



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
April 25, 2007
Agenda Item:

STAFF REPORT

To: Members of the Planning Commission

From: Community Development Department

Subject: Confirmation of Decision of Director of Community Development to Waive the Requirement for a Precise Development Plan for the Construction of a Driveway on the Parente Vista Property (PD#4)

PROJECT DATA

Address: End of Parente Road and End of Antonette Drive
AP Number: 038-111-16
File Number: 30702
General Plan: PD-R (Planned Development-Residential (up to 0.5 dwellings/acre))
Zoning: RPD (Residential Planned Development)
Property Size: 10.3 acres
Current Use: Vacant
Owner: Lionel Achuck
Applicant: Tom Newton/ILS Associates

BACKGROUND

On April 6, 2007, the Director of Community Development approved a request to waive the requirement for a precise development plan for the Parente Vista property (PD#4) in order that a driveway could be constructed on the property. The driveway would serve as a secondary access to a single-family dwelling currently under construction on adjacent lot at 140 Antonette Drive, which is also owned by the property owner of the Parente Vista property.

Section 16-4.8.1 of the Tiburon Municipal Code states that “a Precise Development Plan is required in all RPD and RMP zones prior to subdivision, grading, or the making of improvements of any kind.” Section 16-4.8.9 (Exemption From Requirements of Precise Development Plan) states that the Director of Community Development “may waive the requirements of a Precise Development Plan, or various parts thereof, where the requirements are, in whole or in part, deemed inappropriate or inapplicable. Any such waiver shall be confirmed by the Planning Commission.” The purpose of this item is to secure confirmation of the decision of the Director of Community Development from the Planning Commission.

BACKGROUND

The Parente Vista property is vacant 10.3 acre parcel situated above Antonette Drive. It is designated as the Amerippon Property in the Tiburon General Plan Land Use Element at pp. 2-6 and 2-7. In 1999, the then property owner (Amerippon, Inc.) filed an application for a precise development plan (the Parente Precise Development Plan) to subdivide the property into five lots; a single-family dwelling would be developed on each of the five lots. An environmental impact report was prepared and circulated for this project. The Final EIR was certified by the Town Council in 2004.

During the EIR review, the Planning Commission and Town Council encouraged the applicant to consider reducing the density of the project. The applicant submitted revised plans for a four-unit subdivision, but the application was never made complete and was later abandoned.

In 2005, Lionel Achuck, owner of the adjacent lot at 140 Antonette Drive, received Site Plan and Architectural Review approval to construct a new single-family dwelling on that lot. The approved application included a secondary driveway leading to the rear of the house that would have extended along the side property line shared with the Parente site.

In 2006, Mr. Achuck purchased the Parente property and informed Town Staff of his intention to develop the property with two single-family homes and accessory improvements. A revised precise development plan application (now renamed Parente Vista) for the two homes was submitted in February, 2007. Subsequently, Mr. Achuck also informed Staff of his desire to relocate the approved but as yet un-built secondary driveway for his home at 140 Antonette Drive (now nearing completion) approximately 30 feet to the north and onto the Parente Vista property. Staff informed Mr. Achuck that he could request a waiver of the precise development plan requirement pursuant to Section 16-4.8.9 of the Municipal Code, since processing of the precise development plan could be a lengthy process.

ANALYSIS

The Director of Community Development approved the request for waiver after considering the following factors:

1. The proposed driveway would only extend a short distance (approximately 30 feet) into the lower portion of the 10-acre Parente Vista property. The driveway location would not appear to substantially interfere with likely development of the Parente Vista property. The proposed driveway would be near a building envelope proposed on the lower portion of the property, but adequate separation between the driveway and the building envelope would remain.
2. The certified EIR for the Parente project determined that no sensitive environmental resources exist in the vicinity of the proposed driveway. The location of the driveway was also determined by the EIR to have low visibility from surrounding properties other than the lot at 140 Antonette Drive owned by the applicant.

3. As noted above, Mr. Achuck has filed a revised precise development plan application for the Parente Vista property, which includes the proposed driveway. The diligent and good faith efforts of Mr. Achuck in processing the Parente Vista Precise Development Plan are convincing evidence that the proposed driveway is not an attempt to circumvent the precise development plan requirements for this property.
4. The approved Site Plan and Architectural Review plans for the house under construction at 140 Antonette Drive include a similar design for a secondary driveway which would not extend onto the Parente Vista property. The Design Review Board determined that this driveway created an appropriate level of access to the upper portion of the house. The proposed driveway alignment would require less grading and reduce the slope of the driveway. Therefore, the driveway proposed in the precise development plan waiver would be a preferable alignment.

Based on these facts, the Director of Community Development approved the waiver from the precise development plan requirements for the driveway construction.

ENVIRONMENTAL STATUS

The project is categorically exempt from CEQA under Section 15304 (Minor Alterations to Land) of the CEQA Guidelines.

RECOMMENDATION

Staff recommends that the Planning Commission, following a public hearing, adopt the attached Resolution confirming the waiver of precise development plan requirements granted by the Director of Community Development for the Parente Vista property (PD#4).

EXHIBITS

1. Application form and supplemental materials
2. Draft resolution
3. Grant of waiver from Director of Community Development, dated April 6, 2007
3. Submitted plans

Prepared by: **Daniel M. Watrous, Planning Manager**

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