



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

Planning Commission Meeting  
September 14, 2016  
Agenda Item: PH-2

## STAFF REPORT

**To: Members of the Planning Commission**

**From: Community Development Department**

**Subject: Ling (Stony Hill) Residential Project (PD#24): Request for Extension of Time on an Approved Vesting Tentative Subdivision Map for the Creation of Three Single Family Residential lots on 5.6 Acres of Land at the end of Stony Hill Road**

## PROJECT DATA

Address: End of Stony Hill Road  
Assessor's Parcel Number: 055-261-34  
File Number: TM2016-003 (formerly #60901)  
General Plan: PD-R (Planned Development-Residential)—Up to 1.0 du/acre  
Zoning: RPD (Residential Planned Development)  
Property Size: 5.6 acres  
Current Use: Undeveloped Land  
Owner: Joe Ling, et al  
Applicants: Scott Hochstrasser, IPA Inc  
Flood Zone: X (outside 500 year storm event flood area)

## BACKGROUND

On September 9, 2009, the Planning Commission approved a vesting tentative subdivision map for the Ling (Stony Hill) Residential Project, which proposed three single family lots on 5.6 acres of land at the end of Stony Hill Road (see **Exhibit 1**). In March, 2008, 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; it also resolved the substantive issues associated with development of this property. The project review process had been lengthy and detailed, involving several years of Town review and an environmental impact report. By the time of approval, an original five-unit proposal was reduced to three lots with significant open space preserved outside of approved residential use areas.

The Town's 2009 vesting tentative map approval was valid for three years, but automatic time extensions authorized by the California State Legislature during the economic recession extended the life of the map to September 9, 2016. Under provisions of state law, the filing of this time extension request with the Town automatically extends the expiration date by either 60 days or until the date upon which the request is approved, whichever occurs first.

The staff report and Planning Commission resolution for the 2009 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 vesting tentative map for one year. 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 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 2009 and the project vicinity has changed little in the seven years since initial approval of the vesting tentative map. Furthermore, the applicants have actively pursued the Parcel Map application for this project, having filed it last year, and Town processing to finalize the subdivision is nearly complete at this time. Staff anticipates the Parcel Map will be recorded before the end of this calendar year. No required amendments to the vesting tentative map or the precise development plan are being sought or are contemplated prior to recordation of the Parcel Map.

## **PUBLIC COMMENTS**

As of the preparation of this report, no correspondence has been received regarding this application. Notification of the application was mailed out to all property owners within 300 feet of the property. Neighboring property owners are aware of the subdivision and periodically contact Town staff to ask about its progress and estimated start of construction date.

## **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 continue to apply.

## **RECOMMENDATION**

Staff recommends that the Planning Commission take any public testimony on this item and adopt the draft resolution (**Exhibit 4**) granting a one-year time extension for the vesting tentative map, with a new expiration date of September 14, 2017.

## **EXHIBITS**

1. Vicinity Map.
2. Planning Commission Staff Report dated September 9, 2009 (without exhibits).
3. Planning Commission Resolution 2009-07.
4. Draft Resolution extending the lifetime of the tentative map approval.
5. Ling Vesting Tentative Map drawings (10 sheets).

# LOCATION MAP--LING (STONY HILL) PROJECT



### Legend

- Condominium Common Area
- Mobile Home Pad
- City
- Community
- Marin County Legal Boundary
- Other Bay Area County
- Ocean and Bay
- Parcel Secured
- 2014 Marin 6 inch Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



1: 3,992

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



TOWN OF TIBURON  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Planning Commission Meeting  
Sept 9, 2009  
Agenda Item: /

## STAFF REPORT

**To:** Members of the Planning Commission  
**From:** Community Development Department  
**Subject:** Ling Residential Project (PD #24): Tentative Subdivision Map Application (File #60901) for the creation of three lots on a 5.6 Acre Parcel; End of Stony Hill Road; Joe Ling, et al, Owners; Assessor's Parcel No. 055-261-10  
**Reviewed By:** \_\_\_\_\_

