

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 MODIFY PREVIOUSLY APPROVED PLANS 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: **MAY 10, 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
Preliminary CEQA Determination: May 5, 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 Planning Commission reviewed a design for this pier and dock on April 12, 2006, and adopted Resolution No. 2006-11 (Exhibit 5) approving a conditional use permit for the project. Shortly thereafter, it was discovered that the approved plans incorrectly showed the pier and dock location outside the Tiburon town limits. The applicant has now modified the plans to place the pier and dock within Tiburon. The modified plans are now submitted for review by the Commission.

REVIEW BY THE PLANNING COMMISSION

At the April 12 Planning Commission meeting, several neighboring property owners spoke in favor of the proposed pier and dock, but asked what turned out to be appropriate questions about the relationship of the structures to the Tiburon town limits. Staff has since met with these neighbors to answer their questions regarding other annexation issues. The Commission had no concerns



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with the design of the pier and dock, and unanimously adopted Resolution No. 2006-11 approving the project.

ANALYSIS

Design Issues

The design of the modified pier and dock are identical to the previously approved plans. The proposed 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.

The proposed pier would extend out at the same elevation as an 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 modified location 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



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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.

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. Planning Commission Staff report dated April 12, 2006
4. Minutes of the April 12, 2006 Planning Commission meeting
5. Resolution No. 2006-11
6. Letter from San Francisco Bay Conservation and Development Commission, dated March 22, 2006
7. Submitted plans