



TOWN OF TIBURON
 1505 Tiburon Boulevard
 Tiburon, CA 94920

Planning Commission Meeting
 September 14, 2016
 Agenda Item: **PH-1**

STAFF REPORT

To: Members of the Planning Commission

From: Community Development Department

Subject: 35-37-39 Lyford Drive (PD #35): Tentative Subdivision Map Application (File #TM2016001) for the creation of 3 Condominium Lots on a 1.7 acre Parcel; Richardson Bay Land Company, Owner; Assessor's Parcel No. 058-301-49

Reviewed By: _____

PROJECT DATA

Address: 35-37-39 Lyford Drive
 Assessor's Parcel Number: 058-301-49
 File Number: TM2016001
 Lot Size: 1.7 acres
 Zoning: RPD (Residential Planned Development)
 Precise Plan: 35-37-39 Lyford Drive Precise Plan (PD #35) - 1974
 General Plan: M (Medium Density Residential)
 Current Use: Clustered Single-Family Residential
 Owner/Applicant: Richardson Bay Land Company
 Flood Zone: X (Outside 500 year flood area)

BACKGROUND

The 35-37-39 Lyford Drive Precise Plan was originally approved in 1974. The precise plan approved the development of a 1.7 acre parcel with three detached single-family dwellings. The homes were clustered in the southern end of the site. Each dwelling contains an attached one-car garage and a separate detached 4-car garage is shared by the three residences. An open space easement deeded to the Town of Tiburon covers the northern portion of the site.

In contrast to more recent planned development projects, the site was not subdivided into individual lots. The three homes for this project were all located on the sole parcel and held under the same ownership, even though the units are detached. This form of cluster development soon fell out of fashion in development circles and has not been repeated elsewhere in Tiburon since the approval of this early precise plan.

On January 20, 2016, the Town Council approved an amendment to the precise plan for this property by adopting Resolution No. 06-2016 (**Exhibit 1**). The precise plan amendment approved

the eventual creation of three (3) separate condominium parcels to allow separate ownership of each of the existing single-family dwellings on the site. On December 14, 2015, the Planning Commission also adopted Resolution No. 2015-13 (**Exhibit 2**) approving a conditional use permit to convert the dwelling units to condominiums. The applicants are now applying for the tentative subdivision map approval that would establish the proposed lot lines for the subdivision. A parcel map would be required in the future.

PROJECT DESCRIPTION

The proposal requests the subdivision of a 1.7-acre parcel located at 35-37-39 Lyford Drive to create three (3) separate condominium parcels to allow separate ownership of each of the existing single-family dwellings. The proposed project would create individual lots for each of the three homes on the site. The shared driveway, detached garage structure and the area covered by the open space easement would be situated on a remainder parcel and owned in common by the owners of the three proposed lots. The Tentative Map drawings are attached as **Exhibit 3**.

The Tentative Map application proposes no substantive changes to the project as approved in the 35-37-39 Lyford Drive Precise Plan. All conditions and specifications of the approved precise plan would continue to be in effect. No physical changes are proposed as part of this project. The existing homes and detached garage would remain in their current condition. The only requested change from the proposed condominium conversion is a change in the form of ownership of the property.

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. As the residential buildings for this project have already been developed, the main thrust of review at the tentative map stage is to ensure that the drawings comply with the requirements of the Subdivision Map Act.

General Plan Consistency and Zoning Compliance

The land areas of the 3 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 35-37-39 Lyford Drive Precise Plan.

Tiburon Subdivision Ordinance

Section 14-3.6 of the Tiburon Municipal Code (Subdivisions) requires that the Planning Commission make the following findings before 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 35-37-39 Lyford Drive Precise Plan.
- b. Design or Improvement. The design of the proposed subdivision is consistent with the Tiburon General Plan and the 35-37-39 Lyford Drive Precise Plan.

- c. Type of Development. The existing detached single-family residential homes are consistent with the type of development suitable for the physical constraints of this property.
- d. Density of Development. Three residences on the 1.7-acre site would yield a density of 1.76 units per acre. This would be 58.8% of the maximum density of 3.0 units/acre allowed under the General Plan and an appropriate density for this property.
- e. Fish or Wildlife. The project would not include any physical changes to the site and therefore would not substantially injure fish or wildlife or their habitat.
- f. Public Health. The project would not include any physical changes to the site and has no characteristics that would cause significant public health problems.
- g. Access. A driveway leading to Lyford Drive provides the sole vehicular access to the site. The project has adequate emergency access.
- h. Dedications. There is an existing open space easement on the northern half of the site and a pedestrian easement along the northwest corner of the property. No new dedications are proposed as part of this tentative map application.
- i. Discharge of Waste. The existing homes on the site are connected to the Sanitary District No. 5 public sewer system, in conformance with the requirements of the Town of Tiburon, LAFCO and the Sanitary District.
- j. Regional Housing Needs. The subdivision of this property would not involve the construction of any new housing on the site but would preserve the three existing single-family detached homes on the property.

PUBLIC COMMENTS

As of the date of this report, no letters have been received regarding this application.

ENVIRONMENTAL STATUS

The project is categorically exempt from CEQA per Section 15305 of the CEQA Guidelines.

TIMELINE FOR DECISION

The Permit Streamlining Act (PSA) allows a relatively short window (only 50 days from the date of application completeness) for the Town to take final action on the Tentative Map application. The PSA deadline for this application is October 4, 2016.

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 this tentative map application.

EXHIBITS

1. Town Council Resolution No. 06-2016
2. Planning Commission Resolution No. 2015-13
3. Draft Resolution
4. Application and supplemental materials
5. Tentative Map drawings (3 sheets)

Prepared By: Daniel M. Watrous, Planning Manager

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RESOLUTION NO. 06-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIBURON
APPROVING AN AMENDMENT TO THE
35-37-39 LYFORD DRIVE PRECISE PLAN (PD #35)
ON PROPERTY AT 35-37-39 LYFORD DRIVE

ASSESSOR PARCEL NO. 058-301-49

WHEREAS, on December 14, 2015, the Planning Commission held a public hearing to consider the approval of an amendment to the 35-37-39 Lyford Drive Precise Plan (PD #35) to create three (3) separate condominium parcels to allow separate ownership of each of the existing single-family dwellings at 35-37-39 Lyford Drive; and

WHEREAS, after receiving public testimony and considering the application (File # PDPA2015003) at that hearing, the Planning Commission adopted Resolution No. 2015-12 recommending to the Town Council that the precise plan amendment be approved; and

WHEREAS, on January 20, 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 plan amendment to create three (3) separate condominium parcels to allow separate ownership of each of the existing single-family dwellings at 35-37-39 Lyford Drive would be consistent with the overall intention of the 35-37-39 Lyford Drive Precise Plan and the policies contained within the Tiburon General Plan; and

WHEREAS, the Town Council finds that the project is exempt from the requirements of the California Environmental Quality Act per Section 15301 (k) 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 35-37-39 Lyford Drive Precise Plan, subject to the following conditions:

1. The property lines for the three residential lots for the property at 35-37-39 Lyford Drive shall be amended as reflected on the drawing labeled Exhibit-2, prepared by Meridian Surveying Engineering, Inc., dated October 26, 2015.
2. This approval shall in no way alter other provisions of the 35-37-39 Lyford Drive Precise Plan not specifically modified herein.

EXHIBIT NO. 1

PASSED AND ADOPTED at a regular meeting of the Town Council on January 20, 2016, by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ERIN TOLLINI, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK

EXHIBIT NO. 1

RECORDING REQUESTED
RETURN TO:
Tiburon Planning Department
1505 Tiburon Boulevard
Tiburon, CA 94920

RESOLUTION NO. 2015-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON
APPROVING A CONDITIONAL USE PERMIT FOR
A CONDOMINIUM CONVERSION OF THREE EXISTING DETACHED
SINGLE-FAMILY DWELLINGS AT 35-37-39 LYFORD DRIVE

ASSESSOR PARCEL NO 58-301-49

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

Section 1. Findings.

- A. The Planning Commission has received an application from the owners of property at 35-37-39 Lyford Drive requesting a Conditional Use Permit for a conversion to condominium ownership of three existing detached single-family dwellings at that location. The application consists of the following:
 - 1. Application form and supplemental materials, dated October 1, 2015
 - 2. Site Plan, Floor Plans and Elevations, dated October 26,
- B. The Planning Commission has held a duly-noticed public hearing on December 14, 2015 and heard and considered any testimony from interested persons.
- C. The Planning Commission has found that the project is consistent with the Tiburon General Plan, on the basis of analysis set forth in the Staff Report dated December 14, 2015.
- D. The Planning Commission has made affirmative findings consistent with the standards required in Section 16-52.050 (C) of the Tiburon Zoning Ordinance, on the basis of analysis set forth in the Staff Report dated December 14, 2015.
- E. The project is categorically exempt from CEQA per Section 15301 (k) of the CEQA Guidelines.

Section 2. Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby approve the Conditional Use Permit for condominium conversion at 35-37-39 Lyford Drive, subject to the following conditions:

1. A Tentative Subdivision map and subsequent Parcel Map for the land division implementing the condominium conversion shall be approved by the Town. Such Parcel Map shall clearly identify on its face which yard areas outside the units are intended to be unrestricted common area.
2. A condominium plan shall be recorded for this project. The condominium plan shall be reviewed and approved in advance of recordation by the Director of Community Development as being in conformance with the Town of Tiburon approvals for the project. The common area set forth in said condominium plan shall comply with Zoning Ordinance requirements set forth in Section 16-52.050 (C[10]).
3. Covenants, Conditions, and Restrictions consistent with Section 16-52.050 (E) of the Tiburon Zoning Ordinance shall be submitted with the application for Tentative Subdivision Map, and shall be approved by the Town Attorney and Director of Community Development and recorded in conjunction with the Parcel Map.
4. All requirements of the Town Engineer shall be complied with prior to recordation of the Parcel Map.
5. All requirements of the Tiburon Fire Protection District shall be complied with prior to recordation of the Parcel Map.
6. All code deficiencies and upgrading requirements identified by the Tiburon Building Division in the three Residential Building Resale Inspection Reports dated August 21, 2015 and August 24, 2015, all of which are on file with the Town of Tiburon Community Development Department, shall be corrected and/or installed to the satisfaction of the Building Official prior to recordation of the Parcel Map. Said corrections and/or installations shall be verified by Tiburon Building Division inspection.
7. Satisfactory documentation of the completion of termite repair work, as generally set forth in the reports dated October 21, 2015 by Marin Termite Control Company, Inc., said reports being on file with the Town of Tiburon Community Development Department, shall be provided to the Building Official prior to recordation of the Parcel Map.

8. Two (2) on-site parking spaces shall be provided for each dwelling unit as required by Tiburon Zoning Ordinance Section 16-52.050 (C[9]); said parking spaces shall continue to be provided and available for use as parking at all times. The CC&R's shall include a provision to this effect.
9. This Conditional Use Permit shall not become effective until such time as a Precise Plan Amendment for this project is approved by the Town Council and becomes effective.
10. This Conditional Use Permit shall expire and become null and void one year from date of approval unless a Tentative Subdivision Map has been approved by the Town or an extension of the conditional use permit has been granted.
11. The Town of Tiburon reserves the right to amend or revoke this Conditional Use Permit for cause, in accordance with adopted regulations of the Town.

PASSED AND ADOPTED at a regular meeting of the Planning Commission on December 14, 2015 by the following vote:

AYES: COMMISSIONERS: KULIK, CORCORAN, WELLER AND WELNER

NAYS: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: WILLIAMS

DAVID KULIK, CHAIR
TIBURON PLANNING COMMISSION

ATTEST:

DANIEL M. WATROUS, SECRETARY

\\shared\Planning\Planning Commission\Resolutions\2015\2015-13; 35-37-39 Lyford Drive condo CUP

RESOLUTION NO. 2016-(Draft)

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON
CONDITIONALLY APPROVING A TENTATIVE SUBDIVISION MAP
FOR A 3-LOT SUBDIVISION AT 35-37-39 LYFORD DRIVE (PD #35)

ASSESSOR'S PARCEL NO. 058-301-49

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 1.7 acres of land into three (3) condominium parcels has been received from Richardson Bay Land Company. The subject property is located at 35-37-39 Lyford Drive and is identified as Assessor's Parcel No. 058-301-49.
- B. The application consists of the following:
 - 1. Land Development Application Form and supplemental application information received March 24, 2016.
 - 2. Tentative Map (3 sheets) entitled "Tentative Map, Oak Creek Town Houses," dated July 29, 2016, prepared by Meridian Surveying Engineering, Inc.
 - 3. Draft Declaration of Covenants, Conditions and Restrictions for Oak Creek Town Houses, received March 24, 2016.
- C. The Planning Commission finds that the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15305 of the CEQA Guidelines.
- 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 September 14, 2016.
- E. The Planning Commission held a duly-noticed public hearing on September 14, 2016, and has heard and considered testimony from interested persons.
- F. The Planning Commission finds that the application, as conditioned, is consistent with the goals and policies of the Tiburon General Plan. The Commission further finds that the application is in conformance with the provisions of the 35-37-39 Lyford Drive Precise 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 35-37-39 Lyford Drive Tentative Map application (File TM2016001) subject to the following conditions:

Public Works & Engineering

1. A Parcel map, as defined in the State Subdivision Map Act, shall be prepared by a licensed surveyor or civil engineer. The Parcel Map shall show all parcels, rights-of-way, and easement(s), and shall be submitted to the Town Engineer for review. The Parcel Map shall be in substantial conformance with the approved Tentative Map and all applicable conditions of approval. The Parcel Map is not valid until it has been approved by the Town and recorded. Closure calculations shall be provided at the time of initial Parcel Map submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the Parcel Map shall be directly verifiable by information shown on the closure calculation printout. The point(s) of beginning shall be clearly defined. All lot acreages shall be shown on the Parcel Map and shall be verifiable from information shown on the closure calculation printout. A current title report (within past 30 days) shall be submitted at the time of initial Parcel Map submittal.
2. The applicant shall transmit by certified mail a copy of the conditionally approved Tentative Map together with a copy of Section 66436 of the State Subdivision Map Act to each public entity or public utility that is an easement holder of record. Written evidence of compliance shall be submitted to the Town of Tiburon.
3. Prior to the recordation of the Parcel Map, the Applicant shall establish a Homeowner's Association (HOA) in accordance with State law with recorded Covenants, Conditions & Restrictions (CC&Rs) that are satisfactory to the Town Engineer and Town Attorney to provide long-term and ongoing maintenance of all of the common onsite private improvements and open space. Specifically, the HOA will be responsible for the long-term and ongoing maintenance of:
 - a. All driveways, parking lots, sidewalks, common area lighting, stormwater quality facilities (if any), common garbage facilities, landscaping and other improvements within the common area.
 - b. Storm drain facilities and private utilities.
 - c. The open space parcel.

The Town will have enforcement authority over the HOA's maintenance obligations and the obligation to review and approve proposed changes to the CC&R's. The CC&R's shall require the HOA to create and maintain a separate maintenance reserve fund in the amount of a percentage of the cost of constructing the HOA maintained improvements listed above. Said percentage will be determined by the Town prior to recordation of the CC&Rs. Specific cost sharing formulas for maintenance shall be shown in the document, and the approved document shall be recorded by in conjunction with the Parcel Map and shall be referenced on the Parcel Map.

4. The existing sewer line under the 37 Lyford Drive structure shall be subject to approval by the Town Building Official. Should the Town Building Official require relocation of the sewer line, it shall be relocated to be outside of the building footprint prior to the Parcel Map being recorded.
5. As a part of the Parcel Map submittal to the Town, an exhibit shall be provided showing the location of water service laterals from the meters to the point of connection at the existing buildings.
6. Private easements shall be provided within the proposed parcels for Units 1, 2, and 3 for all utilities and storm drain facilities that are serving adjacent parcels and/or the proposed common area parcel. Said easements shall be subject to Town approval and shown on the Parcel Map.
7. The existing roadway/utility easement shown as "Parcel 2 to be released roadway/utilities esmt 115 OR 216 570 OR 39" shall be abandoned prior to or on the Parcel Map in accordance with the Subdivision Map Act.

Affected Agencies & Utilities

8. All applicable requirements of the Tiburon Fire Protection District (TFPD) shall be met or set in place prior to approval of the Parcel Map. The project sponsor shall provide a letter from the TFPD to that effect.

Community Development Department

8. The Parcel Map shall contain a note indicating that this property cannot be further subdivided.
9. This approval shall be valid for three years and shall expire and become null and void unless a Parcel Map is approved and recorded, or unless a time extension is granted.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the Town of Tiburon on September 14, 2016, by the following vote:

AYES: COMMISSIONERS:

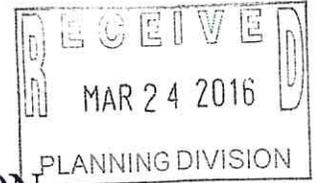
NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ERICA WILLIAMS, CHAIR
TIBURON PLANNING COMMISSION

ATTEST:

SCOTT ANDERSON, SECRETARY



TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION

TYPE OF APPLICATION

- Conditional Use Permit
- Precise Development Plan
- Secondary Dwelling Unit
- Zoning Text Amendment
- Rezoning or Prezoning
- General Plan Amendment
- 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: 35, 37, 39 LYFORD DR. PROPERTY SIZE: 73,879.8 SF
PARCEL NUMBER: 058-301-49 ZONING: RPD

PROPERTY OWNER: RICHARDSON BAY LAND COMPANY
MAILING ADDRESS: 83 BEACH RD.
BELVEDERE, CA 94920
PHONE/FAX NUMBER: 415-435-2439 E-MAIL: merlin299@aol.com

APPLICANT (Other than Property Owner): _____
MAILING ADDRESS: _____

PHONE/FAX NUMBER: _____ E-MAIL: _____

ARCHITECT/DESIGNER/ENGINEER MICHAEL HECKMANN
MAILING ADDRESS: 1680 TIBURON BLVD. #7
TIBURON, CA 94920
PHONE/FAX NUMBER: 415-435-2446/435-2875 E-MAIL: heckmannarchitects@earthlink.net

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

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):
TENTATIVE MAP FOR CONDOMINIUM USE PERMIT CONVERTING FOUR
DETACHED BUILDINGS ON ONE PARCEL TO THREE SEPERATE PARCELS
WITH COMMON AREA ACCESS DRIVE AND ACCESSORY BUILDING

EXHIBIT NO. 4
P. 1025

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: * Andrew Allen for Richardson Bay Land Co Date: 3/24/16

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: * Andrew Allen for PCB Date: 3/24/16

**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:

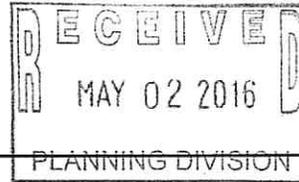
Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438(Fax)
www.townoftiburon.org

EXHIBIT NO. 4
P. 2065

DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION		
Application No.: <u>TM2016-001</u>	GP Designation:	Fee Deposit: <u>\$4160</u>
Date Received: <u>3/24/16</u>	Received By: <u>LS</u>	Receipt #: <u>2893</u>
Date Deemed Complete: <u>8/15/16</u>	By: <u>DCJ</u>	Date:
Acting Body:	Action:	Resolution or Ordinance # _____
Conditions of Approval or Comments: _____		

Oak Creek Townhouses
(35, 37, 39 Lyford Dr.)



5/2/16

Project Description

The applicant is Richardson Bay Land Co., a California corporation. The property is located on Lyford Dr. directly behind Reed School to the northeast. The property is currently a single parcel of land consisting of approximately 1.7 acres. There are three separate houses with attached garages, as well as a separate two-story garage/storage structure that includes four enclosed parking spaces and storage space. A large portion of the property is dedicated as an Open Space Easement in favor of the Town of Tiburon. The area behind the houses, on the western side of the property, is subject to a Pedestrian Passage Easement.

The original parcel was originally conceived as a planned unit development in 1974 clustering the buildings to allow a significant portion of the property to be preserved as open space. The buildings were positioned on the lower, southwest section of .9 acres allowing the upper, northeast section of .8 acres to be retained as open, undeveloped land.

Applicant now submits a request for approval of a tentative map to allow for the subdivision of the property into three separate condominium units and a common area, as shown on the Tentative Map included with this submittal package. Each condominium unit will include the residence and all other improvements and yard areas within the lateral boundaries of the units. The common area includes the garage/storage building, a shared driveway and surrounding landscaped areas. The common area also includes the portion of the property subject to the Open Space Easement, which easement will remain in place and unaffected by the subdivision of the property into condominiums. The drainage easement and Pedestrian Passage Easement both granted to the Town of Tiburon will remain in place and unaffected. The pedestrian easement was granted to the Town of Tiburon in 1975 as part of an unfulfilled plan of a proposed Reed School Park. A copy of the plan is attached as Exhibit A. No other parties granted easements for this purpose and the easement has never been used.

EXHIBIT NO. 4
P. 3 of 5

Applicant has previously submitted a request to amend the precise development plan and to obtain a use permit to allow for the subdivision of the property into condominiums.

On December 14, 2015, the first two requests were heard by the Tiburon Planning Commission. The Planning Commission voted to adopt a draft resolution recommending conditional approval of the Precise Plan amendment to the Town Council. A copy of the approved draft Resolution is attached hereto. The Planning Commission also voted to adopt a draft resolution recommending conditional approval of the condominium use permit. A copy of the approved draft Resolution is attached hereto.

On January 20, 2016, the Town Council reviewed the request by the Applicant to amend the precise development plan. The Town Council voted to adopt the draft resolution recommending conditional approval of the Precise Plan amendment. A copy of the approved draft Resolution is attached hereto.

The Tentative Map reflects the property lines shown in drawing Exhibit-2 prepared by Meridian Surveying Engineering Inc., dated October 26, 2015.

Subdivider's Program

No sales of any of the proposed separate parcels are planned at this time.

Current Tenant Status

35 Lyford - Two adults and one minor. Alfred Russo, Maria Elena Russo, Mari Russo, \$3,200 per month rent, Month-to-month tenancy

37 Lyford - One adult and two minors. Guillerault Manacorda, \$3,100 per month rent, Month-to-month tenancy

39 Lyford One adult and three minors. Nicholes Weiksner, \$4,500 per month rent, Month-to-month tenancy

EXHIBIT NO. 4
P. 4 OF 5

Tenant Noticing

All tenants were given notice of the intended filing of this application by prepaid U.S. Mail on 4/29/15 and the 60 day period expired on 6/28/15.

Building Inspection

A thorough, professional inspection of all the structures was done on April 16, 2015 by certified inspector Ed Gibson of Homestead Property Inspection Inc. and his report is attached hereto. The structures were also inspected by the Town of Tiburon head building inspector, Clay Salzman, on June 9, 2015.

Source of water supply

Each residence is separately metered to Marin Municipal Water District.

Method of Sewage Disposal

Residences are connected to public sewage line.

EXHIBIT NO. 4

P. S'OF5