### PROJECT DATA

Address: End of Stony Hill Road  
Assessor's Parcel Number: 055-261-10  
File Number: 60901  
Lot Size: 5.6 Acres  
General Plan: Medium Low Density Residential (PD-R-u, up to 1.0 unit/acre)  
Zoning: RPD (Residential Planned Development)  
Current Use: Undeveloped (Large Undeveloped Parcel)  
Owners: Joe Ling, et al  
Applicant: Scott L. Hochstrasser/IPA, Inc.  
Date Complete: August 20, 2009  
Permit Streamlining Act Deadline: October 9, 2009

### BACKGROUND

On March 19, 2008, the Town Council approved a precise development plan application (the Ling Precise Development Plan; PD #24) for this property by adopting Resolution No. 14-2008 (**Exhibit 1**). The precise development plan approved the project density and the location and maximum height and square footage of the three homes that could be developed on this property. The applicants are now applying for the tentative subdivision map approval that would establish the proposed 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 5.6-acre parcel located off Stony Hill Road into three residential lots, each to be developed with a single family residence. An area shown on the map to be dedicated for public open space is to be offered to the Town as a public

access easement for pedestrian connection to adjacent Town-owned open space. Two small areas are proposed to be transferred to adjacent property owners as part of separate lot line adjustments. The proposed lot/parcel sizes are as follows:

Lot 1:	0.99 acres
Lot 2:	1.39 acres
Lot 3:	2.81 acres
Open space easement and lot line adjustment areas:	<u>0.42 acres</u>
TOTAL	5.61 acres

Private open space easements are required over each of the three lots, totaling approximately 58.2% of the site per the precise development plan approval.

The lots would be accessed by an extension of Stony Hill Road within an existing 50 foot wide roadway and utility easement (RUE) connecting to Gilmartin Drive. The Stony Hill Road extension would terminate at a new cul-de-sac and would be offered for dedication to the Town for public street purposes. The Tentative Map drawings are attached as **Exhibit 3**.

The tentative map application proposes no substantive changes to the project as approved in the Ling 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 security (bonding), and payment of development impact fees.

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

### General Plan Consistency and Zoning Compliance

The land areas of the 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 Ling Precise Development Plan. The proposed building envelope lines on the tentative map have been realigned in compliance with the requirements of Condition of Approval No. 3 of Town Council Resolution No. 14-2008.

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 Ling Precise Development Plan.
- b. Design or Improvement. The design of the proposed subdivision is consistent with the Tiburon General Plan and the Ling Precise Development Plan.
- c. Type of Development. The proposed detached single family residential lots, clustered in the center of the project site, are consistent with the type of development suitable for the physical constraints of this property.
- d. Density of Development. Three residences on the 5.61-acre site would yield a density of 0.53 units per acre. This would be approximately one-half of the maximum density of 1.0 units/acre allowed under the General Plan and an appropriate density for this property.
- e. Fish or Wildlife. The design of the proposed subdivision and its improvements would not substantially injure fish or wildlife or their habitat.
- f. Public Health. The design of the proposed subdivision has no characteristics that would cause significant public health problems.
- g. Access. The private roadway providing access to the three proposed lots would not conflict with other access easements in the area.
- h. Dedications. As noted above, the roadway extension would be offered for dedication for public roadway purposes and a public access easement would also be offered. Private open space easements are required over approximately 58.2% of the site 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 identified regional 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 correspondence or phone calls have been received regarding this application.

## **ENVIRONMENTAL STATUS**

An environmental impact report was certified by the Town Council in 2006 and an Addendum to the certified EIR was accepted by the Town Council in 2008 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 October 9, 2009.

## **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. 14-2008
2. Draft Resolution
3. Ling Tentative Map drawings (14 sheets)

Prepared By: Dan Watrous, Planning Manager

RESOLUTION NO. 2009-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON  
CONDITIONALLY APPROVING A TENTATIVE SUBDIVISION MAP FOR A 3-LOT  
SUBDIVISION AT THE END OF STONY HILL ROAD  
(PD #24, LING PROJECT)

ASSESSOR'S PARCEL NO. 055-261-10

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 5.6 acres of land into three (3) residential lots has been received from Joe Ling. The subject property is located at the end of Stony Hill Road and above Tiburon Boulevard and is identified as Assessor's Parcel No. 055-261-10.
- B. The application consists of the following:
  - 1. Land Development Application Form received January 20, 2009.
  - 2. Supplemental application information received January 20, 2009 and June 22, 2009, prepared by IPA, Inc.
  - 3. Tentative Map (14 sheets) entitled "Stony Hill Subdivision", dated June 22, 2009, latest revision dated July 28, 2009, prepared by Oberkamper & Associates Civil Engineers, Inc.
  - 4. Draft Declaration of Restrictions and Agreement for Maintenance of Drainage Facilities and Landscaping, received January 20, 2009.
- 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 September 9, 2009.
- E. The Planning Commission held a duly-noticed public hearing on September 9, 2009, 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 Ling 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 Ling Tentative Map application (File #60901) subject to the conditions:

Public Works & Engineering

1. All of the following requirements of the Town Engineer herein 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 weeks 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 geotechnical report prepared by Earth Science Consultants dated April 28, 2003, as amended by their December 8, 2004 report, their January 24, 2005 letter and the November 5, 2007 Geotechnical Update letter, 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 NAVD of 1988 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. Applicant shall offer to the Town for dedication for public street purposes that portion of the Stony Hill Road extension down to, and including, the project cul-de-sac. The 25 foot public access easement extending beyond the cul-de-sac to the trail easement shall also be offered for dedication to the public. Said offers of dedication shall appear on the face of the Parcel Map. All improvements within the area to be offered for dedication shall be subject to review and approval by the Town Engineer.
6. All of the 0.19-acre area shown as "Dedicated Public Open Space" on Sheet C4 of the Oberkamper drawings received July 2, 2007 shall be offered for dedication to the Town as an easement for public access purposes as part of the Parcel Map and the lot lines shall be revised accordingly to reflect this easement. Applicant shall install (or make a monetary contribution to cover fully the Town's estimated reasonable costs of installing) a traversable pedestrian trail no greater than 3 to 5 feet in width within the public access easement. Applicant-performed trail installation shall be performed 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. 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."
8. In furtherance of Section 16-2.7 of the Municipal Code, all portions of each lot not included within a "building envelope", "residential use area" or a "private common landscape area" on drawings approved herein shall be contained within and protected by an open space easement or easements to be offered for acceptance to the Town of Tiburon by separate instrument as part of the parcel map application. Said open space easement or easements (if accepted) shall be recorded in conjunction with the recordation of the Parcel Map and shall be deed-referenced on the Parcel Map. All portions of said open space easement or easements shall acknowledge, if necessary, any existing or required roadway, drainage and/or utility easements and any landscape installation (e.g. entry landscaping, retaining wall screening, and mitigation planting) and maintenance agreements that are required as part of the Precise Development Plan or permits issued in reliance thereon. Open space easement grant documents shall be reviewed and approved by the Town Attorney and Director of Community

Development prior to acceptance for filing of the Parcel Map application.

9. Boundaries of the “private common open space” areas at the perimeter of the “residential use areas” of each Lot shall be clearly and permanently demarcated in the field in a manner acceptable to the Town. This demarcation shall initially occur as part of the subdivision improvements, and shall be restored as necessary prior to issuance of a certificate of occupancy for each completed residence. A suitable mechanism for this permanent demarcation shall be specified on the subdivision improvement drawings and recorded as a deed restriction or by other appropriate mechanism as determined by the Town.
10. The applicant shall fund a \$25,000 dust clean-up account to be used to clean up dust problems created by the project at surrounding residences. Town staff shall disburse money from the fund to appropriate contractors (cleaning services, power washers, etc.) as needed to clean up off-site dust residues that affect the exterior or interiors of neighboring residences. Disbursement shall be based on requests and substantial evidence submitted to Town staff by neighboring residents of dust accumulation, with emphasis on clean-up after completion of major portions of project construction (i.e. landslide repair, grading for subdivision improvements). Unused funds shall be refunded to the applicant. Details of the program are as set forth in the letter from IPA, Inc., dated June 19, 2009.
11. The Subdivision Improvement Drawings shall include a call-out or detail note to address any pad grading that may be proposed.
12. Street lighting (if any) proposed on the subdivision improvement drawings shall be limited to the minimum amount necessary to safely illuminate points of access, as determined by the Town Engineer. Street 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.
13. 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.
14. Prior to issuance of a grading permit for the subdivision improvements, the project sponsor shall hold a preconstruction meeting with the Town, all other reviewing agencies associated with the project, and the subdivision improvement contractors. At that time, a final review of the implementation of the mitigation measures and determination of monitoring responsibilities shall be completed and agreed upon.

Affected Agencies & Utilities

15. All applicable requirements of the Tiburon Fire Protection District (TPFD) shall be met or set in place prior to approval of the Parcel Map. The project sponsor shall provide a letter from the TPFD to that effect. These requirements include the following:
  - a. There shall be no shredded bark allowed for landscaping, erosion control or any other purpose on the project site.
  - b. The fire hydrant location(s) shall be determined by the TPFD and Marin Municipal Water District.
  - c. The fire apparatus access road, water mains and new fire hydrant shall be installed and made serviceable prior to the issuance of building permits for any new structures.
  - d. The applicant shall fully fund the cost of purchasing and installing a traffic signal preemptor for the signal at the intersection of Tiburon Boulevard and San Rafael Avenue and a traffic signal emitter for one of TFPD's vehicles.
  - e. All homes shall meet Town and TFPD construction requirements including approved spark arrestors for chimneys, Class A roofs, automatic sprinklers, and approved smoke detectors.
  - f. The landscaping plan included in Appendix A of the EIR Addendum shall be implemented. It shall be subject to review by the TFPD. If the TFPD requires changes in the landscaping scheme or species of plants, these changes will be implemented in the landscaping plan.
  - g. The lot owners shall be responsible for maintaining plants in a fire resistant fashion in "common open space areas," "common landscape areas," and "private open space" areas, as shown on the Tentative Map.
16. 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.
17. 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.

18. A will-serve letter from Pacific Gas & Electric Company shall be provided prior to approval of the Parcel Map.

Community Development Department

19. 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.
20. No smoking shall be permitted on site by any person, contractor or employee during any portion of project construction. A water truck shall be present on the site during vegetation removal. These requirements shall be noted on the subdivision improvement drawings and shall be incorporated into construction documents for the contractor performing the work.
21. As part of the installation of the subdivision improvements, applicant shall remove dilapidated fencing and fence-posts, litter, garbage, and other junk materials from the entire site.
22. 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.
23. Prior to issuance of a grading permit for the subdivision improvements, project sponsor shall obtain and implement provisions of a NPDES General Construction Permit. A Storm Water Pollution Prevention Plan (SWPPP) shall also be obtained and implemented.
24. 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. Landslide repair, grading and geotechnical improvements pursuant to MM 3.1-A.1, 3.1-A.2, 3.1-A.3, 3.1-B.1, 3.1-B.2 & 3.1-C.1-5.
  - b. Drainage and erosion control improvements pursuant to MM 3.2-A.1, 3.2-B.1, 3.2-B.2, 3.2-C.1, 3.2-C.2, 3.5-D.1, 3.5-D.2 & 3.5-D.3.
  - c. Subdivision improvement drawing notes shall include provisions of MM 3.3-C.1, 3-7-C.4 and 3-11-A.2.
  - d. Applicant shall comply with provisions of MM 3.12-B.1 & 3.12-C.1

- regarding evaluation and protection of oak trees on the site.
- e. Applicant shall comply with provisions of MM 3.12-D.1, 3.12-D.2 & 3.12-D.3 regarding cultural resources evaluations.
  - f. Applicant shall comply with provisions of MM 3.12-E.1 & 3.12-E.2 regarding asbestos testing and mitigation.
  - g. Comply with MM 3.4-B.1-5, 3.12-A.1-10 & 3-12-A.12 regarding construction. Construction notes shall be included on the drawings individually listing in full text the relevant mitigation measures for project construction.
  - h. A detailed traffic control plan as set forth in MM 3.3-D.1.
25. Appearance and vegetative screening of all public roadway retaining walls in excess of forty-two (42) inches in height shall be subject to review and approval by the Design Review Board prior to approval of the subdivision improvement drawings.
26. 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.
27. 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.
28. The detailed landscape plan prepared as part of the subdivision improvement drawing submittal shall be reviewed and approved by the Design Review Board. The Board shall require additional landscaping, if needed, to buffer views from homes to the east and south of the site. This landscape plan shall include removal of any remaining invasive plant species, common area plantings, entry landscaping, retaining wall screening, and any landscaping required in adopted mitigation measures.
29. The following requirements shall be addressed by the Design Review Board during review of Site Plan and Architectural Review applications for each house in this subdivision:
- a. Individual house designs submitted for Site Plan and Architectural Review approval shall closely resemble the conceptual designs shown in the above-referenced drawings prepared by KAO Design Group. In reviewing these applications, the Design Review Board is directed to avoid changes to the conceptual house designs and the precise locations that would have

- materially greater impacts on views across the site from neighboring homes, substantially increase the heights of retaining walls, result in substantially more grading, increase the project's visibility from off-site, or otherwise substantially increase the project's impacts on the surrounding area.
- b. Colors and materials of residential improvements shall be low-reflectivity; medium and/or dark hues that minimize contrast with surroundings and reduce visual impacts as shown on the project plans (36 sheets) prepared by KAO Design Group, dated June 21, 2007
  - c. Minimize the contrast between the proposed structures and the grass/shrub backdrop by requiring that individual lot developers use hues similar to the natural palette of the grass/shrub backdrop and prohibit light, reflective hues for building exteriors. Medium to dark hues shall be required for building elements.
  - d. A photosimulation of each proposed residence and its ancillary improvements is required to be submitted at the time of the Site Plan and Architectural Review application for each residence, with the photosimulation prepared from the same location as Visualization 2 as depicted in the EIR Addendum dated December 2007. The purpose of the design-review-level simulations is to ensure that the level of visual impact is comparable to that disclosed in the EIR and is not materially greater.
  - e. Plant vegetative screens in front of the downhill retaining walls to break up the view of the walls. Alternatively, use terraced or cribbed walls planting native grasses and/or other landscaping on the benches.
  - f. Use wood and wire fencing with wire that is colored to be similar in hue to the vegetation and is minimally visible from off the site.
30. 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.
31. A Tree Protection Plan (text and drawing), prepared by a qualified arborist or similar professional, shall be submitted with the subdivision improvement drawings to set forth protection measures for existing 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 prior to approval of the subdivision improvement drawings.

