the maximum wherever practical to the extent consistent with other objectives such as minimizing grading, maintaining architectural interest and variety, and allowing a house size similar to others within the subdivision. House designs should incorporate features that facilitate reducing overall height. Features to be considered include, but are not limited to, stepped floor plans and detached garages.
- 2) Mass and Bulk of Structures. Where possible, cantilevered floors, decks and chimneys shall be utilized to reduce the skirt heights of walls on the downhill side of the house. In addition, walls on the downhill (rear) side of the structure shall be "undulated" to provide "relief" and architectural interest to the house when viewed from below. Long uninterrupted rear walls shall be prohibited. Major roof planes of the house shall generally be parallel to the natural slope of the lot. Architectural elements such as bay windows, roof dormers, greenhouse windows, and chimneys are encouraged to add architectural variety to house structures. At the rear of the house exterior decks shall not extend beyond the rear building envelope line. In addition, all second floor exterior walls (except chimney walls) shall be a minimum of five feet (5') from the rear development

envelope line. The maximum finish floor elevation of the second floor at the rear (east) wall shall not be greater than shown below for the respective lots above finished grade:

- a) Fourteen feet (14') for Lots 10, 11, 14, 15 and 16;
- b) Sixteen feet (16') for Lots 12, 13, and 17; and
- c) Eighteen feet (18') for Lots 18, 19, 20, and 21.

B. Building envelopes. The house structure, garage and all accessory buildings or structures shall be located entirely within the "building or development envelope" area defined for each lot, except that roof overhangs, chimneys, exterior balconies or similar architectural appendages may project two feet beyond the building envelope line. This shall not include any enclosed portion of the house structure.

The building envelopes are approved as shown on Exhibit "C" "V" to the Master Plan with the following exception:

- 1) For Lot 45 44, the development envelope setback from the northerly property line shall be increased to 30 feet. However, retaining walls may be placed outside the development envelope, to within 20 feet of the northerly property boundary.

C. Floor Area Ratio:

The FAR shall be a maximum of 30%.

D. Maximum Lot Coverage

The maximum lot coverage requirements are deleted.

E. The building envelopes shall be shown on the final map, or recorded on the property through a separate instrument.

- 4. All utilities within the subdivision and extended to the subdivision shall be underground.
- 5. Prior to recording the Final Map, the applicant shall submit proposed driveway maintenance agreements for Lots 22, 23, 24, and for lots 41 40 through 45 44. Such agreements shall be subject to the review and approval of the Planning Department and Department of Public Works and shall be recorded with the Final Map.
- 6. A minimum of 4 off-street parking spaces shall be provided for Lots 22 to 24 and 40 to 45 44. While independently accessible spaces are preferred, two of the parking spaces may be provided as tandem spaces where independently accessible spaces cannot be provided without substantially constraining the house location and design or causing extensive grading.
- 7. The change in paving and entrance design at Cypress Hollow Drive and Bay Vista Road as shown on Sheet 8 of Exhibit "A" the originally submitted Landscape Plan is expressly prohibited.
- 8. All conditions of Master Plan, Development Plan and Tentative Map approval shall be complied with prior to recordation of the final map, or, where appropriate, the required

improvements shall be financially secured through posting with the County prior to recordation a Certificate of Deposit, Letter of Credit, or other County approved instrument of credit.

9. All conditions of Master Plan approval are incorporated by reference as conditions of Development Plan/Tentative Map approval.
10. Design Review shall be required on all single family lots within the subdivision. (lots ~~23~~, 43, 4)
11. Final landscape and irrigation plans shall be approved by the Planning Director prior to recordation of the Final Map.
12. The final map shall contain notes or shall be recorded with documents that clearly set out the maintenance obligations of individual lot owners with respect to the drainage way along the westerly property boundary and the landscaping within the non-development private open space easements. This includes Lots 21, 29, 40, 41, 42, 43, and 44 and Parcel L.
13. As offered by the applicant and approved as part of this approval As agreed to by the Town of Tiburon, Marin County and Cypress Hollow, a California Limited Partnership in the settlement of Case No. 140135 in California Superior Court, prior to the recordation of the final map, the applicant shall establish a \$51,000 fund and propose the procedures and supervising entity, such as the Town of Tiburon or Bel Aire Improvement Association for providing the funds to the property owners of the 17 lots along Blackfield Drive that abut the Cypress Hollow subdivision for installation of screening landscaping in their rear yards. The procedures and supervising agency as proposed by the applicant shall be subject to the review and approval of the Planning Director. In the event no appropriate entity is willing to accept the responsibility of supervising the expenditure of the fund prior to recordation of Final Map, the developer shall be responsible to pay the owners of the 17 lots along Blackfield Drive that abut the downslope lots along the proposed Rancho Drive extension, also known as A.P. Nos 034-171-01 to 07 and 034-111-01 to 10, up to \$3,000 per lot as reimbursement for expenses incurred installing screening landscaping in their rear yards which expenses may include landscaping design, landscaping contracting and installation, or cost of plant materials. The developer shall be responsible to disburse from the \$51,000 fund for reimbursement claimed in writing for five (5) years from recordation of Final Map. Distribution of the Fund shall be made as determined by the Town of Tiburon. Upon funding of the Fund, the Town shall notify in writing each owner of the Blackfield Homes advising each owner of the availability of the Fund for purposes of screening landscaping and the procedures for obtaining a portion of the Fund. The procedures for distribution of the Fund shall be as follows:
 - A. Any owner of any of the 17 subject lots who proposes to install screening landscaping in his/her rear (western) yard may apply by letter to the Planning Director of the Town for authorization to proceed pursuant to an agreed budget.
 - B. After authorization by the Town and upon proof of installation satisfactory to the Planning Director of the Town, the Town shall reimburse the applicant/owner for such landscaping costs actually incurred (including landscaping design, landscaping contracting and installation or cost of plant materials) in an amount up to (but not exceeding) the budgeted amount for each lot owned by the applicant/owner. As compensation to the Town for administering the Fund: 1) upon recordation of the Final Map for the Project, Cypress Hollow shall pay to the Town of Tiburon the sum of FIVE THOUSAND DOLLARS (\$5,000.00); and 2) interest received on the Fund shall become unrestricted funds of the Town of Tiburon s earned. In the event the Fund

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has not been exhausted within five (5) years after the date of funding and after the Town of Tiburon's good faith efforts to contact all of the owners of the Blackfield Homes who have not received payment under this procedure, any sums remaining in the Fund shall become unrestricted funds of the Town.

Department of Public Works

14. Prior to the submission of improvement plans and recordation of the Final Map, the applicant shall complete hydrologic/hydraulic analysis of the relevant watershed which defines any existing and/or expected drainage deficiencies and identifies potential mitigation measures shall be submitted.
15. The improvement plans shall include a detailed grading and drainage plan that incorporates the following design guidelines as found appropriate by the applicant's professional engineers and concurred in by County staff:
 - A. All cut and fill slopes should be inclined no greater than 2:1 (horizontal to vertical) unless specifically approved by a qualified soil engineer.
 - B. During site grading, no grading, vehicle parking or storage of construction materials shall be allowed under the drip line of trees to be retained.
 - C. Slopes shall be graded such that a naturally contoured appearance results. Graded slopes shall be rounded and final graded into the existing terrain. Bench or cut pad building sites shall be discouraged. Bench cuts will only be allowed when they provide substantial design benefit such as reducing house height on slopes. Any bench cutting shall blend into the existing contours and shall not be permitted simply to provide outdoor living areas. It is the intent of this condition to require structures to be custom designed to fit the topography and minimize grading, house massing and height.
 - D. Discharge project runoff into small drainages at frequent intervals to avoid buildup of large, potentially erosive flows.
 - E. Reduce disturbed areas to the minimum necessary for construction.
 - F. Keep storm water runoff velocities low.
 - G. Keep slope lengths and gradients to a minimum.
 - H. Design developed area to increase the "time of concentration" (time for water to pass over the site) through grading, detention areas, energy dissipators and moderate flow velocities.
16. The applicant shall be responsible to undertake the following drainage improvements.
 - A. Pursuant to the hydrologic/hydraulic analysis and the applicable recommendations of the geotechnical consultant, channel stabilization measures shall be performed for the unnamed drainage way along the westerly side of the property.
 - B. Pursuant to the hydrologic/hydraulic analysis relevant to the "West Ditch" drainage system and the Tiburon Boulevard culvert and Cecilia Way culvert crossing, the applicant shall:

