

RESOLUTION NO. 2007-11

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 100 ROLLING HILLS ROAD ASSESSOR PARCEL NO. 058-132-30

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 owners Allan and Caroline Littman. The subject property is located at 100 Rolling Hills Road. The application consists of the following:
1. Application Form and supplemental application materials received April 2, 2007.
 2. Tentative Map drawings (2 sheets), dated May 3, 2007, prepared by Oberkamper & Associates Civil engineers, Inc.
 3. Geotechnical Report, dated April 2, 2007, prepared by Herzog Geotechnical Consulting Engineers.

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 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 June 27, 2007.
- C. An initial study of environmental impact was prepared and a draft mitigated negative declaration released for public comment on June 1, 2007. The comment period closed on June 21, 2007. 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 June 27, 2007 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.

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 100 Rolling Hills Road (File #60703) subject to the following conditions:

Town Engineer

1. 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 and approval by the Town Engineer.
2. Recommendations of the Geotechnical Report performed by Herzog Geotechnical Consulting Engineers, dated April 2, 2007, shall be implemented for construction of any improvements on the property.

Affected Agencies

3. 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.
4. 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.
5. Connection of the newly created Lot 2 to Sanitary District No. 5 is required. A will serve letter from the District shall be submitted prior to approval of the Parcel Map.
6. A will-serve letter from Pacific Gas & Electric Company shall be provided prior to

approval of the Parcel Map.

Planning Division

- 7. Park and recreation in-lieu fees as required by the Municipal Code shall be paid prior to recordation of the Parcel Map.
- 8. All mitigation measures set forth in the Mitigated Negative Declaration are hereby incorporated as conditions of approval.
- 9. 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.
- 10. The Design Review Board is encouraged in its review of Site Plan and Architectural Review applications for both lots to put a special focus on privacy, visual mass and bulk, and landscaping issues, and consistency with the character of the surrounding neighborhood.

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 June 27, 2007, by the following vote:

AYES: COMMISSIONERS: FRASER, AGUIRRE, COLLINS, KUNZWEILER AND O'DONNELL
 NOES: COMMISSIONERS: NONE
 ABSENT: COMMISSIONERS: NONE

JIM FRASER, CHAIRMAN
 TIBURON PLANNING COMMISSION

ATTEST:

DANIEL M. WATROUS, SECRETARY

EXHIBIT 'A'

MITIGATION MONITORING PROGRAM LITTMAN MINOR SUBDIVISION FILE # 60703 100 ROLLING HILLS ROAD

Aesthetics

Mitigation Measure:

Aesthetics-1. Prior to the issuance of grading or building permits for the single-family home on the proposed Lot 2, the building design and landscaping of the house shall receive Site Plan and Architectural Review approval pursuant to Section 16-4.2.2 of the Tiburon Municipal Code. The building and landscaping shall be designed so as to minimize and effectively mitigate any visual impacts on the surrounding neighborhood.

Implementation Procedure:

The Planning Division shall review plans during Site Plan and Architectural Review process and present analysis to the Design Review Board regarding any visual impacts on the surrounding neighborhood.

Non-Compliance Sanction:

Failure to comply with Site Plan and Architectural Review requirements will result in non-issuance of grading or building permits for the single-family home.

Air Quality

Mitigation Measure:

Air Quality-1. The site shall be watered during construction to reduce the impacts of such dust to acceptable levels.

Implementation Procedure:

The Building Inspector shall observe the site during all inspections for evidence of watering or fugitive dust.

Non-Compliance Sanction:

Failure to comply with site watering requirements or observation of fugitive dust will result in the issuance of correction notices, citations, a project stop-work order, or other available enforcement methods.

Cultural Resources

Mitigation Measure:

Cultural-1. If, during construction activities, any archaeological artifacts or human remains are encountered, the following measures shall be implemented:

- a. Construction shall cease and a qualified archaeologist shall visit the site to address the find. The Marin County Medical Examiner's office shall be notified to provide proper direction on how to proceed. If any Native American resources are encountered during construction, construction shall cease immediately until a Native American descendant, appointed by the Native American Heritage Commission of the State of California, is able to evaluate the site, make further recommendations, and be involved in mitigation planning.
- b. Any artifacts or samples collected as part of the initial discovery or monitoring must be properly conserved, catalogued, analyzed, evaluated, and curated in a manner consistent with current professional archaeological standards.
- c. The project sponsor is responsible for notifying the contractor in writing of the possibility of such findings and shall provide proof of this communication to the Town planning staff prior to the onset of construction.

Implementation Procedure:

Project applicant/contractor and Building Inspector shall stop work and inform the appropriate authorities in the event archaeological resources are found.

Non-Compliance Sanction:

Failure to comply with requirements will result in stop-work orders and fines.

Geology and Soils

Mitigation Measure:

Geology-1. All improvements, including structures, fills, utilities and roads should be designed to resist earthquake groundshaking. The latest seismic safety building and engineering techniques should be employed in the design of the houses.

Implementation Procedure:

Construction drawings submitted by applicant for building permits must show proposed structural integrity reinforcements acceptable to the Town Engineer and other mechanical and architectural reinforcements acceptable to the Building Official. Responsibility of Building Official to ensure plans contain this information and that structural integrity reinforcements have been approved by the Town Engineer. Actual installation of approved structural integrity measures and other mechanical and architectural improvements shall be confirmed by the Building Official prior to final inspection and sign off on the building and/or grading permit

Non-Compliance Sanction:

No issuance of building permit if structural integrity measures and mechanical and architectural reinforcements are not shown on plans; no final sign off if these measures and reinforcements not installed; halt construction; fines.

Mitigation Measure:

Geology-2. Structures should be designed to accommodate settlement. When this is not acceptable, it will be necessary to support improvements (structures, utilities, roads, etc.) on piers extending into firm materials below fill.

Implementation Procedure:

Construction drawings submitted by applicant for building permit must show proposed structural integrity reinforcements acceptable to the Town Engineer and other mechanical and architectural reinforcements acceptable to the Building Official. Responsibility of Building Official to ensure plans contain this information and that structural integrity reinforcements have been approved by the Town Engineer. Actual installation of approved structural integrity measures and other mechanical and architectural improvements shall be confirmed by the Building Official prior to final inspection and sign off on the building and/or grading permit.

Non-Compliance Sanction:

No issuance of building permit if structural integrity measures and mechanical and architectural reinforcements are not shown on plans; no final sign off if these measures and reinforcements not installed; halt construction; fines.

Hazards and Hazardous Materials

Mitigation Measure:

Hazards – 1: All vegetation, existing and new, shall comply with the recommendations of Fire Safe Marin and the requirements of UFC 1103.

Implementation Procedure:

Plans shall be reviewed during the Site Plan and Architectural Review and building plan check processes by the Tiburon Fire Protection District for compliance with these requirements. Fire District shall not approve final occupancy of new home until compliance with this requirement has been determined.

Non-Compliance Sanction:

No issuance of building permit without compliance with vegetation requirements. No final occupancy of house approved without inspection to determine compliance with vegetation requirements.

Hydrology and Water Quality

Mitigation Measure:

Hydrology and Water Quality – 1: Project design and construction activities will utilize Best Management Practices as described in the California Storm Water Best Management Practice Handbook for Construction Activity, January 2003.

Implementation Procedure:

BMP program to be approved by Town Engineer prior to issuance of building or grading permits. Implementation of BMP program shall be by the contractor, under review of the Town Engineer.

Non-Compliance Sanction:

Failure to comply with the approved construction BMP's will result in the issuance of correction notices, citations, a project stop-work order, or other available enforcement methods.

Noise

Mitigation Measure:

Noise-1. All construction activities shall comply with the Town's limitations on construction hours as set forth in Chapter 13 of the Tiburon Municipal Code. Equipment engine doors on

motorized equipment shall be closed during equipment operation. The quietest of alternative feasible equipment shall be used during demolition and construction work. When not in use, motorized construction equipment shall not be left idling.

Implementation Procedure:

Ensure contractor and any sub-contractors are aware of the Town's limited construction hours, including those for use of heavy equipment. Building Inspector shall ensure that these appear on the job card, and that equipment is used in compliance with this mitigation measure. Building Inspector and Police Department to enforce this measure.

Non-Compliance Sanction:

Police Department and/or Building Inspector to issue citations and/or halt construction.

Transportation/Traffic

Mitigation Measure:

Traffic-1. A staging, parking and materials storage plan shall be filed and approved by the Town of Tiburon prior to construction of subdivision improvements and for each building permit.

Implementation Procedure:

Staging, parking and materials storage plan to be approved by the Building Official prior to issuance of building or grading permits. Implementation of program shall be by the contractor, under review of the Building Official and Building Inspector.

Non-Compliance Sanction:

Failure to comply with the approved staging, parking and materials storage plan will result in the issuance of correction notices, citations, a project stop-work order, or other available enforcement methods. Police Department and/or Building Inspector to issue citations and/or halt construction.