



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

Planning Commission Meeting  
 April 13, 2016  
 Agenda Item: **2**

**STAFF REPORT**

**To:** Members of the Planning Commission  
**From:** Community Development Department  
**Subject:** 4992 Ranch Road; Files #TIDE2015001 & CUP2015003  
 Tidelands Permit and Conditional Use Permit to Construct Docks and a Pier; Alisa and Brian Golson, Owners; Assessor's Parcel No. 038-032-19  
**Reviewed By:** \_\_\_\_\_

**PROJECT DATA**

Address: 4992 Ranch Road  
 Assessor's Parcel Number: 038-032-19  
 File Number: TIDE2015001 & CUP2015003  
 Lot Size: 2.11 acres  
 General Plan: Medium Density Residential  
 Zoning: RO-2 (Single-Family Residential-Open)/M (Marine)  
 Current Use: Single-family residential  
 Owners: Alisa and Brian Golson  
 Applicants: Onju Updegrave  
 Flood Zone: X/VE – Special Flood Hazard Area  
 Date Complete: March 23, 2016

**SUMMARY**

The applicant has submitted an application to construct docks and a pier adjacent to a property developed with a single-family dwelling located at 4992 Ranch Road. The proposed project would involve the construction of a new 134 foot long, 4 foot wide gangway leading to a fixed dock which would be 18 feet long and 18 feet wide. An 8 foot wide, 12 foot long floating dock would be attached to the eastern (right) side of the dock. The docks are intended to provide boat access to the bay for the existing residence on the site.

Section 16-52.080 of the Tiburon Zoning Ordinance (Tidelands Permits) regulates the construction of docks, piers and other construction within the Marine zone. This section allows review and approval of a Tidelands Permit for minor or incidental structures, but requires a conditional use permit for larger projects. Due to the extent of the proposed dock, staff has determined that a conditional use permit is required for this project.

## ANALYSIS

### Design Issues

The proposed project would involve the construction of a new 134 foot long, 4 foot wide gangway with cedar decking and wire mesh guardrails, supported by four driven piles. This would connect to an 18 foot by 18 foot wide dock which would be attached to four driven piles. Benches would be installed on the fixed dock. The 8 foot by 12 foot floating dock would be supported by four pilings. The pier and dock would be at a fixed elevation of 9.4 feet above sea level. The applicant has indicated that the dock is intended for recreational purposes to support swimming and boating.

The existing house on the subject property is situated on the higher portion of the site, closer to Ranch Road and Paradise Drive, and a detached beach house is situated to the rear closer to the shoreline. The proposed pier would be accessed by a new stairway leading up to from the beach and closer to the beach house.

Several other properties in the immediate vicinity also have private docks and piers. The property directly adjacent to the north at 5000 Paradise Drive has a fixed wooden pier that is approximately 50 feet long. To the south, the homes at 4970 & 4984 Ranch Road have fixed piers approximately 80 feet and 130 feet long, respectively. Several other piers, up to 170 feet in length, are situated on other properties to the north along Paradise Drive.

The applicant has installed several small buoys marking the end of the proposed dock to serve as story poles. The proposed dock would appear to be visually consistent with other piers in the immediate vicinity and would not substantially intrude into the views from nearby residences.

### General Plan Consistency and Zoning Compliance

A portion of the subject parcel extends out into San Francisco Bay. The area beyond the mean high water line is zoned M (Marine), while the landward area is zoned RO-2. Section 16-52.080 of the Zoning Ordinance states that piers and docks are permitted only with a Tidelands Permit or conditional use permit. The proposed pier, dock and floating dock therefore require such a permit.

The construction of a new gangway and floating dock also require approval from the Bay Conservation and Development Commission (BCDC). The applicant has not yet submitted an application to BCDC at this time. BCDC will not act upon any such application until the Town has completed its processing of a conditional use permit application.

Policy LU-26 of the Land Use Element of the Tiburon General Plan states that:

“The Town recognizes and wishes to preserve its bay and waterfront as significant resources and shall closely consider the sensitivity of its coastal environment through the application review process, and shall encourage maximum feasible public access to the waterfront, as called for in the San Francisco Bay Conservation and Development Commission’s (BCDC) *San Francisco Bay Plan*, and where not in conflict with other public uses or with private uses which are of public benefit.”

The presence of several other private piers and docks along these sections of Ranch Road and Paradise Drive indicates long-standing use of this area for recreational boating by residents. The proposed pier and docks would not appear to interfere with private views across the bay, and therefore would not harm the visual character of other properties in the vicinity.

## **PUBLIC COMMENTS**

As of the date of this report, no letters have been received regarding the proposed application. The applicant submitted signatures of support from the owners of the adjacent properties at 4986 & 4988 Ranch Road and 5000 Paradise Drive.

## **ENVIRONMENTAL STATUS**

Staff has made a preliminary determination that the subject application is Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15303 (e) of the CEQA Guidelines (new construction of accessory structures).

## **RECOMMENDATION**

Staff recommends that the Planning Commission:

1. Hold a public hearing on this item and hear and consider all testimony, and
2. Adopt the attached resolution (**Exhibit 2**) approving the subject conditional use permit.

## **EXHIBITS**

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

Prepared By: Daniel M. Watrous, Planning Manager

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TOWN OF TIBURON  
LAND DEVELOPMENT APPLICATION PLANNING DIVISION

RECEIVED  
SEP 10 2015

TYPE OF APPLICATION

- Conditional Use Permit
- Precise Development Plan
- Secondary Dwelling Unit
- Zoning Text Amendment
- Rezoning or Prezoning
- General Plan Amendment
- Temporary Use Permit

- Design Review (DRB)
- Design Review (Staff Level)
- Variance(s) \_\_\_\_\_ #
- Floor Area Exception
- Tidelands Permit
- Sign Permit
- Tree Permit

- Tentative Subdivision Map
- Final Subdivision Map
- Parcel Map
- Lot Line Adjustment
- Condominium Use Permit
- Seasonal Rental Unit Permit
- Other \_\_\_\_\_

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 4492 Ranch Rd PROPERTY SIZE: 2.11 acres  
PARCEL NUMBER: 034.032.19 ZONING: Residential

PROPERTY OWNER: Alisa + Brian Golson  
MAILING ADDRESS: 4492 Ranch Rd, Tiburon, CA 94920

PHONE/FAX NUMBER: 415-435-3464 E-MAIL: alisa.golson@gmail.com

APPLICANT (Other than Property Owner): None  
MAILING ADDRESS: \_\_\_\_\_

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

ARCHITECT/DESIGNER/ENGINEER Onju Updegrave  
MAILING ADDRESS: 110 Deer Hollow Rd, San Anselmo, 94960

PHONE/FAX NUMBER: 415-457-7766 E-MAIL: onju@onju.net

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

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

134' x 4' Pier (with 3 pilings) with 18' x 18' dock (with 4 pilings) and 8' x 12' floating dock (w/ 2 pilings)

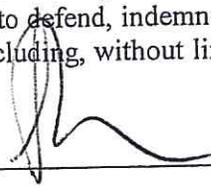
\*Note - Shelter has been removed per BCLC request.

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:\*



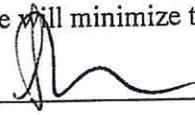
Date:

9/10/15

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

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

Signature:\*



Date:

9/10/15

*\*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*

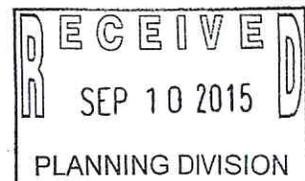
#### NOTICE TO APPLICANTS

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

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

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

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



DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION			
Application No.:	TIDE2015001/2245003	GP Designation:	
Date Received:	9/10/15	Received By:	LS
Date Deemed Complete:	3/23/16	Fee Deposit:	\$450/\$1500
Acting Body:		Receipt #:	29594/29598
Conditions of Approval or Comments:		By:	DD
		Date:	
		Resolution or Ordinance #:	

EXHIBIT NO. 1

RECORDING REQUESTED  
RETURN TO:  
Tiburon Planning Department  
1505 Tiburon Boulevard  
Tiburon, CA 94920  
Attn: Daniel M. Watrous

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON  
APPROVING A TIDELANDS PERMIT AND A CONDITIONAL USE PERMIT TO  
CONSTRUCT DOCKS AND A PIER AT 4992 RANCH ROAD

ASSESSOR PARCEL NO. 038-032-19

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

Section 1. Findings.

A. The Planning Commission has received and considered an application for a Tidelands Permit and a Conditional Use Permit filed by Alisa and Brian Golson to approve construction of docks and a pier on property located at 4992 Ranch Road. The application consists of the following:

1. Application form and materials received September 10, 2015
2. Site Plan and Elevations dated March 7, 2016

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

- B. The Planning Commission held a duly-noticed public hearing on April 13, 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 Section 15303 (e) of the CEQA Guidelines.
- D. The Planning Commission has found, based upon the application materials and analysis provided in the April 13, 2016 Staff report, that the project, as conditioned, is consistent with the Tiburon General Plan, and specifically with the Land Use Element of said plan, and is in compliance with the Tiburon Zoning Ordinance and other applicable regulations.

Section 2. Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby approve the Tidelands Permit and Conditional Use Permit application (Files # TIDE2015001 & CUP2015003), to construct docks and a pier at 4992 Ranch Road, subject to the following conditions:

1. The dimensions of the approved docks and pier shall be as shown on the plans submitted to the Town of Tiburon on March 7, 2016, said plans being in Files #TIDE2015001 & CUP20150036 at the Tiburon Planning Division and incorporated by reference into this resolution.
2. The applicant shall obtain Site Plan and Architectural Review approval for the docks, pier and associated improvements.
3. The applicant shall obtain all necessary permits from the Town Building Division.
4. The applicant shall comply with all requirements of the Bay Conservation and Development Commission and all other permitting agencies.
5. The Town reserves the right to amend or revoke this Conditional Use Permit for cause, in accordance with adopted regulations of the Town.
6. Any substantial modification of the project, as determined in the reasonable discretion of the Director of Community Development, shall require an amendment to this permit.
7. This Conditional Use Permit approval shall become null and void if the approved use has not commenced within one (1) year of final approval of the building permit for construction of docks and a pier on this property, unless an extension is granted.

PASSED AND ADOPTED at a regular meeting of the Planning Commission on April 13, 2016 by the following vote:

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

ATTEST:

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

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

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