



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
July 27, 2016
Agenda Item: **PH-2**

STAFF REPORT

To: **Members of the Planning Commission**

From: **Community Development Department**

Subject: **Tiburon Glen Residential Project (PD#22): Request for Extension of Time on an Approved Tentative Subdivision Map for the Creation of Three lots on 26 Acres of Land on Paradise Drive near Norman Way**

PROJECT DATA

Address: 3700 Block (upslope side) of Paradise Drive
Assessor's Parcel Number: 39-241-01
File Number: TM2016-002 (formerly #60604)
General Plan: PD-R (Planned Development-Residential)—Up to 0.3 du/acre
Zoning: RPD (Residential Planned Development)
Property Size: 26.04 acres
Current Use: Undeveloped Land
Owner: Xanadu Property Holdings, LLC
Applicants: Sam Kapukchyan & Armen Nersisyan
Flood Zone: X (outside 500 year storm event flood area)

BACKGROUND

On March 28, 2007, the Planning Commission approved a tentative subdivision map for the Tiburon Glen project, which proposed three single family lots on 26 acres of land on Paradise Drive near Norman Way (see **Exhibit 1**). In April 2006, the Town Council had approved a precise development plan application for this property. The precise development plan approved the project density, size, location, and height of homes; and resolved the controversial issues associated with development of this property. The project review process had been lengthy and detailed, involving over five years of Town review and four volumes of environmental impact report documents. By the time of approval, the original 8-unit proposal was reduced to three lots with roughly 95% of the site preserved as open space outside of approved residential use areas.

The Town's 2007 tentative map approval was valid for three years, but automatic time extensions repeatedly authorized by the California State Legislature during the economic recession have extended the life of the tentative map to March 28, 2017.

The staff report and Planning Commission resolution for the 2007 tentative map approval are attached as **Exhibits 2 and 3** and provide additional background information on the project.

ANALYSIS

The request before the Commission is a time extension of the approved tentative map for up to three years. The Commission may choose to approve a lesser time extension if warranted. Neither the Tiburon Subdivision Ordinance nor the State Subdivision Map Act contains specific criteria for assessing time extension requests for tentative maps. Generally speaking, time extensions for tentative maps are largely routine and automatic, unless the project is no longer consistent with the community's general plan or circumstances in the project area have changed so dramatically that the project could no longer be reviewed in the same context. Neither of these factors exists in this case. The General Plan is virtually unchanged since 2007 and the project vicinity has changed little in the nine years since initial approval of the tentative map.

Furthermore, it is clear that the applicants have not abandoned the project, and in fact have a parcel map application currently on file with the Town that would complete the subdivision process and create the three lots. For several years the ongoing national economic recession inhibited forward movement on the project; the State Legislature automatically extended all approved tentative maps throughout California precisely for this reason. Additionally, this is a challenging site with numerous environmental complexities, and the various state and federal agencies that require approvals subsequent to the Town's tentative map approval are still reviewing the project's detailed subdivision improvement drawings and may require project changes that could trigger revisions to the Town's Precise Development Plan approval. The Planning Commission (and Town Council) would review any such revisions through the public hearing process once they may become known, but it is not out of the question that a full three-year time extension might be necessary to complete all of the local, state and federal permitting associated with this project and complete the parcel map and subdivision improvement drawing review and approval process prior to the extended expiration date of the tentative map.

PUBLIC COMMENTS

As of the date of this report, no public letters or phone calls have been received regarding this application. Notification of the application was mailed out to all property owners within 500 feet of the property comprising approximately 60 households plus affected homeowner associations.

ENVIRONMENTAL STATUS

An environmental impact report was certified by the Town Council for this project. No changes to the project are proposed that would require additional environmental review. All adopted mitigation measures apply.

RECOMMENDATION

Staff recommends that the Planning Commission take any public testimony on this item and adopt the draft resolution (**Exhibit 4**) granting a three year time extension of the tentative map, with a new expiration date of March 28, 2020.

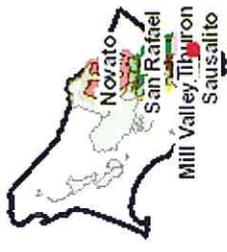
EXHIBITS

1. Vicinity Map.
2. Planning Commission Staff Report dated March 28, 2007.
3. Planning Commission Resolution 2007-02.
4. Draft Resolution extending the lifetime of the tentative map approval.
5. Tiburon Glen Estates Tentative Map drawings (4 sheets).