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- 1) Pay \$60,000 to the Flood Control District #4 in-lieu of undertaking off-site drainage work; and
 - 2) Provide to Flood Control District #4 no later than April 15, 1989, plans, specifications, and estimates for construction of the box culvert for the West Ditch at Cecilia Way.
17. All grading and site preparation shall be performed under the direct observation of a qualified soils engineer. Provide slope reconstruction as determined appropriate using terraced excavation covered by compacted fill, buttressed and subdrained.
 18. Immediately after grading, each building site shall be checked for expansive soils. Where expansive soils are found, they shall be replaced with non-expansive engineered fill prior to building construction. Alternative solutions to correcting expansive soil conditions may be recommended by the applicant's professional engineers and may be substituted subject to approval by Department of Public Works.
 19. For development on each individual lot, additional subsurface investigations and engineering analysis shall be performed to develop recommendations regarding site grading and other items related to building foundations and site specific drainage as project plans for housing construction are developed.
 20. The slide area located in the northerly portion of Lot 29 shall be reviewed by a geotechnic consultant to determine if any additional measures are necessary to insure protection of the surrounding area from possible slide reactivation. Any required measures shall be implemented through improvement plan construction.
 21. The Vesting Tentative Map shall be revised to show a non-access easement for the following areas:
 - A. the south easterly lot lines of lots 31 to 40 39 so that access to these lots is from Monterey Drive only;
 - B. the northerly lot line of Parcel K;
 - C. the easterly lot line of Lots 23 and 30 22 and 23 along Rancho Drive;
 - D. the entire north westerly side of Monterey Drive (includes lot lines in Lots 40, 41, 42, 43, and 45 44, and Parcel L) except for approximately 100 feet of frontage for Lot 44 immediately northerly of the shared driveway access;
 - E. the rear property lines of Lots 1-7 and 9 where these lots abut the remainder Parcel B.
 22. The applicant shall be responsible for the installation of the following traffic control improvements:
 - A. a "Tee Intersection" warning sign on the eastern approach on Bay Vista Drive prior to the intersection of Bay Vista Drive and Cypress Hollow Drive.
 - B. a stop sign at the west end of Cypress Hollow Drive.
 - C. A stop sign at the south end of Monterey Drive.

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- D. striping a double yellow line on Bay Vista Drive in the vicinity of the intersection of Cypress Hollow Drive and Bay Vista Drive. The exact location and extent of striping shall be approved by the County Traffic Engineer.
- E. The paving section of Bay Vista Drive shall be widened to 30 feet from where it currently narrows and northerly past the new intersection of Cypress Hollow Drive. The extent of the widening shall be determined by the County Traffic Engineer, but shall be generally limited to the subdivision boundary along Bay Vista Drive.

These traffic improvements shall be shown on the improvement plans and shall be subject to final review and approval by DPW prior to recordation of the Final Map.

