



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

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

STAFF REPORT

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

PROJECT DATA

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

BACKGROUND

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

PROJECT DESCRIPTION

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

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

HISTORY

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

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

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

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

ANALYSIS

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

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

REVIEW BY THE PLANNING COMMISSION

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

ENVIRONMENTAL REVIEW

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

RECOMMENDATION

Staff recommends that the Town Council:

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

EXHIBITS

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

Prepared By: Kyra O'Malley, Associate Planner



TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION

RECEIVED
AUG 22 2016
PLANNING DIVISION

TYPE OF APPLICATION

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

APPLICANT REQUIRED INFORMATION

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

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

* APPLICANT (Other than Property Owner): Ayse Sercan
MAILING ADDRESS: Larson Shores Architecture + Interiors
1940 Union St #22, Oakland CA 94607
PHONE/FAX NUMBER: 510-444-9788 x 5 E-MAIL: ayse@larsonshores.com

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

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

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

EXHIBIT NO. 1

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

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

Signature: * Michael Long

Date: 8/18/2016

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

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

Signature: * Michael Long

Date: 8/18/2016

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

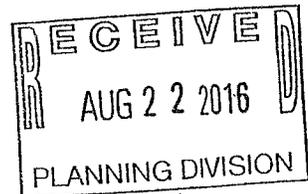
NOTICE TO APPLICANTS

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

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

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

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

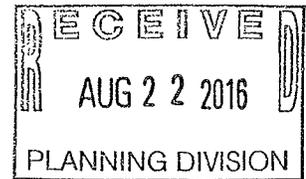


DO NOT WRITE BELOW THIS LINE

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

2015

60 Monterey Drive



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

EXHIBIT NO. 1
30F5



60 MONTEREY | PROJECT NARRATIVE

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

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

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

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

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

EXHIBIT NO. 1

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LARSON/SHORES

ARCHITECTURE AND INTERIORS

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

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

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

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

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

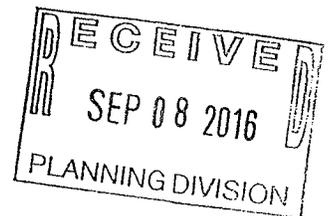


EXHIBIT NO. 1

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RESOLUTION NO. 2016-18

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

ASSESSOR PARCEL NO. 034-394-06

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

Section 1. Findings.

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

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

Section 2. Approval.

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

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

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

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

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

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

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

ERICA WILLIAMS, CHAIR
Tiburon Planning Commission

ATTEST:

KYRA O’MALLEY, SECRETARY



TOWN OF TIBURON
 1505 Tiburon Boulevard
 Tiburon, CA 94920

Planning Commission Meeting
 October 26, 2016

Agenda Item: **PH-2**

STAFF REPORT

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

PROJECT DATA

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

PROJECT DESCRIPTION

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

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

EXHIBIT NO. 3
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BACKGROUND

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

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

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

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

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

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

PROJECT SETTING



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

ANALYSIS

Project Design

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

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

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

Compliance with the Cypress Hollow Precise Development Plan and General Plan

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

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

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

ENVIRONMENTAL REVIEW

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

PUBLIC COMMENT

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

FUTURE ACTIONS REQUIRED

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

RECOMMENDATION

Staff recommends that the Planning Commission:

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

Exhibits:

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

Prepared By: Kyra O'Malley, Associate Planner

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTION ITEMS

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

Commissioner Welner requested the following amendments:

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

Vice Chair Corcoran requested the following amendments:

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

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

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

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 88-252

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

* * * * *

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

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- d. that the proposed project, including the proposed design and improvements, with the modifications and conditions contained herein, is consistent with the policies of the Strawberry Community Plan; and
 - e. that the site is physically suitable for the type of development and density of 45 44 units single-family residences, given conditions of approval of the Master Plan and this approval of the Development Plan and Vesting Tentative Map, because the project is infill development in an area of single-family homes with available urban services from the County and service districts; and it is consistent with all County development policies and standards; and
 - f. that the proposed project will not conflict with existing easements acquired by the general public at large for access through or use of the property within the subdivision because no such easements exist on the property, and because the public will gain right of use of an improved public park area of approximately .49 acres as a result of the conditions of approval of the Master Plan; and
 - g. that all the required findings necessary to approve a Vesting Tentative Map pursuant to Marin County Code Section 20.32.220 can be made; and
- VI. WHEREAS, the Board of Supervisors finds that it is appropriate to revise the Cypress Hollow Development Plan/Vesting Tentative Map to reflect the changes in the Planning Commission's recommended conditions of approval made by the Board of Supervisors in approving the Master Plan which changes included:
- a. the restoration of the lot adjacent to the proposed public park (Parcel A) which had been recommended for deletion by the Planning Commission; and
 - b. the deletion of two lots from the downhill side of Rancho Drive leaving twelve lots abutting the existing homes on Blackfield Drive; and
 - c. reduction in the height limits of several lots downslope from the Rancho Drive extension; and
- VII. WHEREAS the Board of Supervisors finds that with the revisions, the Cypress Hollow Development/Vesting Tentative Map is consistent with the Master Plan approved by the adoption of Ordinance # 2980;

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

Planning Department

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

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

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

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

A. Additional Development Standards for Lot 10 through 23 21

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

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

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

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

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

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

C. Floor Area Ratio:

The FAR shall be a maximum of 30%.

D. Maximum Lot Coverage

The maximum lot coverage requirements are deleted.

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

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

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

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

EXHIBIT NO. 5

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

Department of Public Works

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

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

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

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

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

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

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

Alto Richardson Bay Fire Protection District

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

EXHIBIT NO. 5
Pg. 8 of 9

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

Pacific Bell

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

Marin Municipal Water District

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

Richardson Bay Sanitary District

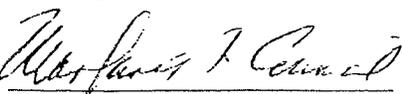
- 31. Prior to recordation of Final Map, the applicant shall enter into an agreement with Richardson Bay Sanitary district to provide for the extension of the sanitary sewer facilities and provision of sewer connections for the Cypress Hollow Subdivision.

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

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



 CHAIRMAN OF THE BOARD OF SUPERVISORS
 COUNTY OF MARIN

ATTEST:


 Margaret Council
 Clerk of the Board

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

RESOLUTION NO. DRAFT-2016

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

ASSESSOR PARCEL NO. 034-394-06

Section 1. Findings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ERIN TOLLINI, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK