

.....

TO: PLANNING COMMISSION

FROM: SCOTT ANDERSON, DIRECTOR OF COMMUNITY DEVELOPMENT

SUBJECT: MAJOR DEVELOPMENT PROJECT STATUS REPORT

MEETING DATE: OCTOBER 8, 2003

BACKGROUND

The Town is, or has until recently, been processing several relatively major residential development applications. These residential development projects include:

Tiburon Court (aka upper Cherry): 3 lots on 13.4 acres off Trestle Glen Boulevard
Amerippon (aka Parente): 5 lots on 10 acres off Antonette Road
Easton Point (aka Martha Company): 34 lots on 125 acres above Hillhaven
Sorokko (aka Kilgore shore): 5 lots on 16 acres off Paradise Drive
Tiburon Glen (aka Whole Systems/Xanadu): 8 lots on 26 acres off Paradise Drive
Ling (aka Tai): 5 units on 5.8 acres off Stony Hill Road
41 Main Street: Mixed use retail/residential project (former Tiburon Tommies)
Trestle Glen Lower (aka lower Cherry): 4 lots on 14.5 acres off Trestle Glen Boulevard

In addition, development applications are (or were until recently) being processed by the County of Marin Community Development Agency for large properties on the Tiburon Peninsula that are not within the Town of Tiburon's corporate limits. These projects are:

BRC (aka Bank of California): 5 lots on 50 acres above Paradise Beach Park
S.O.D.A. (aka upper Kilgore): 8 lots on 21 acres on Paradise Drive near Seafirth

This report summarizes the current status of the above-listed applications. A number-coded map showing the location of the properties is attached as **Exhibit 1**.

STATUS OF PROJECTS

#1: Tiburon Court (aka upper Cherry)---3 lots on 13.4 acres off Trestle Glen Boulevard

The Planning Commission approved a vesting tentative subdivision map application for this project on October 23, 2002. That was the final discretionary approval for this 3-unit subdivision. The vesting tentative map is valid for three years and may be extended by the Town. The next application for this project will be a parcel map

.....

(ministerial) application to be approved by the Town Council. Staff recently contacted the project sponsor for an update of progress on the parcel map application, but has not yet received a reply.

#2: Amerippon (aka Parente)----5 lots proposed on 10 acres off Antonette Road

This project is still in the EIR phase for the Precise Development Plan application. On November 28, 2001, the Planning Commission accepted the Draft EIR for the project as being prepared in conformance with CEQA and the Town's local CEQA Guidelines, and directed the consultant to prepare the Final EIR and respond to comments. A hearing was held regarding the FEIR and the merits of this project at the July 24, 2002 Planning Commission meeting. At that time, the Planning Commission concluded that the project as currently proposed would be inconsistent with the Tiburon General Plan policies as described in the FEIR. The Commission further concluded that reducing the density of the project from five lots to three lots would substantially mitigate these potential impacts. The Planning Commission also asked a number of questions regarding the economic report prepared for the project; the applicant's representative indicated that the preparer of the report would be present at a subsequent meeting to answer these questions. The Planning Commission then asked the applicant to return with a revised 3-lot design for the project.

At the August 28, 2002 Planning Commission meeting, the applicant's representative requested a 60-day continuance to investigate either a 3-lot design or other project alternatives. The hearing was continued to the October 23, 2002 meeting.

Since that time, the applicant's representative has requested further continuances for this hearing, most recently in October of 2002. Staff recently sent a letter to the applicant and property owner indicating that unless reasonable progress is made in the continued processing of the application by November 3, 2003, it will be deemed withdrawn.

#3: Easton Point (aka Martha Company)----34 lots proposed on 125 acres

This project is still in the EIR phase for the Precise Development Plan application, but processing has been put on hold at the request of the applicant effective August 20, 2002. The public comment period on the Draft EIR is still open for visual issues only, pending the installation of story poles by the applicant. Once the public comment period is closed, the Planning Commission will consider the adequacy of the Draft EIR. In this case, it has already been determined that recirculation is required under CEQA, but the extent of the issues to be addressed in the revised Draft EIR has not yet been finalized.

Staff was recently advised that the project sponsors are considering a redesign and probable reduction of the proposed 34-unit project, but no specifics are known at this

.....

time. Staff has sent a letter requesting a formal written response regarding the status of the application.

#4: Sorokko---5 lots proposed on 16 acres off Paradise Drive

This project was into the EIR stage of the Precise Development Plan review, when, on October 28, 2002, the applicant submitted revised drawings that constituted a “new” application. The old application was deemed withdrawn and the new application has been deemed incomplete. The project sponsors have not responded to the Town’s incompleteness letter, and instead have filed an application with the County of Marin. The application has not yet been accepted for filing by the County. It is possible that the project sponsors may propose individual sewage disposal systems as opposed to connecting to the public sewer system (and thereby becoming subject to Marin LAFCO’s Dual Annexation Policy).

#5: Tiburon Glen---8 lots proposed on 26 acres off Paradise Drive

The Town Council certified an EIR for this project on September 3, 2003. Shortly thereafter, the project sponsor contacted Staff indicating a desire to drop the 8-lot project in favor of a 4-lot project that had been analyzed as a “project alternative” in the EIR. Staff has forwarded to the applicant a proposal for the additional environmental review work that would be required to analyze the 4-lot proposal in acceptable detail from an environmental standpoint, and may have more up-to-date information at the meeting.

#6: Trestle Glen Lower---4 lots proposed on 14.5 acres of Trestle Glen Boulevard

This Precise Development Plan application was deemed withdrawn by Town Staff on December 20, 2002. There are currently no pending applications regarding this property.

#7: Ling (aka Tai)---5 lots on 5.8 acres at the end of Stony Hill Road

A Precise Development Plan application was submitted in July 2003 and is as yet incomplete.

#8. 41 Main Street---Mixed use retail/residential project

Construction is underway on this project, with the foundation in place and the structural steel side-wall elements expected to be erected shortly. To date, no application for condominiumization of the three approved residential units has been filed.

.....

#9: BRC (aka Bank of California)----5 lots on 50 acres off Paradise Drive

This application was deemed withdrawn by the County of Marin in 2002. There are currently no pending applications regarding this property.

#10: S.O.D.A. (aka upper Kilgore)----8 lots on 21 acres off Paradise Drive

This application has been deemed incomplete by the County of Marin, pending among other items, a letter from the Town of Tiburon waiving “first review” of the application pursuant to Marin Countywide Plan policies. The applicants have not submitted such a letter to the Town as of the date of this report, and may be pressuring the County of Marin to deem the application complete without the Town waiving “first review”. It appears that the applicants are investigating the use of individual sewage disposal systems to serve the homes, as opposed to connecting to the public sewer system.

SANITARY SEWER CAPACITY ISSUES

Recently, Sanitary District No. 5 of Marin County, which would serve new hook-ups in the Paradise Drive area south of Trestle Glen Boulevard, has enacted a moratorium of new hook-ups to its satellite treatment plant near Playa Verde, on the basis that the facility is virtually at capacity. This issue is creating additional uncertainty for applicants and potential applicants for development of property in this area, leading some to propose individual sewage disposal systems for their projects.

Simultaneously, Sanitary District No. 5 is investigating the feasibility of converting the Playa Verde Treatment facility into a pump station, pumping the effluent up to the Tiburon Ridge and into existing sewer pipes underneath Gilmartin Drive. Town Staff will continue to monitor the sanitary sewer issues and report periodically to the Commission.

TOWN VERSUS COUNTY OF MARIN PROCESSING OF APPLICATIONS

Town Staff met last week with representatives from the County of Marin Community Development Agency and the County Counsel’s Office to discuss processing of applications filed with the County for properties in the Paradise Drive area. To date, the County has deemed such applications incomplete pending (among other things) compliance with the Countywide Plan’s “first right of refusal” policy. This policy states that properties located within a city’s urban service area (such as the properties along Paradise Drive) should file their master development plans with the city for processing. Applicants are pressuring the County to drop this item as illegitimate with respect to “completeness” of an application.

.....

RECOMMENDATION

Following questions and any testimony from interested persons, the Planning Commission should accept the status report.

EXHIBITS

1. Map showing property locations.

\\scott\project status pcreport2.doc