32. 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. The following lighting requirements shall be required pursuant to Mitigation Measures 3.5-E.1 through 3.5-E.6 of the adopted Mitigation Monitoring Program:
  - a. Lighting of outdoor use areas and walkways shall use low-level walkway lights and bollards.
  - b. Floodlighting of walls and rooflines will be prohibited.
  - c. Building entries would be lighted with low-level fixtures using concealed lamps.
  - d. Any security lighting of internal roads and parking areas will use low-level bollards with shielded lights.
  - e. Lighting shall be designed to provide needed security and safety without escaping from the site. Lighting shall be reviewed by the Design Review Board. It is recommended that the Design Review Board retain the authority to review project lighting once it is installed and to be able to require replacement and/or additional light shielding to minimize light escape from the site.
  - f. Align or screen the access road so that headlights do not intrude into the home at 1 Owlswood Road.
33. Final CC&R's, deed restrictions, and/or joint maintenance agreements or other similar instruments for the subdivision shall be prepared and submitted for review and approval by the Town Attorney and Director of Community Development prior to approval of the Parcel Map, and shall be recorded in conjunction with the Parcel Map. Said CC&Rs or other instruments acceptable to the Town Attorney shall contain provisions and limitations as set forth in this Precise Development Plan approval and the adopted Mitigation Monitoring Program to the satisfaction of the Town Attorney and Director of Community Development. These instruments shall contain, without limitation, provisions for ongoing maintenance

of common areas, ongoing maintenance of drainage structures and facilities, and ongoing removal of invasive plant species (French broom, pampas grass, etc.) from the property, and shall be recorded in conjunction with the parcel map.

34. 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.
35. Traffic improvements required at the Stony Hill Road/Gilmartin Drive intersection under Mitigation Measure 3.3-B.1 shall be completed at the earliest beginnings of the subdivision improvements for the project.
36. The Parcel Map shall contain a note indicating that this property cannot be further subdivided.
37. 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.
38. 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.
39. 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 access and trails easements shall be considered by the Town Council as off-sets in the final determination of the applicable fees.
40. Inclusionary housing in-lieu fees, as required by Chapter 16 of the Tiburon Municipal Code, shall be paid prior to recordation of the Parcel Map.
41. 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.

42. Violations of the permit or permit conditions shall be subject to stop-work orders, fines, penalties, and all other enforcement methods authorized by law.
43. 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 September 9, 2009, by the following vote:

AYES: COMMISSIONERS: KUNZWEILER, FRASER, CORCORAN, FRYMIER  
AND O'DONNELL

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

  
\_\_\_\_\_  
JOHN KUNZWEILER, CHAIRMAN  
TIBURON PLANNING COMMISSION

ATTEST:

  
\_\_\_\_\_  
DANIEL WATROUS, SECRETARY

**RESOLUTION NO. 2016-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON  
APPROVING A TIME EXTENSION FOR A VESTING TENTATIVE SUBDIVISION MAP  
APPROVAL FOR 3 LOTS ON 5.6 ACRES OF LAND LOCATED  
AT THE END OF STONY HILL ROAD  
ASSESSOR PARCEL NO. 055-261-34

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

Section 1. Findings.

- A. On September 9, 2009 the Tiburon Planning Commission adopted Resolution 2009-07 approving a vesting tentative subdivision map application (#60901) to subdivide 5.6 acres of undeveloped land into three single family residential lots. The approval was valid for three years and was subsequently extended by state legislation to September 9, 2016.
- B. On August 31, 2016, the Planning Division received an application (TM2016-003) for a one (1) year time extension of the vesting tentative map approval. Pursuant to state law, the filing of the time extension request further extended the map approval by either 60 days or until the date the time extension is approved, whichever occurs first.
- 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 September 14, 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 one (1) year for the Ling (Stony Hill) vesting tentative subdivision map approval, with the new expiration date for the map approval being September 14, 2017.

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:

NAYS: COMMISSIONERS:

ABSENT: COMMISSIONERS:

\_\_\_\_\_  
ERICA WILLIAMS, CHAIR  
TIBURON PLANNING COMMISSION

ATTEST:

\_\_\_\_\_  
SCOTT ANDERSON, SECRETARY