

RESOLUTION NO. 2005-DRAFT

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON APPROVING A TENTATIVE SUBDIVISION MAP AND A MITIGATED NEGATIVE DECLARATION FOR A 2-LOT SUBDIVISION AT 1655 MAR WEST STREET ASSESSOR PARCEL NO. 059-051-18

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

Section 1. Findings.

- A. An application for a Tentative Map to subdivide an existing property into two lots has been received from property owner Diane Ho. The subject property is located at 1655 Mar West Street. The application consists of the following:
1. Application Form and supplemental application materials received June 24, 2004.
 2. Tentative Map drawings (6 sheets), dated October 29, 2004, prepared by Mark Groody Drafting and Designs.
 3. Biological Reconnaissance, prepared by Lucy Macmillan, received November 2, 2004.
 4. Geotechnical Report, Globe Engineering, prepared November 8, 1999.

The official record for this project includes, but is not limited to, the Staff Reports, minutes, application materials, Mitigated Negative Declaration, and all letters, comments and materials received at the public hearings.

- B. The Planning Division and the Deputy 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 23, 2005.
- C. An initial study of environmental impact was prepared and a draft mitigated negative declaration released for public comment on March 2, 2005. The comment period closed on March 23, 2005. The Planning Commission finds that, based on the record, no substantial evidence to support a fair argument that a significant adverse impact would result from the project has been presented.
- D. The Planning Commission held a duly-noticed public hearing on March 23, 2005 and has heard and considered testimony from interested persons.

- E. The Planning Commission finds that the application, as conditioned, is consistent with the goals and policies of the Tiburon General Plan and is in conformance with the Tiburon Zoning Ordinance. The Commission further finds that the project is consistent with the provisions of Chapter 14 of the Tiburon Municipal Code regulating the subdivision of land.
- F. The Planning Commission further finds that the Town Engineer has reviewed the proposed subdivision and has determined that an exception to the minimum lot area standard for proposed Lot 2 is warranted.

Section 2. Adoption of Mitigated Negative Declaration

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby adopt the Mitigated Negative Declaration as prepared for the project.

Section 3. Conditional Approval of Project

BE IT FURTHER RESOLVED that the Planning Commission of the Town of Tiburon does hereby approve the Tentative Map application for 1655 Mar West Street (File #60402) subject to the following conditions:

Town Engineer

1. The Parcel Map land division line shall reflect the “alternate division line” shown on Sheet 6 of the Tentative Map drawings. The flag lot division line is not approved.
2. All requirements of the Town Engineer shall be met prior to the approval of the Parcel Map. All engineering requirements and standards, including but not limited to drainage, dust control, erosion control and winterization, soils stabilization, construction criteria and grading shall be subject to review by the Town Engineer.
3. Prior to approval of the Parcel Map, a deposit shall be posted to the satisfaction of the Town Engineer to ensure that curb and gutter or other street damage occurring during the course of earthwork, construction, or other activity will be repaired.
4. Recommendations of the Geotechnical Report performed by Globe Soil Engineers shall be implemented for construction of any improvements on the property. This shall include design of drainage improvements, which are shown on the Tentative Map in a manner inconsistent with the recommendations of the Geotechnical Report.
5. 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.

6. Project shall maintain a minimum 4% slope away from the building, extending a minimum of 5 feet.
7. A drainage easement shall be shown on the Parcel Map to accept stormwater improvements (drain line or ditch) from the upper lot across the lower lot.
8. Prior to approval of the Parcel Map, project sponsor shall submit appropriate subdivision improvement drawings for review and approval by the Town Engineer, Director of Community Development, and other agencies. In addition to the usual contents, the subdivision improvement drawings shall include, but not be limited to the following:
 - a. Cut/fill and details for modifying the existing catch basin.
 - b. The “berm” shown on section drawings is really 1-2 feet of fill and needs to be engineered and its limits shown on the Preliminary Grading Plan sheet.
 - c. A detailed construction staging area/construction parking/materials storage/debris box/portable restroom/protective fencing plan for the subdivision improvement installation and house construction phase of the project.
 - d. Appropriate monumentation of lot corners.
 - e. Drawings shall depict the manner of conveying stormwater runoff from the upper lot to the drainage swale along the northern property edge in such a fashion as not to impede bicycle and/or pedestrian access. This may entail a subsurface closed conduit.
 - f. Proposed enhancements to the public pathway and drainage ditch located within the 20-foot wide easement area on the Tentative Map are illustrative only and are not approved herein. Final proposed improvements within the easement area shall be shown in detail on the subdivision improvement drawings following consultation with Town Staff. Said proposed improvements shall be to the satisfaction of, and shall be reviewed and approved by, the Town Engineer and the Director of Community Development, following a review and comment session before the Planning Commission. The Town reserves the right to select the finalized location of the public pathway, and the nature and details of any proposed improvements within the easement area. An encroachment permit for any work or improvements to be performed or installed within the easement area by the project sponsor shall be obtained prior to commencement of work.

Affected Agencies

9. All requirements of the Tiburon Fire Protection District shall be met prior to approval of the Parcel Map. Applicant shall provide a letter from the Fire District to that effect.

10. Domestic water shall be supplied by Marin Municipal Water District. A letter from the District confirming the availability of water to serve the newly created upper lot shall be required prior to approval of the Parcel Map.
11. Connection of the newly created lots to the Sanitary District No. 5 is required. A will serve letter from the District shall be submitted prior to approval of the Parcel Map.
12. Construction fencing shall be erected along the north boundary line of the property (adjoining the botanical preserve) to prevent any accidental intrusion onto that property, which is owned by the Marin County Open Space District. Said fencing shall be erected prior to commencement of work and shall be maintained at all times.

Planning Division

13. Park and recreation in-lieu fees as required by the Municipal Code shall be paid prior to recordation of the Parcel Map.
14. Deed restrictions regarding limiting the use of each lot to one (1) single family dwelling unit and customary ancillary uses shall be submitted for review and approval by the Town Attorney prior to approval of the Parcel Map. Said deed restrictions shall be recorded in conjunction with the Parcel Map.
15. All mitigation measures set forth in the Mitigated Negative Declaration are hereby incorporated as conditions of approval.
16. This Tentative Map approval shall be valid for three (3) years and shall expire and become null and void unless a Parcel Map is approved and recorded, or unless a time extension is granted.

Section 4. Adoption of Mitigation Monitoring Program

BE IT FURTHER RESOLVED that the Planning Commission of the Town of Tiburon does hereby adopt the Mitigation Monitoring Program for the project, attached hereto as **Exhibit "A"** and incorporated herein.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the Town of Tiburon on _____, 2005, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

RICHARD COLLINS, CHAIRMAN
TIBURON PLANNING COMMISSION

ATTEST:

SCOTT ANDERSON, SECRETARY