- 23. Prior to or in conjunction with the improvement plans for the subdivision, the applicant shall prepare detailed erosion and sedimentation control plans for the construction period and permanent erosion and sedimentation control plans for the period after construction for review and approval by the County and Flood Control District. The construction erosion and sedimentation control plans shall include the following design guidelines as found appropriate by the applicant's professional engineers and concurred in by County staff:
 - A. Avoid open face cuts and extensive clearing/grading operations during the critical wet weather period of the year (commonly mid-October through mid-March).
 - B. Keep runoff away from disturbed areas during construction.
 - C. Stabilize "disturbed areas" as quickly as possible, either by vegetative or mechanical methods.
 - D. Trap sediment before it leaves the site with such techniques as check dams, sediment ponds, or siltation basins.

Construction on the site shall be done in compliance with the approved construction erosion and sedimentation control plan and the permanent erosion and sedimentation control plans shall be incorporated into the subdivision improvement plans.

- 24. In conjunction with the erosion and sedimentation control plans required in Condition #23, the applicant shall provide a model construction erosion and sedimentation control plan for development on individual lots. The plan shall be subject to review and approval by the Planning Department and Department of Public Works and shall be incorporated to the extent appropriate on individual lots as conditions for Design Review approvals within the subdivisions.
- 25. Remove channel debris to restore the original drainage channel located in the southwest portion of the subdivision to provide for unimpeded drainage flow.
- 26. Prior to issuance of building permits for residential and accessory structures, all applicable school district fee requirements shall be complied with.

Alto Richardson Bay Fire Protection District

- 27. The development plans for house construction on individual lots shall fulfill the following design requirements:

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- A. Where the average ground slope on any side of a structure exceeds 15%, a three foot wide hard surface path shall be provided.
- B. Where the slope of a lot exceeds 30% , hard surface steps shall be provided.
- C. Spark arrestors shall be provided (opening not larger than 1/2 inch (iron mesh)). Tree branches shall be kept 10 feet away from fire place chimney outlets.
- D. Provide smoke detectors. The detectors shall receive their primary power from the building wire (commercial source).
- E. Each house shall have the street address clearly posted in numbers that contrast to their backgrounds.
- F. Class A fire resistant roofing materials shall be used for all structures.

Pacific Bell

- 28. A 10 foot wide public utilities easement shall be provided within the proposed road rights-of-way.

Marin Municipal Water District

- 29. Prior to recordation of final map, the applicant shall enter into a pipeline extension easement with Marin Municipal Water District and shall guarantee necessary project improvements and water service for all proposed residential lots.
- 30. Low flow water fixtures shall be utilized in all house construction.

Richardson Bay Sanitary District

- 31. Prior to recordation of Final Map, the applicant shall enter into an agreement with Richardson Bay Sanitary district to provide for the extension of the sanitary sewer facilities and provision of sewer connections for the Cypress Hollow Subdivision.

PPASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 13th day of September, 1987, by the following vote to-wit:

AYES: Supervisors: Gary Giacomini, Bob Stockwell, Harold Brown, Al Aramburu
 NOES: Supervisors: None
 ABSENT: Supervisors: Bob Roumiguere



 CHAIRMAN OF THE BOARD OF SUPERVISORS
 COUNTY OF MARIN

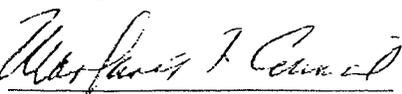
ATTEST:

 Margaret Council
 Clerk of the Board

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

RESOLUTION NO. DRAFT-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIBURON
APPROVING AN AMENDMENT TO THE CYPRESS HOLLOW PRECISE
DEVELOPMENT PLAN (PD #45) TO INCREASE THE MAXIMUM FLOOR AREA
ON PROPERTY AT 60 MONTEREY DRIVE (LOT 34)

ASSESSOR PARCEL NO. 034-394-06

Section 1. Findings.