Prepared by: Scott Anderson, Director of Community Development

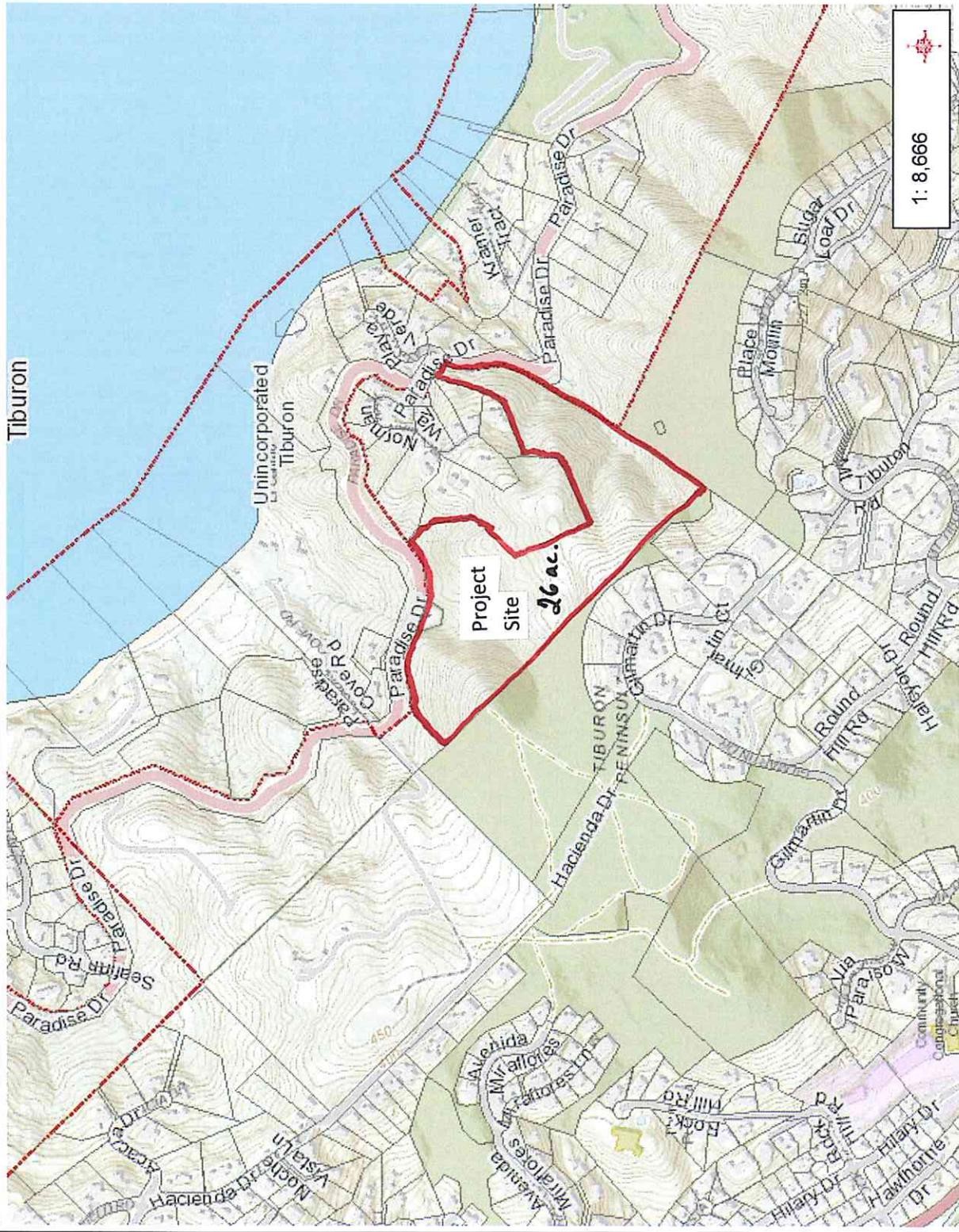


Tiburon Glen Project Vicinity Map



Legend	
Address	Parcel Secured
Condominium Common Area	Mobile Home Pad
City	Community
Marin County Legal Boundary	Other Bay Area County
Ocean and Bay	

Notes



1: 8,666



This map is a user generated static output from an Internet mapping service for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise in accordance with the current data. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



TOWN OF TIBURON
 1505 Tiburon Boulevard
 Tiburon, CA 94920

Planning Commission Meeting
 March 28, 2007
 Agenda Item:

STAFF REPORT	
To:	Members of the Planning Commission
From:	Community Development Department
Subject:	Tiburon Glen Residential Project (PD#22): Tentative Subdivision Map Application (File #60604) for the creation of three lots off Paradise Drive near Norman Way

PROJECT DATA

Address: 3700 Block (upslope side) of Paradise Drive
 Assessor's Parcel Number: 39-241-01
 File Number: 60604
 General Plan: PD-R (Planned Development-Residential)—Up to 0.3 du/acre
 Zoning: RPD (Residential Planned Development)
 Property Size: 26.04 acres
 Current Use: Undeveloped Land
 Owner: Xanadu Property Holdings, LLC
 Applicant: Gregory Fishman
 Date Complete: March 15, 2007
 Permit Streamlining Act Deadline: May 4, 2007

BACKGROUND

On April 19, 2006, the Town Council approved a precise development plan application (the Tiburon Glen Precise Development Plan; PD#22) for this property by adopting Resolution No. 22-2006 (**Exhibit 1**). The precise development plan approved the project density; the size, location, and height of homes; and resolved the controversial issues associated with development of this property. The applicants are now applying for the tentative subdivision map approval that would establish the lot lines for the subdivision. Future applications would include a parcel map, subdivision improvement drawings, site plan and architectural review applications, and building permits for each residence.

PROJECT DESCRIPTION

The proposal requests the subdivision of an approximately 26-acre parcel located off Paradise Drive into three residential lots, each to be developed with a single family residence, and an open space/conservation parcel. The proposed lot/parcel sizes are as follows:

Residential Lot 1:	2.47 acres
Residential Lot 2:	1.9 acres
Residential Lot 3:	6.7 acres
Open Space Parcel:	14.97 acres
TOTAL	26.04 acres

The lots would be accessed by a new privately-maintained access road connecting to Paradise Drive. The new roadway would fork, with the west fork leading to two home sites and the east fork leading to one home site. The Tentative Map drawings are attached as **Exhibit 3**.

The tentative map application proposes no substantive changes to the project as approved in the Tiburon Glen Precise Development Plan. All conditions and specifications of the approved precise development plan would continue to be in effect.

ANALYSIS

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

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

General Plan Consistency and Zoning Compliance

The land areas of the three proposed lots are consistent with the established General Plan density for the site, and are consistent with the zoning for the property, as established in the adopted Tiburon Glen Precise Development Plan. The proposed lot lines on the tentative map are somewhat realigned from the configurations in the approved precise development plan; however, the line changes have no impact on development of the project.

Tiburon Subdivision Ordinance

Section 14-3.6 of the Tiburon Municipal Code (Subdivisions) requires that the Planning Commission make the following findings in approving a tentative map application for a minor subdivision:

- a. Plan Consistency. As stated above, the proposed map is consistent with the Tiburon General Plan and the Tiburon Glen Precise Development Plan.
- b. Design or Improvement. The design of the proposed subdivision is consistent with the Tiburon General Plan and the Tiburon Glen Precise Development Plan.
- c. Type of Development. The proposed detached single family residential lots, focused on approximately 5% of the project site, are consistent with the type of development suitable for this steep and environmentally constrained property.
- d. Density of Development. Three residences on the 26.04-acre site would yield a density of 0.12 units per acre; approximately one-third of the maximum density of 0.3 units/acre allowed under the General Plan and a suitably low density for this constrained property.
- e. Fish or Wildlife. The design of the proposed subdivision and its improvements minimizes the disruption of riparian areas and other areas harboring wildlife or vegetation.
- f. Public Health. The design of the proposed subdivision has no characteristics that would cause significant public health problems.
- g. Access. The private roadway providing access to the three proposed lots would not conflict with other access easements in the area.
- h. Dedications. Several “sliver” portions of the property are being offered for dedication for public roadway purposes as portions of Paradise Drive. Open space and conservation easements are required over about 95% of the property per the precise development plan approval.
- i. Discharge of Waste. The houses on the three proposed lots would connect into the Sanitary District #5 public sewer system, in conformance with the requirements of the Town of Tiburon.
- j. Regional Housing Needs. The subdivision of this property to allow the construction of three new single-family homes would be compatible with the need to construct additional housing within the Southern Marin area. Affordable housing in-lieu fees will be collected to meet the Town’s inclusionary housing requirements.

PUBLIC COMMENTS

As of the date of this report, no public letters or phone calls have been received regarding this application. Notification of the application was mailed out to all property owners within 500 feet of the property comprising approximately 60 households.

ENVIRONMENTAL STATUS

An environmental impact report was certified by the Town Council for this project. No changes to the project are proposed that would require additional environmental review. All adopted mitigation measures apply.

TIMELINE FOR DECISION

The Permit Streamlining Act (PSA) allows a relatively short window (only 50 days from the date of application completeness) for a local agency to reach a decision on a tentative subdivision map application. The PSA deadline for this application is May 4, 2007.

CONCLUSION

Staff concludes that all of the required findings can be made for conditional approval of this tentative map application.

RECOMMENDATION

Staff recommends that the Planning Commission take any public testimony on this item and adopt the draft resolution (**Exhibit 2**) granting conditional approval of the tentative map application.

EXHIBITS

1. Town Council Resolution No. 22-2006.
2. Draft Planning Commission Resolution.
3. Tiburon Glen Estates Tentative Map drawings (4 sheets).

Prepared by: **Scott Anderson, Director of Community Development**

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RESOLUTION NO. 2007-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON
CONDITIONALLY APPROVING A TENTATIVE SUBDIVISION MAP FOR A 3-LOT
SUBDIVISION ON PARADISE DRIVE NEAR NORMAN WAY
(PD#22, TIBURON GLEN PROJECT)
ASSESSOR PARCEL NO. 39-241-01

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

Section 1. Findings.

- A. An application for a Tentative Subdivision Map to subdivide approximately 26 acres of land into three (3) developable residential lots has been received from Xanadu Property Holdings, LLC. The subject property is located on Paradise Drive near Norman Way and is identified as APN 039-241-01.
- B. The application consists of the following:
1. Land Development Application Form received September 22, 2006.
 2. Tentative Map (4 sheets) entitled "Tiburon Glen Estates, APN 39-241-01", dated August 2006, latest revision dated February 15, 2007, prepared by LTD Engineering, Inc.
 3. Paradise Drive Culvert Analysis; Tiburon Glen Subdivision, dated December, 2006, prepared by LTD Engineering, Inc.
 4. Draft Tiburon Glen Architectural Review Guidelines, revised February 15, 2007.
- C. The Planning Commission finds that an Environmental Impact Report was previously prepared and certified in conformance with the requirements of the California Environmental Quality Act for this development project, and that no further environmental review is required.
- D. The Planning Division and the Town Engineer have reviewed the project in accordance with applicable regulations and have recommended conditional approval of the application to the Planning Commission, as set forth in the Staff Report dated March 28, 2007.
- E. The Planning Commission held a duly-noticed public hearing on March 28, 2007, and has heard and considered testimony from interested persons.
- F. The Planning Commission finds that the project, as conditioned, is consistent with the goals and policies of the Tiburon General Plan. The Commission further finds that the project is in conformance with the provisions of the Tiburon Glen Precise Development

Plan and is consistent with the provisions of Chapter 14 of the Tiburon Municipal Code regulating the subdivision of land.

Section 2. Approval.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby approve the Tiburon Glen Estates Tentative Map application (File #60604) subject to the conditions:

Public Works & Engineering

1. All requirements of the Town Engineer shall be met prior to the approval of the Parcel Map, including the ability to provide all essential utilities to the site. Two copies of a recent (within six months of submittal) preliminary title report, plus traverse calculations in electronic form, shall accompany the Parcel Map submittal.
2. All engineering requirements and standards, including but not limited to landslide repair, drainage, dust control, erosion control and winterization, soils stabilization, construction criteria, tree and other resource protection, roadway geometrics, and grading shall be subject to review and approval by the Town Engineer through the subdivision improvement process. Landslide repair shall be based upon the letter report from Herzog Geotechnical Consulting Engineers dated July 15, 2005, and the several prior geotechnical studies and letters referenced therein.
3. Prior to approval of the Parcel Map, project sponsor shall enter into a subdivision improvement agreement with the Town of Tiburon and post all required monetary securities. Said agreement shall be recorded with the Parcel Map.
4. The Parcel Map shall provide the location and elevation of the benchmark referenced to the NGVD 29 elevation datum.

Prior to approval of the Parcel Map, project sponsor shall submit detailed subdivision improvement drawings addressing all elements in Condition #2 above for review and approval by the Town Engineer, Director of Community Development, County of Marin, and other agencies.

5. The public trail easement across Lot 1 shall be offered for dedication on the Parcel Map.
6. Applicant shall survey and install (or make a monetary contribution to cover fully the Town's estimated reasonable costs of surveying and installing) a traversable pedestrian trail within the easement and/or its adjoining easement located on assessor parcel 039-021-07. Applicant-performed work shall be done as part of

the subdivision improvement phase of the project. If an in-lieu monetary contribution is proposed instead of applicant installation, then said payment shall occur prior to recordation of the Parcel Map. The amount of any monetary contribution shall be based on an estimate by the Town Engineer.

7. The Parcel Map shall offer for dedication to the public for roadway purposes those portions of land shown for such purposes on Sheet 4 of the Tentative Map. A Non-Access Easement along Paradise Drive frontage of Parcel 4 of the Tentative Map shall also be offered to the public on the Parcel Map. . It is understood that the improved roadways to the buildable lots are private and shall be included in a private roadway maintenance agreement that will encumber the developable lots.
8. As part of the subdivision improvement drawings submitted with the Parcel Map application, project sponsor shall incorporate storm water treatment Best Management Practices (BMPs) into the design of the project to the extent practicable. Consideration of these BMPs shall include, but not be limited to, the use of grassy swales, landscaped areas, grasscrete, and similar measures in accordance with NPDES and MCSTOPP. All storm drain inlets shall be imprinted with a sign indicating "no dumping, flows to creek".
9. The street name for the private roadway serving the development shall be finalized prior to acceptance of the Parcel Map application for filing. The name shall be acceptable to the Town of Tiburon, Tiburon Fire Protection District, and the U. S. Postal Service.
10. The Parcel Map shall depict all portions of lots outside of the "residential use area" and the "roadway and utilities easement" as being offered to the Town of Tiburon within an open space easement or easements. Said open space easement(s) shall be recorded by separate instrument in conjunction with the recordation of the Parcel Map. Said open space easement(s) shall acknowledge any required roadway, drainage and/or utility easements and any landscape installation and maintenance agreements that are required to fulfill conditions of the project approval. The open space easement language shall be reviewed and approved by the Town Attorney and Director of Community Development prior to approval of the Parcel Map.
11. All of "Parcel A – Open Space and Conservation Easement", as it is shown on Exhibit 2-1.1 (Page 2.0-3) of the November 2005 Second Addendum to the August 2003 EIR, a 7.49 acre parcel, is voluntarily offered to the Town for additional open space beyond what the General Plan, Zoning, and other Town regulations require. Said Parcel A is to be protected by an open space easement and conservation easement as described in the preceding condition of approval.

12. Boundaries of the open space easement at the perimeter of the “residential use areas” of each Lot shall be clearly and permanently demarcated in the field. This demarcation shall initially occur as part of the subdivision improvements, and shall be restored as necessary prior to issuance of a certificate of occupancy for each completed residence. A suitable mechanism for this permanent demarcation shall be specified on the subdivision improvement drawings.
13. Prior to issuance of a grading permit for the subdivision improvements, a dust control and erosion control monetary security deposit, in an amount determined by the Town Engineer, shall be posted with the Town to ensure that any dust and/or erosion problems can be addressed in a timely fashion.
14. The Subdivision Improvement Drawings shall include a call-out or detail note to address any pad grading that may be proposed.
15. Street lighting proposed within Town boundaries on the subdivision improvement drawings shall be limited to the minimum amount necessary to safely illuminate points of access, as determined by the Town Engineer. Street light design and specifications shall be approved in writing by the Planning Division as part of the review of the subdivision improvement drawings. Street lighting maintenance and utility expense (if any) shall be included in the private roadway maintenance agreement.
16. To the extent possible and within recommendations of the project geotechnical engineer, runoff should be directed across grassy swales and comply with C3 provisions of the NPDES permit.
17. Prior to issuance of a grading permit for the subdivision improvements, the project sponsor shall hold a preconstruction meeting with the Town, all other reviewing agencies associated with the project, and the subdivision improvement contractors. At that time, a final review of the implementation of the mitigation measures and determination of monitoring responsibilities shall be completed and agreed upon.

Affected Agencies & Utilities

18. All applicable requirements of the Tiburon Fire Protection District (TPFD) shall be met prior to approval of the Parcel Map. The project sponsor shall provide a letter from the TPFD to that effect. These requirements include the recordation of easements in favor of the TPFD on Lots 1 and 3 regarding the fire apparatus turnaround areas, as shown on Sheet 2 of the Tentative Map drawings.
19. Domestic water shall be supplied by the Marin Municipal Water District. The project sponsor shall comply with all District rules and regulations. The project

sponsor shall provide a will-serve letter from the District prior to approval of the Parcel Map.

20. Connection of all lots to Sanitary District No. 5 is required. All requirements of the District shall be met. The project sponsor shall provide a will-serve letter from the District prior to approval of the Parcel Map.
21. A will-serve letter from Pacific Gas & Electric Company shall be provided prior to approval of the Parcel Map.
22. A copy of the approved and issued Encroachment Permit from the County of Marin Public Works Department shall be provided prior to issuance of a grading permit for the subdivision improvements. Said Encroachment Permit shall include any and all upgrades to culverts within Paradise Drive affected by the project and following guidelines established in Mitigation Measure 5.2-2. Said permit shall also depict the widening of the Paradise Drive paved shoulder as specified in Mitigation Measure 5.5-5.
23. A copy of permits issued by the County of Marin authorizing work (debris barrier, landslide repair) to be performed on adjoining parcel APN 058-100-09 shall be submitted prior to issuance of a grading permit for the subdivision improvements.
24. Prior to issuance of a grading permit for the subdivision improvements, project sponsor shall provide the Town with a copy of the Section 1603 Streambed Alteration Agreement issued to the project by the State Department of Fish & Game pursuant to Mitigation Measure 5.3-5.
25. In accordance with Mitigation Measure 5.3-5, the applicant shall secure permits and certification from the Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish & Game in conjunction with the Wetlands Restoration Plan required to off-set the loss of wetlands on the site.

Community Development Department

26. All mitigation measures contained within the adopted Mitigation Monitoring Program for the project shall be implemented prior to finalization of the project by the Town of Tiburon. Project sponsor shall submit with the application for Parcel Map a detailed narrative describing how these mitigation measures are being complied with, or will be complied with, at the appropriate phase of project development.
27. As part of the installation of the subdivision improvements, applicant shall remove all old fencing and fence-posts, litter, garbage, and other junk materials from the entire site. Extreme care (up to removal and off-hauling by hand) shall

be used during the removal process to avoid impacts to sensitive biological resources. Details of this work shall be shown on the subdivision improvement drawings. The applicant shall call for and receive a detailed inspection of the removal work prior to sign-off on the subdivision improvement completion.

28. Location and size all trees to be removed shall be shown on the subdivision improvement drawings on a site plan sheet(s) prepared for that exclusive purpose.
29. Prior to issuance of a grading permit for the subdivision improvements, project sponsor shall obtain and implement provisions of a NPDES General Construction Permit pursuant to MM 5.2-5. A Storm Water Pollution Prevention Plan (SWPPP), if required under that mitigation measure, shall also be obtained and implemented.
30. Parcel Map/Subdivision Improvement Drawing application materials shall include/address all adopted mitigation measures generally, and the following Mitigation Measures (MM) specifically, to the satisfaction of the Town Engineer and Director of Community Development:
 - a. Detailed engineering geologic and geotechnical investigations performed pursuant to MM 5.1-1.
 - b. Subdivision improvement drawing notes shall include provisions of MM 5.1-2, 5.1-4, 5.1-5, 5.1-6, 5.1-7, and 5.1-8.
 - c. Applicant shall comply with provisions of MM 5.2-2 (last bullet point) that address adequacy of engineered drainage structures downstream of Paradise Drive.
 - d. The Habitat Enhancement Plan required under MM 5.3-1 and any provisions required by MM 5.3-2.
 - e. All provisions of Mitigation Measure 5.3-4. The Tree Mitigation and Enhancement Plan shall be prepared by a registered professional and shall be peer reviewed by a consultant of the Town's choosing at the applicant's cost.
 - f. Implement raptor nesting mitigations pursuant to MM 5.3-8, to be performed by a qualified biologist.
 - g. Comply with construction traffic impacts mitigations as set forth in MM 5.5-6.
 - h. Prior to issuance of a grading permit for the subdivision improvements, project sponsor shall demonstrate compliance with MM 5.6-1 regarding asbestos and dust.
 - i. Comply with MM 5.7-1 regarding construction noise. Construction notes shall be included on the drawings individually listing in full text the relevant mitigation measures for this impact.
 - j. A detailed traffic control plan as set forth in MM 5.5-6.
 - k. Subdivision improvement drawings shall contain notes in full text reflecting cultural resources mitigations as set forth in MM 5.9-1.

31. Appearance and vegetative screening of all retaining walls in excess of forty-two (42) inches in height shall be subject to review and approval by the Design Review Board. This includes all such walls shown on the subdivision improvement drawings as well as walls associated with individual home design and construction.
32. Timing of screening landscaping installation as shown on the approved Precise Development Plan drawings, as well as irrigation and ongoing maintenance of said landscaping, shall be determined by the Town and memorialized by an agreement to be recorded in conjunction with the Parcel Map.
33. A detailed construction staging area/construction parking/materials storage/debris box/portable restroom/protective fencing plan for the subdivision improvement installation phase of the project shall be submitted for approval by the Town Engineer as part of the subdivision improvement drawings.
34. Bonding or other monetary security for maintenance and replacement of retaining wall landscaping for the lifetime of the retaining walls shall be provided by the applicant as directed by the Town prior to recordation of the Parcel Map. The amount of monetary security shall be acceptable to the Director of Public Works and the terms of the maintenance and replacement shall be acceptable to the Town Attorney.
35. Exterior lighting (for roadways and residential improvements) shall be limited to the minimum amount necessary to safely illuminate points of access and outdoor use areas. Prior to the approval of subdivision improvement drawings for the project, the Design Review Board shall review all aspects of the proposed roadway lighting. In its review of individual homes, the Design Review Board shall carefully review all proposed lighting to minimize its visibility from surrounding properties and Paradise Drive.
36. The Tiburon Town Council must approve the Broom Eradication and Habitat Restoration Program (BEHR) required by Mitigation Measure 5-3.4(c) prior to issuance of a grading permit for the project's subdivision improvements. The Mitigation Monitoring Plan (MMP) required by the mitigation measure shall incorporate the general requirements set forth in the memorandum (four pages) from Nichols-Berman to the Town of Tiburon dated April 6, 2006 (**Exhibit "B"**). To the extent feasible, the BEHR shall locate replacement trees on Town-controlled land, preferably near existing woodlands and preferably located on the north or northeast (Paradise Drive) side of the Tiburon Peninsula. Fulfillment of the BEHR shall be guaranteed by either: 1) physical implementation by the project sponsor as deemed acceptable to the Town; or 2) through provision of funding to the Town in an amount deemed acceptable by the Town such that the BEHR may be physically implemented by the Town. The Town shall have sole authority to

select which option or combination of the options is used to implement the BEHR. If option 1 is selected, implementation (including ongoing broom removal, maintenance, and tree replacement for the monitoring life of the BEHR) shall be guaranteed through full performance bonding and/or other appropriate monetary security as required and approved by the Town Attorney. The issues of potential soil erosion, drainage, soil instability, view blockage, fire prevention (should “flaming” of seeds be proposed), shall be addressed to the satisfaction of the Town Council prior to approval of the BEHR. An encroachment permit shall also be required prior to commencement of work on Town parcels.

37. At least 50% of the “Large Canopy Trees” shown on Sheet 1 of the *On-Site Tree Mitigation Plan* shall be upgraded to 24” box trees (from 15-gallon trees) in order to provide more immediate strategic screening of retaining walls, homes, and other site disturbance. These upgrades shall be shown on the Landscape Plan submitted as part of the subdivision improvement drawings.
38. The Landscape Plan associated with subdivision improvements shall be reviewed and approved by the Design Review Board, with special attention paid to the strategic location of larger-canopy trees for maximum screening of project improvements from Paradise Drive. The Design Review Board shall also ensure that the entry roadway landscaping more closely resembles prevailing landscaping along Paradise Drive and does not form a visibly abrupt change from informal native landscaping to formal, obviously introduced landscaping.
39. A detailed Tree Protection Plan shall be submitted with the subdivision improvement drawings to set forth protection measures for trees to be retained during project construction. Said Plan shall be reviewed and approved by the Director of Community Development and Director of Public Works. The applicant shall bear the cost for any Town-required third party review of the Tree Protection Plan.
40. Final CC&R's for the subdivision shall be subject to review and approval as satisfactory by the Town Attorney and Director of Community Development prior to approval of the Parcel Map, and shall be recorded in conjunction with the Parcel Map. Said CC&Rs shall contain provisions and limitations as set forth in the Precise Development Plan and other relevant permit approvals, including but not limited to the following:
 - a. Include the Tiburon Glen Architectural Design Guidelines as part of the CC&R's.
 - b. Include the elements of the last sentence of Condition No. 5 of the Precise Development Plan approval resolution (22-2006) in the CC&R's.
 - c. CC&R's must include a provision requiring Town of Tiburon approval to amend certain sections of the CC&R's as determined by the Town.
 - d. Precise Development Plan and MMRP provisions applicable to Parcel 4

- (open space) must be addressed through an easement agreement or other method acceptable to the Town if they are not to be made applicable to Parcel 4 as part of the CC&R's.
- e. The relevant open space and/or conservation easements granted to the Town affecting shall be an exhibit or exhibits to the CC&R's.
 - f. The common facilities maintenance plan and provisions as set forth in Mitigation Measure 5.1-9.
 - g. Zoning limitations on the property as set forth in the Tiburon Glen Precise Development Plan shall be referenced or incorporated into the CC&R's for information purposes, to an extent deemed appropriate in the discretion of the Director of Community Development, including but not limited to fencing restrictions and "Residential Use Area" restrictions as set forth in the Tiburon Glen Precise Development Plan.
 - h. The Vegetation Modification Plan information and wild-land building fire exposure provisions as set forth in Mitigation Measure 5.8-2.
 - i. Educational text as set forth in Mitigation Measure 5.3-1.
 - j. Provisions regarding no planting of invasive plant species, pursuant to Mitigation Measure 5.3-9.
 - k. A reference to the Town of Tiburon's Tree Ordinance requirements.
 - l. Provisions allowing Town authorized consultants access to any portion of the property for mitigation monitoring purposes and for replacement of vegetation as may be required by the Mitigation Monitoring Plan for a term not less than the duration of the requirements of Mitigation Measure 5.3-4(b).
 - m. A fund for maintenance and/or replacement of bollards or other permanent demarcation devices for the "residential use areas" shall be established.
 - n. A provision that the Town may enforce provisions of the CC&R's as deemed necessary, but with no obligation to do so.
 - o. Provisions for maintenance of the project roadways (if not established by separate recorded agreement).
 - p. Provisions for maintenance of private storm drains and facilities.
 - q. A provision that specified portions of the CC&R's as determined by the Town Attorney, which are directly related to Town interests, shall not be amended without prior written approval of the Town of Tiburon.
41. A mitigation monitoring consultant shall be retained by the Town at the project sponsor's expense to provide monitoring of the project and its mitigation measures, as set forth in the approved Mitigation Monitoring Program. Prior to issuance of a grading permit for the subdivision improvements, the project sponsor shall enter into a written agreement with the Town and submit a deposit for the anticipated cost of retaining the mitigation monitoring consultant to perform said work. The agreement shall contain provisions for post-construction monitoring and vegetation replacement in addition to monitoring during project construction.

42. The Parcel Map shall contain a note indicating that this property cannot be further subdivided.
43. The Parcel Map shall contain a note or notes referencing the various limitations and restrictions contained within the Precise Development Plan, including a Public Information Sheet showing building envelopes and describing other zoning limitations, as determined by and to the satisfaction of the Director of Community Development.
44. Traffic mitigation fees shall be paid prior to issuance of a building permit for each residence in accordance with the adopted fee schedule at that time.
45. Park and recreation in-lieu fees, as required by Chapter 14 of the Tiburon Municipal Code, shall be paid prior to recordation of the Parcel Map. The public trail easement and open space easements associated with the project may be considered by the Town Council as off-sets in the final determination of the applicable fees.
46. Inclusionary housing in-lieu fees, as required by Chapter 16-6 of the Tiburon Municipal Code, shall be paid prior to recordation of the Parcel Map.
47. All fees and deposits required by the Town or other agencies having jurisdiction shall be paid prior to the Town's approval of the Parcel Map or issuance of any grading permit, whichever comes first.
48. Violations of the permit or permit conditions shall be subject to stop-work orders, fines, penalties, and all other enforcement methods authorized by law.
49. This approval shall be valid for three years and shall expire and become null and void unless a Parcel Map is approved and recorded prior to expiration, or unless a time extension is granted.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the Town of Tiburon on March 28, 2007, by the following vote:

AYES: COMMISSIONERS: Aguirre, Collins, Fraser & O'Donnell

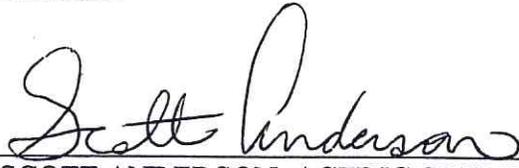
NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Kunzweiler



JIM FRASER, CHAIRMAN
TIBURON PLANNING COMMISSION

ATTEST:



SCOTT ANDERSON, ACTING SECRETARY

RESOLUTION NO. 2016-DRAFT

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON
APPROVING A TIME EXTENSION FOR A TENTATIVE SUBDIVISION MAP APPROVAL
FOR 3 LOTS ON 26.04 ACRES OF LAND LOCATED ON
PARADISE DRIVE NEAR NORMAN WAY
ASSESSOR PARCEL NO. 039-241-01

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

Section 1. Findings.

- A. On March 28, 2007 the Tiburon Planning Commission adopted Resolution 2007-02 approving a Tentative Map application (#60604) to subdivide 26.04 acres into three lots. The approval was valid for three years and was subsequently extended by state legislation to March 28, 2017.
- B. On June 27, 2016, the Planning Division received an application (TM2016-02) from the property owner, Xanadu Property Holdings, LLC, for a three (3) year time extension of the tentative map approval.
- C. The Planning Commission finds that the time extension request is exempt from further review under the California Environmental Quality Act.
- D. The Planning Commission held a duly-noticed public hearing on July 27, 2016, and heard and considered any testimony from interested persons.
- E. The Planning Commission finds that the time extension request is consistent with state law and local regulations regarding time extensions for subdivision maps.

Section 2. Approval.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby approve a time extension of three (3) years for the Tiburon Glen Estates Tentative Subdivision Map, with the new expiration date for the tentative subdivision map approval being March 28, 2020.

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

AYES: COMMISSIONERS:

NAYS: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ERICA WILLIAMS, CHAIR
TIBURON PLANNING COMMISSION

ATTEST:

SCOTT ANDERSON, SECRETARY

Scott Anderson

From: john kunzweiler [johnkunzweiler@yahoo.com]
Sent: Tuesday, July 19, 2016 9:52 AM
To: Scott Anderson
Cc: 'Ross Tibbits'; 'Bill Tellini'; 'David Simms'; 'Bella Simms'; 'Lark Raveche'; 'John Raveche'; 'Olav/Kelly Norman'; 'John McGuinn'; 'Cynthia B. McGuinn'; 'Cynthia B. McGuinn'; 'Julie LaNasa'; 'Ahmed Koraishi'; 'David Greenberg'; 'Michelle Farabaugh'; 'Crystal Benbow'; Randy Greenberg; Crystal & Bob Benbow
Subject: Re request for extension of the Tiburon Glen Tentative Map

Scott,
Been a long time....I hope all is well with you.

I writing on behalf of the Norman Way Homeowner's Association. We'd like to express our support for the extension of the Tiburon Glen Tentative Map, as originally drafted. We do not support any modifications to the Map and would like to be informed if any changes are contemplated or proposed.

best regards

John Kunzweiler +1 415 706 1996 Tiburon, CA 94920