



STAFF REPORT

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

PROJECT DATA

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

BACKGROUND

On February 15, 2012, the Town Council approved a precise development plan application (the Alta Robles Precise Development Plan; PD #20) for this property by adopting Resolution No. 09-2012 (**Exhibit 1**). The precise development plan approved the project density and the location, maximum height and floor areas of the 14 homes (one existing single-family dwelling and 13 new homes) that could be developed on this property. The applicants are now applying for the vesting tentative subdivision map approval that would establish the proposed lot lines for the subdivision. Future applications would include a final map, subdivision improvement drawings, site plan and architectural review applications, and building permits for each residence.

PROJECT DESCRIPTION

The proposal requests the subdivision of an approximately 52.2-acre parcel located at 3825 Paradise Drive, extending from Hacienda Drive on the south, up to the Tiburon Ridgeline, then downward to Paradise Drive on the north. Fourteen (14) residential lots would be created. A

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

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

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

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

ANALYSIS

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

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

General Plan Consistency and Zoning Compliance

The land areas of the 14 proposed lots are consistent with the established General Plan density for the site, and are consistent with the zoning for the property, as established in the adopted Alta Robles Precise Development Plan.

Tiburon Subdivision Ordinance

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

- a. Plan Consistency. As stated above, the proposed map is consistent with the Tiburon General Plan and the Alta Robles Precise Development Plan.
- b. Design or Improvement. The design of the proposed subdivision is consistent with the Tiburon General Plan and the Alta Robles Precise Development Plan.
- c. Type of Development. The proposed detached single family residential lots are consistent with the type of development suitable for the physical constraints of this property.
- d. Density of Development. Fourteen residences on the 52.2-acre site would yield a density of 0.27 units per acre. This would be 67.5% of the maximum density of 0.4 units/acre allowed under the General Plan and an appropriate density for this property.
- e. Fish or Wildlife. As documented in the certified EIR for the project, the design of the proposed subdivision and its improvements would not substantially injure fish or wildlife or their habitat.
- f. Public Health. The design of the proposed subdivision has no characteristics that would cause significant public health problems.
- g. Access. The private roadway providing access to the 14 proposed lots would not conflict with other access easements in the area. The project has adequate emergency access.
- h. Dedications. Open space easements are required over approximately 77% of the site per the precise development plan approval.
- i. Discharge of Waste. The proposed houses would connect into the Sanitary District No. 5 public sewer system, in conformance with the requirements of the Town of Tiburon, LAFCO and the Sanitary District.
- j. Regional Housing Needs. The subdivision of this property to allow the construction of 13 new single-family homes would be compatible with the identified regional need to construct additional housing within the Southern Marin

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

PUBLIC COMMENTS

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

ENVIRONMENTAL STATUS

A Final Environmental Impact Report was certified by the Town Council in 2011 for this project. No changes to the project are proposed that would require additional environmental review. All adopted mitigation measures apply.

TIMELINE FOR DECISION

The Permit Streamlining Act (PSA) allows a relatively short window (only 50 days from the date of application completeness) for the Town to take final action on the Vesting Tentative Map application. The PSA deadline for this application is March 24, 2016. The item has been tentatively scheduled for the March 17, 2016 Town Council meeting.

CONCLUSION

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

RECOMMENDATION

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

EXHIBITS

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

Prepared By: Daniel M. Watrous, Planning Manager

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

RESOLUTION NO. 09-2012

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

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

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

Section 1. Findings.

- A. The Town of Tiburon has designated 52.21-acres of land located between Paradise Drive and Hacienda Drive Road as Residential Planned Development (RPD) on the Zoning Map and in the zoning regulations of the Tiburon Municipal Code, Title IV, Chapter 16, at Section 16-14.020 (B), with a further zoning designation of Planned Development #20 on the Planned Development Map in the aforesaid Section. All future Tiburon Municipal Code Section references in this resolution and its attachments shall be to Title IV, Chapter 16 (Zoning) unless otherwise specified.
- B. Tiburon Municipal Code Section 16-21.030 (D[3]) provides zone regulations for the RPD zone, specifying the approval of a Precise Development Plan prior to subdivision, grading, or the making of improvements on property so designated. Basic zoning parameters such as density of development, floor area limits, height limits, and setbacks are to be specified in an approved Precise Development Plan for the property, based on site-specific characteristics to which an appropriate amount and layout of development may be tailored. The intent of the RPD zone is set forth as follows:

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

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

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

1. To provide for review by the Town a detailed development proposal for a designated area with unique site characteristics or environmental conditions, in both written and graphic form, to ensure that new development in such areas is compatible with the existing land uses, development standards (including but not limited to, setbacks or building envelopes, coverage limits, and height limits) and identified constraints;
2. To demonstrate consistency of a development proposal with the goals and policies of the General Plan;
3. To preserve and conserve critically limited open space for the protection of the ecology and the environment, and to safeguard against the adverse impacts of fire, noise, water pollution, the destruction of scenic beauty and hazards related to geology, fire and flood, while at the same time providing a reasonable use of the land.

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

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

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

- F. The Planning Commission held duly noticed public hearings on the Precise Development Plan application on January 26 and April 13, 2011. On April 27, 2011, the Planning Commission adopted Resolution No. 2011-10 recommending to the Town Council conditional approval of the project with, among other modifications, the elimination of Lots 8, 9, 10 and 13.
- G. An Environmental Impact Report (EIR) analyzing the project was certified by the Town Council on August 3, 2011.
- H. The Town Council has previously and by separate resolution adopted Findings of Fact pursuant to the California Environmental Quality Act and has adopted findings of overriding considerations to approve the project despite remaining significant environmental effects.
- I. The Town Council held a duly noticed public hearing on the Precise Development Plan application on August 3, 2011, at which it heard and considered testimony from interested persons. The Town Council subsequently deliberated further on the application at public meetings held on August 31, 2011, November 16, 2011, and February 15, 2012. The Town Council finds, based upon application materials and analysis presented in the staff report and the certified Final EIR that the proposed project, as modified by conditions of approval, is on balance consistent with and furthers the goals and policies of the Tiburon General Plan and in conformance with provisions of the Tiburon Zoning Ordinance. The facts in support of this finding are set forth in the official record for this project.
- J. The Town Council finds that the specific design characteristics of the proposed homes, as presented by the applicant, are a critical factor in the Town's approval of the project. The applicant has publicly agreed, and it is mutually understood between the Town and the applicant, that the homes to be constructed on Lots 2 through 14 shall be closely based on, and in exterior appearance shall resemble as closely as possible, the homes as shown in the Alternative 6 drawings revised through January 25, 2012, as presented to the Town Council on February 15, 2012, as may be modified pursuant to Condition No. 2 of this Resolution.

Section 2. Conditional Approval of Precise Development Plan.

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

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

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

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

2. **Modifications to Precise Development Plan.** The following modifications shall be made to the Alta Robles Precise Development Plan application, as modified through Alternative 6, shall be modified as follows:
 - a. No major accessory buildings or structures (including but not limited to buildings, detached garages and pools) shall be permitted between the significant ridgeline and a line parallel to the building footprint closest to the ridgeline for Lots 8, 9, 10, 11 and 12.
 - b. No accessory buildings or structures (including buildings and detached garages) shall be permitted west of the significant ridgeline for Lot 12.

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

3. **Lot 1 Parameters.** Lot 1 is currently developed with an 8,000+ square foot single family dwelling, tennis court, pool, pond, garden and landscaped areas and other ancillary improvements. Lot 1 is subject to the 8,000 square foot floor area guideline limit as set forth in the Tiburon Municipal Code. The height limit for the main building is 28 feet and the tennis court must be unlighted. Any additional floor area on Lot 1 must first secure a floor area exception as set forth in Section 16-52.020(I) of the Tiburon Municipal Code, or successor sections thereto. Additional improvements on Lot 1 shall be confined to the residential use area except as otherwise approved herein. The Rabin Private Zone portion of Lot 1 shall be subject to the provisions of Condition No. 11 below regarding establishment of open space, scenic and/or resource conservation easements. No additional buildings are allowed in the Rabin Private Zone beyond the existing storage shed located adjacent to Lot 5, which may be maintained in good repair but may not be enlarged or the use altered without prior approval by the Planning Commission.
4. **Maximum Density Established.** In furtherance of Section 16-21.040 (C[2]) of the Municipal Code, this Precise Development Plan approval establishes a

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

5. **Floor Area and Height Maximums Established.** In furtherance of Section 16-52.020 (I[3]) of the Municipal Code, this Precise Development Plan approval establishes the limit of “floor area, gross”, as defined in Section 16-100.020 (F) therein (except that all basement area shall be counted as floor area), and “height”, as defined in Section 16-100.020 (H) therein, that may be constructed on each lot as set forth in attached **Exhibit A**, incorporated herein. If any discrepancy between the approved drawings and Exhibit A exists, the latter shall control. It is understood that the floor area for each lot as specified above is a maximum allowable square footage, and the Town may, in its reasonable discretion in reviewing Site Plan and Architectural Review applications for each lot, approve a lesser amount of square footage and/or height. Exhibit A also establishes a floor area allowance not to exceed five hundred (500) square feet for the construction or installation of detached accessory buildings. The allowance shall not be used for detached garages, carports, or secondary dwelling units, but may be used for a pool house, cabana, tool/garden shed, or similar structure, the use of which is clearly subordinate and incidental to the main building. Detached accessory buildings shall not exceed fifteen (15) feet in height above grade. No additional floor area shall be granted for a secondary dwelling unit, which may only be permitted as an attached structure within the footprint and allowable floor area of the single-family dwelling on a lot.
6. **Significant Ridgeline Setback.** No swimming pools, spas, or structures other than wood and wire fences, driveways, and retaining walls supporting driveways shall be allowed within fifteen (15) linear feet of significant ridgelines 5 and 6 as depicted on Sheets EXH 22 and 23 of the approved drawings.
7. **Accessory Buildings and Fences.** Accessory buildings or structures and other improvements, including patios, decks, pools, spas, fountains and water features, built-in barbeques, play structures, arbors, gazebos, tool sheds, fences, landscape walls, and parking areas shall be limited to the “residential use area” (RUA) of each lot as shown on the Sheets EXH 22 and 23 of the approved drawings. Fences shall not exceed six (6) feet in height and landscape walls shall not exceed four (4) feet in height. All such fences shall be a wood and wire design matching specifications approved herein.
8. **Tennis Courts.** Additional tennis courts (beyond the single existing court on Lot 1) are prohibited.

9. **Common private open space.** In furtherance of Section 16-21.040 (A) of the Municipal Code, this Precise Development Plan approval establishes a designation of “common private open space” for Lots A, B and C, and in furtherance of Section 16-21.030(D[3]) of the Municipal Code, said Lots A, B, and C shall be protected by open space, scenic, and/or resource conservation easements to be offered for acceptance to the Town of Tiburon by separate instrument as part of the final map application. Said easements (if accepted) shall be recorded in conjunction with the recordation of the final map and their official records reference shall be placed on the final map. Said easements shall acknowledge, as necessary, any existing improvements (such as the three 19 foot-high water storage tanks on Lot C), any required roadway, drainage and/or utility easements and any landscape installation (e.g. entry landscaping, retaining wall screening, and mitigation planting) and maintenance agreements that are required as part of this Precise Development Plan approval or permits issued in reliance thereon. All easement or dedication documents associated with this Precise Development Plan approval shall be reviewed and approved by the Town Attorney and Director of Community Development prior to acceptance for filing of any final map application.
10. **Improvements Outside of Residential Use Area.** In furtherance of Section 16-21.040 (A) of the Municipal Code, no improvements of any type, including fencing, shall be permitted on any lot outside of the approved RUA for each lot, with the exception of driveways, retaining walls necessary to support driveways, subdivision improvements and other improvements clearly contemplated by this Precise Development Plan approval, including the project’s mitigation measures.
11. **Lot Areas Outside the RUA.** In furtherance of Section 16-21.030(D[3]) of the Municipal Code, all portions of private lots outside the RUA shall be protected by an open space easement or easements offered for acceptance to the Town of Tiburon by separate instrument as part of the final map application. Said open space easement or easements shall be recorded in conjunction with the recordation of the final map and their official records reference shall be placed on the final map. The open space easement limitations shall not apply to improvements clearly contemplated in this Precise Development Plan, such as, without limitation, the private roadways serving the subdivision; driveways, retaining walls necessary to support driveways; utilities; landslide repair devices and re-vegetation; drainage ditches; existing water tanks and other existing improvements, or other ancillary improvements necessary for installation of the subdivision improvements.
12. **Rabin Private Zone on Lot 1.** In furtherance of Section 16-21.030 (D[3]) of the Municipal Code, the area designated as Rabin Private Zone on Lot 1 shall be reserved for natural resource protection and scenic view preservation. A natural resource protection and scenic view preservation easement shall be offered for acceptance to the Town of Tiburon by separate instrument as part of the final map

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

13. **Design Guidelines.** All residential improvements constructed on the property shall substantially conform to the Alta Robles Architectural Design Guidelines dated 3/6/2007, as amended by this approval. Within ninety (90) days following the effective date of this Resolution, said Guidelines shall be updated and revised to reflect mitigation measures and conditions of approval herein to the satisfaction of the Director of Community Development. Said guidelines shall also be part of the draft CC&R's submitted for review and acceptance by the Town Attorney with the tentative subdivision map application and shall be recorded in conjunction with the final map.
14. **House Designs and House Footprints.** Individual house designs and house footprints submitted for Site Plan and Architectural Review approval for Lots 2 through 14 shall be closely based on, and in exterior appearance shall resemble as closely as possible, the homes as shown in the Alternative 6 drawings as approved herein. It is the express intent of the Town Council that future amendments to the adopted Precise Development Plan regarding exterior house design characteristics (including footprint) be avoided to the maximum extent feasible through strict adherence to the approved PDP drawings. In reviewing Site Plan and Architectural Review applications, Town staff and the Design Review Board are directed to disallow substantive exterior changes, except for a reduction in house size and/or height, to the drawings approved herein, as being inconsistent with this Precise Development Plan.
15. **Colors and Materials.** Colors and materials of homes and accessory buildings and structures shall be low-reflectivity, medium and/or dark hues that minimize contrast with surroundings and reduce visual impacts.
16. **Retaining Walls and Screening.** The appearance of any publicly-visible project retaining walls (including debris catchment fences or walls) shown on the subdivision improvement drawings in excess of forty-two (42) inches in height shall be subject to review and approval by the Design Review Board (DRB) prior to approval of said drawings. Where publicly visible, all subdivision improvement-related retaining walls and bridge piers shall have the appearance of rock, such as would be found native on the site, to provide a natural look, and shall be medium to dark in color to reduce contrast. Any DRB approval shall include appropriate landscape screening for such structures. Bonding or other monetary security for the irrigation, maintenance and replacement of retaining

wall landscaping for the lifetime of the retaining walls shall be secured by the Town prior to recordation of the final map. The amount of monetary security shall be acceptable to the Director of Public Works and the terms of the maintenance and replacement shall be acceptable to the Town Attorney.

17. **Landscaping.** Any disturbed open space areas shall be landscaped with native plants immediately following the landslide repair and/or subdivision improvement/home construction work. Additionally, all landslide repair areas shall be hydro-seeded with native grasses following grading for dust control and soil stability in accordance with geotechnical engineering recommendations. No new landscaping or vegetation shall be planted on any private open space area other than that approved as part of a detailed landscape plan and native plant palette to be submitted with the tentative subdivision map application and incorporated into the subdivision improvement drawings.
18. **Landscape Transition.** The Precise Development Plan landscape drawings for the private lots shall be revised to require a gradual transition of landscaping within the residential use areas from the suburban-type landscaping of the RUA to the more natural-appearing vegetation found in the private open space portions of lots and areas outside the residential use area.
19. **Detailed Landscape Plan.** A detailed landscape plan for the subdivision improvement phase of the project shall be prepared as part of the subdivision improvement drawing submittal and shall be reviewed and approved by the Design Review Board. This landscape plan shall include removal of any remaining invasive plant species; review of common area plantings, entry landscaping, retaining wall screening, and any landscaping required in adopted mitigation measures. Infrastructure and subdivision improvement-related landscaping must be supported by a functional, reliable, and appropriate irrigation system for which maintenance is guaranteed by the homeowner association. Mechanisms shall be instituted in the CC&R's and/or elsewhere as appropriate that provide the Town the right, but not the obligation, to compel maintenance of such landscaping at homeowner association expense if deemed necessary by the Town.
20. **Tree Plan.** A detailed Tree Protection and Replacement Plan shall be submitted with the subdivision improvement drawings to set forth protection measures for trees to be retained during project construction and to implement Mitigation Measure 5.5-5 and shall be reviewed and approved by the Director of Community Development and Director of Public Works. Said Plan shall be subject to third party review by a professional biologist of the Town's choosing at the applicant's sole expense.

21. **Private Open Space Bollards.** As described on p. 49 of the Alta Robles Draft EIR, three-foot high permanent bollards with plaques shall be installed at intervals of approximately 60 feet between the boundary of the residential use areas and the private open space areas of each lot. Said bollards shall be maintained in good condition at all times by the homeowner's association for the subdivision.
22. **Roadway Lighting.** If lighting is proposed for the project roadways, lighting details shall be reviewed by the Design Review Board prior to the approval of subdivision improvement drawings for the project. All roadway lighting shall be shielded downlights to the satisfaction of the Design Review Board.
23. **Restrictions and Agreements.** Draft CC&R's, deed restrictions, and/or joint maintenance agreements or other similar binding and recordable instruments for the subdivision shall be prepared and submitted for review and approval by the Town Attorney and Director of Community Development as part of the tentative subdivision map application ("CC&Rs"). Said CC&Rs acceptable to the Town Attorney shall contain provisions and limitations as set forth in this Precise Development Plan approval and the adopted Mitigation Monitoring Program to the satisfaction of the Town Attorney and Director of Community Development. These CC&Rs shall contain, without limitation, provisions for ongoing maintenance of the private roadway, common areas, ongoing maintenance of drainage structures and facilities, ongoing maintenance and replacement of open-space bollards, landslide mitigation structures, and ongoing removal of invasive plant species (French broom, pampas grass, etc.) from the property, and shall be recorded in conjunction with the final map. Said CC&Rs shall also include the house design limitations set forth in Condition No. 14 and shall establish, to the satisfaction of the Town Attorney, the property owner and/or homeowners association for the Alta Robles subdivision as the primary and principal enforcer(s) of said house design limitations, such that Precise Plan Amendment requests to the Town of Tiburon regarding house designs or other lot development parameters are limited to the maximum extent feasible

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

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

vehicular access from Hacienda Drive except for emergency vehicle purposes.

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

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

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

28. **Removal of Junk Materials.** As part of the installation of the subdivision improvements, applicant shall remove or replace dilapidated fencing and fence-posts, and shall remove litter, garbage, and other junk materials from the entire site.
29. **Debris catchment fences.** All proposed debris catchment fences and/or walls shall be shown on the subdivision improvement drawings. Where such fences or walls are proposed to be located in, or would require access through, sensitive resource areas, alternative solutions shall be explored that would avoid to the extent feasible impacts on sensitive resources.
30. **Fire Access Easements.** Fire apparatus access areas shown on Lot 1 shall be shown as easements for emergency vehicle use and offered for dedication as such on the final map to the satisfaction of the Town Engineer and Fire Marshal.
31. **Construction Management Plan.** The Construction Management Plan contained in the March 2007 Alta Robles project submittal is illustrative only. A detailed Construction Management Plan shall be prepared and submitted with the final map application and subdivision improvement drawings for review and approval by the Town Engineer and Director of Community Development. The Construction Management Plan shall, without limitation, outline the sequence and estimated timing of subdivision improvement installation; and shall comprehensively address construction staging areas, construction parking, materials storage, soil stockpiling, debris boxes, portable restrooms, and protective fencing for the subdivision improvement installation phase of the project. The Construction Management Plan shall specify an aggressive subdivision improvement installation schedule. In no event shall installation exceed a period of three (3) calendar years. No parking or staging of construction vehicles shall be permitted along or adjacent to Paradise Drive.
32. **Grading Period.** All grading involving the use of heavy construction equipment shall be limited to the period between April 15 and October 31. The Building Official may authorize limited extensions of time to this period in his reasonable discretion.
33. **Smoking.** No smoking shall be permitted on site by any person, contractor or employee during any phase of project construction. A water truck shall be present on the site during vegetation removal. These requirements shall be noted on the subdivision improvement drawings and shall be incorporated into the contract and the construction documents for the contractor(s) performing the work.
34. **Expiration.** This Precise Development Plan approval shall be valid for thirty-six (36) months following its effective date, and shall expire unless a time extension is granted or a tentative subdivision map has been approved in reliance on this

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

Section 3. Adoption of Mitigation Monitoring Program.

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

Section 4. Effective Date.

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

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

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

JIM FRASER, MAYOR
Town of Tiburon

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK

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

RESOLUTION NO. 2016-(Draft)

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

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

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

Section 1. Findings.

- A. An application for a Vesting Tentative Subdivision Map to subdivide 52.21 acres of land into fourteen (14) residential lots has been received from SODA, LLC. The subject property is located between Paradise Drive and Hacienda Drive and is identified as Assessor's Parcel Nos. 039-021-13 and 039-301-01.
- B. The application consists of the following:
1. Land Development Application Form and supplemental application information received September 8, 2015.
 2. Vesting Tentative Map (9 sheets) entitled "Vesting Tentative Map, Rabin Subdivision," received December 22, 2015, prepared by CSW/Stuber-Stroeh Engineering Group, Inc.
 3. Draft Declaration of Covenants, Conditions and Restrictions of Alta Robles, received September 8, 2015.
 4. Mitigation Monitoring, and Reporting Program for Biological Resources, prepared by LSA Associates, Inc., dated May 3, 2013.
 5. Biological Assessment Alta Robles Residential Development, prepared by LSA Associates, Inc., received September 8, 2015.
 6. Biological Information to Support the Vesting Tentative Map Application, Alta Robles Project, prepared by LSA Associates, Inc., dated December 16, 2015.
- C. The Planning Commission finds that a Final Environmental Impact Report was certified by the Town Council in 2011 for this project in conformance with the requirements of the California Environmental Quality Act, and that no further environmental review is required.
- D. The Planning Division and the Town Engineer have reviewed the project in accordance with applicable regulations and have recommended conditional approval of the application, as set forth in the Staff Report dated February 24, 2016.

- E. The Planning Commission held a duly-noticed public hearing on February 24, 2016, and has heard and considered testimony from interested persons.
- F. The Planning Commission finds that the application, as conditioned, is consistent with the goals and policies of the Tiburon General Plan. The Commission further finds that the application is in conformance with the provisions of the Alta Robles Precise Development Plan and is consistent with the provisions of Chapter 14 of the Tiburon Municipal Code regulating the subdivision of land.

Section 2. Recommendation for Approval.

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

Public Works & Engineering

1. All of the following requirements of the Town Engineer shall be met prior to the approval of the Final Map, including the ability to provide all essential utilities to the site. Two copies of a recent (within six weeks of submittal) preliminary title report, plus traverse calculations in electronic form, shall accompany the Final Map submittal. The Final Map shall be prepared in conformance with the standards of the Town of Tiburon and the standards of the State Subdivision Map Act.
2. All engineering requirements and standards, including but not limited to landslide repair, drainage, dust control, erosion control and winterization, soils stabilization, construction criteria, tree and other resource protection, roadway geometrics, and grading shall be subject to review and approval by the Town Engineer through the subdivision improvement process. Landslide repair shall be based upon the Preliminary Landslide Assessment dated February 28, 2007, prepared by Kleinfelder, Inc.; the Preliminary Geotechnical Investigation dated March 5, 2007 and the Response to Geotechnical Peer Review Comments dated January 28, 2008, prepared by Miller Pacific Engineering Group; the Geotechnical Peer Review dated April 16, 2007 and the Review of Response to Geotechnical Peer Review, prepared by Herzog Geotechnical; and the several prior geotechnical studies and letters referenced therein.
3. Prior to approval of the Final Map, project sponsor shall enter into a subdivision improvement agreement with the Town of Tiburon and post all required monetary securities. Said agreement shall be recorded with the Final Map.

4. Prior to approval of the Final Map, project sponsor shall submit detailed subdivision improvement drawings addressing without limitation all elements in Condition #2 above for review and approval by the Town Engineer, Director of Community Development, and other applicable agencies.
5. The Final Map shall include all easements shown in the title report dated December 3, 2015, on file with this application, including, but not limited to Items 5, 6, 9, 12, 25, 26, 28, 30, 34, and 36 in the title report, and shall include all elements shown on the approved Vesting Tentative Map and Precise Development Plan drawings.
6. The Final Map shall include a site reconnaissance statement in compliance with Section 14-3.4 (a) of the Tiburon Municipal Code.
7. Elevations on the Final Map shall reference current National Geodetic Survey data (NAVD 88), or as required by the Town Engineer.
8. As part of the subdivision improvement drawings submitted with the Final Map application, project sponsor shall incorporate storm water treatment Best Management Practices (BMPs) into the design of the project to the extent practicable and shall include all measures required by Mitigation Measure 5.4-4 of the adopted Mitigation Monitoring Program for the Alta Robles Precise Development Plan. Consideration of BMPs shall include, but not be limited to, the use of grassy swales, landscaped areas, grasscrete, and similar measures in accordance with NPDES and MCSTOPP. All storm drain inlets shall be imprinted with a sign indicating “no dumping, flows to creek.”
9. All portions of private lots outside the residential use areas (RUAs) shall be protected by an open space easement or easements offered for acceptance to the Town of Tiburon or, with the approval of the Town, to other public or non-profit entities, by separate instrument as part of the Final Map application. This protection limitation does not apply to improvements and the maintenance thereof contemplated for installation in the Alta Robles Precise Development Plan, such as, without limitation, the private roadways serving the subdivision; driveways, retaining walls necessary to support driveways; utilities; landslide repair devices and re-vegetation; drainage ditches; existing water tanks and other existing improvements, or other ancillary improvements necessary for installation of the subdivision improvements contemplated in the Precise Development Plan or permits issued in reliance thereon, including the subdivision improvement drawings. Open space easement or dedication documents shall be reviewed and approved by the Town Attorney and Director of Community Development prior to acceptance for filing of the Final Map application. Said open space easement or easements (if accepted) shall be recorded in conjunction with the recordation of

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

10. The area designated as Rabin Private Zone on Lot 1 shall be reserved for natural resource protection and scenic view preservation. A natural resource protection and scenic view preservation easement for the Rabin Private Zone shall be offered for acceptance to the Town of Tiburon by separate instrument as part of the Final Map application. Said easement shall be recorded in conjunction with the recordation of the Final Map and its official records reference shall be placed on the Final Map. Said easement shall acknowledge, if necessary, any existing improvements, any required roadway, drainage and/or utility easements and any landscape installation (e.g. mitigation planting) and maintenance agreements that are required or reasonably foreseeable in the Alta Robles Precise Development Plan approval.
11. As described on p. 49 of the Alta Robles Draft EIR, three-foot high permanent bollards with plaques shall be installed at intervals of approximately 60 feet between the boundary of the residential use areas and the private open space areas of each lot. Said bollards shall be maintained in good condition at all times by the homeowner's association for the subdivision. This demarcation shall initially occur as part of the subdivision improvements, and shall be restored as necessary prior to issuance of a certificate of occupancy for each completed residence. A suitable mechanism for this permanent demarcation shall be specified on the subdivision improvement drawings and recorded as a deed restriction or by other appropriate mechanism as determined by the Town.
12. As detailed in the Certified EIR for this project, each residential lot shall be provided with a cistern sufficient to store the additional stormwater runoff generated by the construction of lot impervious surfaces (such as roof surfaces, driveways, patios, etc.). The cisterns shall store sufficient runoff to enable the proposed project to maintain site peak flows at pre-project levels for the 100-year design rainstorm.
13. If lighting is required by the Town Engineer for the project roadways, lighting details shall be reviewed by the Design Review Board prior to the approval of subdivision improvement drawings for the project. All roadway lighting shall be shielded downlights to the satisfaction of the Design Review Board. Lighting proposed on the subdivision improvement drawings shall be limited to the minimum amount necessary to safely illuminate points of access, as determined by the Town Engineer. Street lighting maintenance and utility expense (if any) shall be included in the private roadway maintenance agreement.

14. Prior to issuance of a grading permit for the subdivision improvements, the project sponsor shall hold a preconstruction meeting with the Town, all other reviewing agencies associated with the project, and the subdivision improvement contractors. At that time, a final review of the implementation of the mitigation measures and determination of monitoring responsibilities shall be completed and agreed upon.
15. Not more than ninety (90) days prior to submitting the Final Map application and subdivision improvement drawings, the applicant shall retain a qualified traffic consultant to perform a traffic study, at applicant's expense and to the Town Engineer's specifications. The traffic study will ascertain the average speed of vehicles near the proposed project entry. The Town Engineer will determine, in his sole discretion, whether the retaining wall and associated improvements set forth in Mitigation Measure 5.1-4 from the Draft EIR are required as mitigation at that time, in which event such improvements must be installed. Mitigation Measure 5.1-7 shall be applied in any event.
16. Upon completion of the improvements for this subdivision, the existing access roadway leading from Paradise Drive to the residence at 3825 Paradise Drive, located at the farthest eastward edge of the property, shall be used for emergency vehicle and Lot 1 access only and shall be secured and gated for that purpose to the satisfaction of the Town Engineer and the Fire Marshal of the Tiburon Fire Protection District. This access point shall not be used for project construction.
17. Applicant shall survey, design, and install a traversable public access recreational trail within the easement immediately north of Hacienda Drive. Said trail shall be designed as part of the subdivision improvement drawings. The design shall include installation of six (6) foot-high solid fencing at the northwestern edge of the trail nearest 139 Hacienda Drive that will to the maximum extent feasible prevent trail users from approaching the shared property line of that property with the Alta Robles property and thus protect the privacy of occupants of 139 Hacienda Drive. Applicant-performed trail work shall be done as part of the subdivision improvement phase of the project. Alternatively, with Town Engineer consent, applicant may make a monetary contribution to cover fully the Town's estimated reasonable costs of designing, surveying and installing said path. If an in-lieu monetary contribution is proposed instead of applicant installation, then said payment shall occur prior to recordation of the Final Map. The amount of any monetary contribution shall be based on an estimate by the Town Engineer. Notwithstanding this condition, Town and applicant may agree to an earlier installation of the public path improvements by separate agreement that would satisfy this condition.

Affected Agencies & Utilities

18. All applicable requirements of the Tiburon Fire Protection District (TFPD) shall be met or set in place prior to approval of the Final Map. The project sponsor shall provide a letter from the TFPD to that effect. Fire apparatus access areas shown on Lot 1 shall be shown as easements for emergency vehicle use and offered for dedication as such on the Final Map to the satisfaction of the Town Engineer and Fire Marshal.
19. Domestic water shall be supplied by the Marin Municipal Water District. The project sponsor shall comply with all District rules and regulations. The project sponsor shall provide a will-serve letter from the District prior to approval of the Final Map.
20. Connection of all lots to Sanitary District No. 5 is required. All requirements of the District shall be met. The project sponsor shall provide a will-serve letter from the District prior to approval of the Final Map.
21. A will-serve letter from Pacific Gas & Electric Company shall be provided prior to approval of the Final Map.

Community Development Department

22. All mitigation measures contained within the adopted Mitigation Monitoring Program for the project shall be implemented prior to finalization of the project by the Town of Tiburon. Project sponsor shall submit with the application for Final Map and the Subdivision Improvement Drawings a detailed narrative describing how these mitigation measures are being complied with, or will be complied with, at the appropriate phase of project development.

The Final Map/Subdivision Improvement Drawing application materials shall include/address all adopted mitigation measures generally, and the following Mitigation Measures (MM) specifically, to the satisfaction of the Town Engineer and Director of Community Development: Mitigation Measures C.4, D.1(a); D.1(b); D.1(c); D.1(d); D.2(a); D.2(b); D.3; D.4; E.2; F.1; I.1; I.3; and I.4.

23. No smoking shall be permitted on site by any person, contractor or employee during any phase of project construction. A water truck shall be present on the site during vegetation removal. These requirements shall be noted on the subdivision improvement drawings and shall be incorporated into construction documents for the contractor(s) performing the work.

24. As part of the installation of the subdivision improvements, applicant shall remove dilapidated fencing and fence-posts, litter, garbage, and other junk materials from the entire site.
25. The appearance of any publicly-visible project retaining walls (including debris catchment fences or walls) shown on the subdivision improvement drawings in excess of forty-two (42) inches in height shall be subject to review and approval by the Design Review Board (DRB) prior to Town approval of said drawings. Where publicly visible, all subdivision improvement-related retaining walls and bridges shall have the appearance of rock to provide a natural look, and shall be medium to dark in color to reduce contrast. The DRB review and approval shall include appropriate landscaping screening for such walls. Where such fences or walls are proposed to be located in, or would require access through, sensitive resource areas, alternative solutions shall be explored that would avoid to the extent feasible impacts on sensitive resources.
26. A detailed landscape plan for the subdivision improvement phase of the project shall be prepared as part of the subdivision improvement drawing submittal and shall be reviewed and approved by the Design Review Board. This landscape plan shall include removal of any remaining invasive plant species; review of common area plantings, entry landscaping, retaining wall screening, and any landscaping required in adopted mitigation measures. Infrastructure and subdivision improvement-related landscaping must be supported by a functional, reliable, and appropriate irrigation system for which maintenance is guaranteed by the homeowners association. Mechanisms shall be instituted in the CC&R's and/or elsewhere as appropriate that provide the Town the right, but not the obligation, to compel maintenance of such landscaping at homeowner association expense if deemed necessary by the Town.
27. A detailed Tree Protection and Replacement Plan shall be submitted with the subdivision improvement drawings to set forth protection measures for trees to be retained during project construction and to implement Mitigation Measure 5.5-5 and shall be reviewed and approved by the Director of Community Development and Director of Public Works. Said Plan shall be subject to third party review by a professional biologist of the Town's choosing at the applicant's sole expense.
28. All grading involving the use of heavy construction equipment shall be limited to the period between April 15 and October 15. The Building Official may authorize limited extensions of time to this period in his reasonable discretion.
29. Inclusionary housing in-lieu fees, as required by Chapter 16 of the Tiburon Municipal Code, shall be paid prior to recordation of the Final Map.

30. Prior to issuance of a grading permit for the subdivision improvements, project sponsor shall obtain and implement provisions of a NPDES General Construction Permit. A Storm Water Pollution Prevention Plan (SWPPP) shall also be obtained and implemented.
31. A detailed Construction Management Plan shall be prepared and submitted with the Final Map application and subdivision improvement drawings for review and approval by the Town Engineer and Director of Community Development. The Construction Management Plan shall, without limitation, outline the sequence and estimated timing of subdivision improvement installation; and shall comprehensively address construction staging areas, construction parking, materials storage, soil stockpiling, debris boxes, portable restrooms, and protective fencing for the subdivision improvement installation phase of the project. The Construction Management Plan shall specify an aggressive subdivision improvement installation schedule. In no event shall installation exceed a period of three (3) calendar years. No parking or staging of construction vehicles shall be permitted along or adjacent to Paradise Drive.
32. Final CC&R's, deed restrictions, and/or joint maintenance agreements or other similar instruments for the subdivision shall be prepared and submitted for review and approval by the Town Attorney and Director of Community Development prior to approval of the Final Map, and shall be recorded in conjunction with the Final Map. Said CC&Rs or other instruments acceptable to the Town Attorney shall contain provisions and limitations as set forth in the Alta Robles Precise Development Plan and the certified Final Environmental Impact Report to the satisfaction of the Town Attorney and Director of Community Development. These instruments shall contain, without limitation, provisions for ongoing maintenance of the private roadway, common areas, ongoing maintenance of drainage structures and facilities, and ongoing removal of invasive plant species (French broom, pampas grass, etc.) from the property.
33. A mitigation monitoring consultant may, in the Town's discretion, be retained by the Town at the project sponsor's expense to provide monitoring of the project and its mitigation measures, as set forth in the approved Mitigation Monitoring Program. Prior to issuance of a grading permit for the subdivision improvements, the project sponsor shall enter into a written agreement with the Town and submit a deposit for the anticipated cost of retaining the mitigation monitoring consultant to perform said work. The agreement shall contain provisions for post-construction monitoring and vegetation replacement in addition to monitoring during project construction.
34. The Final Map shall contain a note indicating that this property cannot be further subdivided.