WHEREAS, the Town of Tiburon has received and considered an application filed by Michael and Kelly Day to amend the Cypress Hollow Precise Development Plan (PD #45) to increase the maximum floor area permitted for Lot 34 of the Cypress Hollow Subdivision, located at 60 Monterey Drive; and

WHEREAS, the Precise Development Plan application consists of File #PDPA2016002, on file with the Town of Tiburon Community Development Department. Materials from that application include but are not limited to the following:

1. Land Development Application form and project description, dated August 22, 2016; and
2. Project plans (10 sheets) prepared by Larson Shores Architecture and Interiors, dated October 17, 2016.

WHEREAS, on October 26, 2016 the Planning Commission held a public hearing to consider the approval of this application to amend the Cypress Hollow Precise Development Plan; and

WHEREAS, after receiving public testimony and considering the application at that hearing, the Planning Commission adopted Resolution No. 2016-18 recommending to the Town Council that the Precise Development Plan Amendment be approved; and

WHEREAS, on November 16, 2016, the Town Council held a public hearing on this application and after hearing all testimony and reviewing all documents on the record, the Town Council concurred with the findings made by the Planning Commission and found that the proposed precise development plan amendment to increase the maximum floor area permitted for the property located at 60 Monterey Drive would be

consistent with the overall intention of the Cypress Hollow Precise Development Plan and the policies contained within the Land Use Element of the Tiburon General Plan; and

WHEREAS, the Town Council has found that the project is exempt from the requirements of the California Environmental Quality Act per Sections 15301 and 15303 of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Tiburon does hereby approve the requested amendment to the Cypress Hollow Precise Development Plan, subject to the following conditions:

1. Condition of Approval No. 3 (C) of Marin County Board of Supervisors Resolution No. 88-252 shall be amended to read as follows:

“The FAR shall be a maximum of 30%; except that greater area is permitted for the following lots:

- a. Lot 33 (70 Monterey Drive) if attained entirely within undeveloped space within the existing mass and bulk of the approved house, as generally depicted on drawings dated 10/1/99, prepared by Marshall Balfe (4 sheets);
- b. Lot 16 (170 Rancho Drive) if attained entirely within undeveloped space within the existing mass and bulk of the approved house, as generally depicted on drawings dated 1/4/2000, prepared by Mahoney Architects (4 sheets);
- c. Lot 7 (70 Cypress Hollow Drive), as generally depicted on drawings dated 4/18/2001, prepared by Geoffrey Butler Architect (6 sheets), approving the garage conversion and limiting the deck enclosure so that the total floor area of the house does not exceed the Town of Tiburon default floor area ratio for this property;
- d. Lot 11 (120 Rancho Drive) if attained entirely within undeveloped space within the existing mass and bulk of the approved house, as generally depicted on drawings dated 9/14/2002, prepared by Marshal Balfe (6 sheets);
- e. Lot 35 (50 Monterey Drive) if attained entirely within undeveloped space within the existing mass and bulk of the approved house, as generally depicted on drawings dated 1/28/2004, prepared by Richard Esteb (5 sheets);
- f. Lot 26 (20 Baccharis Place) if attained entirely within undeveloped space within the existing mass and bulk of the approved house, as generally depicted on drawings dated 11/1/2005, prepared by Richard Esteb (6 sheets);

- g. Lot 36 (40 Monterey Drive) if attained entirely within undeveloped space within the existing mass and bulk of the approved house, as generally depicted on drawings dated 7/6/2006, prepared by Mohamad Sadrieh (7 sheets).”
- h. Lot 10 (110 Rancho Drive) if attained entirely within undeveloped space within the existing mass and bulk of the approved house, as generally depicted on drawings dated 8/14/2012, prepared by Holscher Architecture (3 sheets).”
- i. Lot 34 (60 Monterey Drive), as generally depicted on drawings dated 10/17/2016, prepared by Larson Shores Architecture and Interiors (10 sheets).

2. This approval shall in no way alter other provisions of the Cypress Hollow Precise Development Plan not specifically described herein.

PASSED AND ADOPTED at a regular meeting of the Town Council on November 16, 2016, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ERIN TOLLINI, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK