

# Town of Tiburon

## STAFF REPORT



AGENDA ITEM \_\_\_\_\_

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TO: **PLANNING COMMISSION**

FROM: **DANIEL M. WATROUS, PLANNING MANAGER**

SUBJECT: **CONDITIONAL USE PERMIT #10602**  
**REQUEST TO CONSTRUCT A FIXED PIER AND FLOATING DOCK; 4144**  
**PARADISE DRIVE; PETER PAUL, OWNER; NOBLE CONSULTANTS,**  
**APPLICANT; ASSESSOR'S PARCEL NOS. 038-171-75 & 76**

MEETING DATE: **APRIL 12, 2006** REVIEWED BY: SA

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### PROJECT DATA

Address: 4144 Paradise Drive  
Assessor's Parcel Numbers: 038-171-75 & 76  
File Number: 10602  
General Plan: Medium Density Residential/Marine  
Zoning: RO-2/M (Single-Family Residential – Open/Marine)  
Current Use: Single-Family Residential  
Owner: Peter Paul  
Applicant: Noble Consultants  
Date Complete: March 14, 2006  
Preliminary CEQA Determination: April 7, 2006

### PROJECT DESCRIPTION

A proposal has been made to construct a fixed pier and floating boat dock on property located at 4144 Paradise Drive. The parcel is currently developed with a single-family residence.

The proposed long pier would be 91 feet long and 8 feet wide. The pier would extend out into San Francisco Bay from an area adjacent to a guest cottage along the waterfront. A 24 foot by 6 foot floating dock would extend from the end of the pier, accessed by a 22 foot long ramp. No boat lifts are indicated on the submitted plans.

### ANALYSIS

#### Design Issues

The subject property is served by a private driveway shared with the residence at 4130 Paradise Drive. The dwelling and guest cottage on the site have been recently remodeled. A long series of stairs leads from the rear of the house down to the guest cottage and waterfront portion of the property. A riprap wall extends below the cottage down to a small private shoreline area.



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The proposed pier would extend out 91 feet at the same elevation as the adjacent guest cottage. Since the shoreline slopes away from the cottage level and riprap wall below, at the end of the pier the railings would be approximately 12 feet above the mean high tide level of the water. The intent of the 91 foot length of the pier is to extend past shallow shoreline areas into deeper water.

A number of other private piers and docks are located in the vicinity. Although most are relatively short, at least one pier along Old Landing Road has a considerable length that appears to be similar to that of the proposed pier, but has a lower elevation relative to the mean high tide line.

The applicant has installed a single story pole located at the end of the proposed pier. Although the end of the pier and the floating dock may be visible from several waterfront residences along Old Landing Road, the pier would not obstruct any waterline views across the bay toward Berkeley and the East Bay.

### General Plan Consistency and Zoning Compliance

A portion of the subject parcel extends out into the bay. The area beyond the mean high water line is zoned M (Marine), while the landward area is zoned RO-2. Section 2.09.02 of the Tiburon Zoning Ordinance states that piers and docks for pleasure craft are permitted only with a conditional use permit. The proposed pier therefore requires such a permit.

The construction of a new pier and floating dock also requires approval from the Bay Conservation and Development Commission (BCDC). The applicant has submitted an application to BCDC for approval of the pier and boat dock. BCDC will not act upon its application until the Town has approved the project by approving a conditional use permit. BCDC has indicated a concern about the potential presence of eel grass beds in the vicinity of the proposed pier, and has requested the applicant to contact the Department of Fish and Game regarding this matter.

Policy LU-26 of the Land Use Element of the Tiburon General Plan states that:

“the Town recognizes and wishes to preserve its bay and waterfront as significant resources and shall closely consider the sensitivity of its coastal environment through the application review process, and shall encourage maximum feasible public access to the waterfront, as called for in the San Francisco Bay Conservation and Development Commission’s (BCDC) *San Francisco Bay Plan*, and where not in conflict with other public uses or with private uses which are of public benefit.”

The presence of several other private piers along this stretch of Paradise Drive and Old Landing Road indicates that this is not a pristine or particularly sensitive section of shoreline. The proposed pier and floating dock would not interfere with private views across the bay, and therefore would not harm the visual character of other properties in the vicinity.

### **ENVIRONMENTAL REVIEW**

Staff has made a preliminary determination that the subject application is categorically exempt from the requirements of CEQA per Section 15303 (e) of the CEQA Guidelines.

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### RECOMMENDATION

Staff recommends that the Planning Commission take public testimony on this item, close the public hearing and deliberate upon the project merits, and then adopt the draft resolution conditionally approving the project.

### EXHIBITS

1. Application form and supplemental materials
2. Draft resolution
3. Letter from San Francisco Bay Conservation and Development Commission, dated March 22, 2006
4. Submitted plans