35. The Final Map shall contain a note or notes referencing the various limitations and restrictions contained within the Alta Robles Precise Development Plan, and shall include one or more Public Information Sheets showing building envelopes and describing other zoning limitations, as determined by and to the satisfaction of the Director of Community Development.
36. Traffic mitigation fees shall be paid prior to issuance of a building permit for each residence in accordance with the adopted fee schedule at that time, unless said building permits are issued within the one-year vested time period of this approval, in which case said fees shall be based on the fee schedule in effect on the date of approval of the Vesting Tentative Map.
37. All fees and deposits required by the Town or other agencies having jurisdiction shall be paid prior to the Town's approval of the Final Map or issuance of any grading permit, whichever comes first.
38. Violations of the permit or permit conditions shall be subject to stop-work orders, fines, penalties, and all other enforcement methods authorized by law.
38. This approval shall be valid for three years and shall expire and become null and void unless a Final Map is approved and recorded, or unless a time extension is granted.

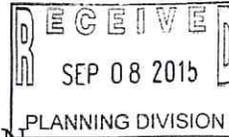
PASSED AND ADOPTED at a regular meeting of the Planning Commission of the Town of Tiburon on February 24, 2016, by the following vote:

AYES: COMMISSIONERS:
 NOES: COMMISSIONERS:
 ABSENT: COMMISSIONERS:

DAVID KULIK, CHAIR
 TIBURON PLANNING COMMISSION

ATTEST:

DANIEL WATROUS, SECRETARY



TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

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

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 3825 Paradise Dr., Tiburon PROPERTY SIZE: 52 ac
PARCEL NUMBER: 039-021-13 & 039-301-081 ZONING: RPD

PROPERTY OWNER: SODA, LLC
MAILING ADDRESS: 200 Pine St 8th Floor, San Francisco, CA 94104
PHONE/FAX NUMBER: 415 522-5700 E-MAIL: amiel@robincorbin.com

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

ARCHITECT/DESIGNER/ENGINEER CSW/STZ
MAILING ADDRESS: #45 Levern Court, Novato CA 94805
PHONE/FAX NUMBER: (415) 883-9850 E-MAIL:

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

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):
Vesting Tentative Map, 14 Single Family Units 52 Acres
Per Town Council FDP Resolution # 09-2013 & 09-2014

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

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

Signature: Amiel Robincorbin - by SCL * Date: 9-8-15

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

DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION
Application No.: TM2015001 GP Designation: Fee Deposit: \$27505.00
Date Received: 9/8/2015 Received By: LS Receipt #: 29589
Date Deemed Complete: 2/3/16 Acting Body: Date:
Conditions of Approval or Comments: Action: Resolution or Ordinance #



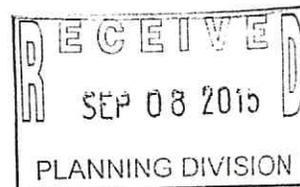
Scott L. Hochstrasser
IPA, Inc.

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

September 8, 2015

HAND DELIVERED

Scott Anderson, Director Community Development
Dan Watrous, Planning Manager
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94921



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

Dear Scott/Dan,

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

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

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

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

in consultation with multiple regulatory agencies. Mitigation Measures 5.5-1(a, b, c.); Mitigation Measure 5.5-5 Conflict w/Tiburon Tree Ordinance & Wetland Policies; Mitigation Measure 5.7-7 Water Service Impacts (See CSW VTM Page C-3.0)

7. "Biological Assessment Alta Robles Residential Development" prepared by LSA in consultation with multiple regulatory agencies.

8. Letter dated July 8, 2013 – From: LSA; To: Daniel Rabin; Subject: BA, MMRP and Responsible Agency Consultations – pursuant to Mitigation Program requirements 5.5- 1 (a,b,c) and 5.5-5 note above in item #6.

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

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

Sincerely,


Scott L. Hochtrasser, President

CC: SODA, LLC

September 27, 2015

TO: The Tiburon Planning Commission

RE: 3825 Paradise Drive Subdivision

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

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

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

1. Please eliminate Lot 13 as per the Planning Commission recommendation:

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

EXHIBIT NO. 4

P. 102

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

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

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

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

Sandra J. Swanson
2 Seafirth Lane
Tiburon

EXHIBIT NO. 4

P. 2 OF 2

Dan Watrous

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

Dan:

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

"Lot 13 would be eliminated due to its visual massiveness when viewed from Paradise Drive, the Seafirth Estates area and Acacia Drive consistent with the direction of General Plan Policies 1LU3 and O1S2C."

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

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

Best,

Doug Dossey
917-273-9254

EXHIBIT NO. 5

Dan Watrous

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

Dan,
Please forward to the Tiburon Planning Commission.

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

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

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

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

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

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

Thank you for your consideration

John Kunzweiler
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Tiburon, CA 94920

EXHIBIT NO. 6

September 29th, 2015

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

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

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

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

1. Please eliminate Lot 13 as per the Planning Commission recommendation:

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

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

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

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

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

David S. Joyner
3 Seafirth Lane
Tiburon

EXHIBIT NO. 7