





# Town of Tiburon

## STAFF REPORT

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trash and recycling enclosure in rear parking lot, and would be designed to match the dimensions, colors and materials of the existing enclosure.

### REVIEW BY THE PLANNING COMMISSION

The Planning Commission reviewed an application for a conditional use permit (File #10502) for this project on July 27, 2005. That original application filed by Cingular Wireless requested that six (6) antennas be placed inside the clock tower and that the equipment cabinets be placed inside the Town Hall building. The Commission raised concerns that the work done to install the antennas could compromise the appearance of Town Hall. In approving the project, the Commission adopted Resolution No. 2005-09, which included the following condition of approval:

8. The applicant shall install the antennas inside the clock tower with siding to leave the exterior appearance of the building unchanged. The antennas shall be finished in appropriate colors to blend in with the colors and materials of the existing Town Hall building. Said colors and materials shall be approved by the Planning Division prior to construction of the facility.

The applicant subsequently determined that the space available inside Town Hall did not provide adequate room for the equipment cabinets, and filed a supplemental conditional use permit application (File #10505) requesting to modify the approved use permit to relocate the equipment cabinets to a location to the rear of Town Hall. The Planning Commission reviewed this application on November 9, 2005. The Commission raised concerns that the proposed equipment enclosure was sized to accommodate six (6) equipment cabinets, providing for future expansion potential for the WCF. The enclosure was proposed to have a height of 7 feet, which would be taller than the adjacent enclosure. The Planning Commission adopted Resolution No. 2005-18 approving the modifications, but included the following condition of approval:

1. The applicant shall obtain Site Plan and Architectural Review approval from the Design Review Board for the subject equipment enclosure prior to obtaining building permits for the project. The following changes shall be made to the project design as part of the Site Plan and Architectural Review application:
  - a. The enclosure shall be reduced in size to the minimum feasible footprint to accommodate three (3) equipment cabinets.
  - b. The height and exterior design of the enclosure shall match that of the existing adjacent trash enclosure, while adequately screening the height of the equipment cabinets.
  - c. Landscaping shall be installed to continue the existing vegetation to the rear of the existing adjacent trash enclosure, with the intent to adequately screen views of the enclosure from Zelinsky Park.



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### ANALYSIS

#### Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the P zone.

#### Design Issues

One (1) parking space would be eliminated by the proposed enclosure. Staff has determined that the removal of one parking space would not affect the overall parking requirements for Town Hall. A temporary file storage container currently occupies three parking spaces opposite the existing and proposed enclosure locations; it is anticipated that this container will eventually be removed by moving its files back into Town Hall, thereby opening up three more parking spaces in this portion of the lot.

As noted above, the applicant had requested that the proposed equipment enclosure have a height of 7 feet, somewhat taller than the adjacent enclosure; the applicant indicated that it was Cingular Wireless policy to requests such a height to fully screen the equipment cabinets. The Planning Commission indicated that the applicant should investigate lowering the cabinets into the ground somewhat to allow the current enclosure height to provide adequate screening of the cabinets. The applicant has indicated that digging down could create drainage problems, possibly requiring installation of pumping equipment; Staff has indicated that a simple drain to the channel to the rear of the enclosure could adequately address this drainage concern.

The proposed equipment enclosure would be visible primarily from Zelinsky Park and the Town Hall parking lot. A nearby resident within the Point Tiburon Marsh condominiums previously expressed concerns to the Planning Commission about the visual character of the proposed enclosure; however, the enclosure would be situated over 100 feet from any dwellings and would only block distant views of the parking lot and the WCF equipment cabinets.

A detailed landscaping plan has not been submitted with this application. As noted above, the Planning Commission has required that landscaping to the rear of the enclosure must "continue the existing vegetation to the rear of the existing adjacent trash enclosure, with the intent to adequately screen views of the enclosure from Zelinsky Park." A condition of approval is recommended to require that such planting be reviewed by Planning Division Staff prior to issuance of a building permit for the project, and be completed as part of the construction of the enclosure.

#### Public Comment

To date, no letters have been received regarding the proposed project.

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### RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board finds the design to be acceptable and in conformance with the Town's Design Guidelines and the direction of Planning Commission Resolutions No. 2005-09 and 2005-18, Staff recommends that the attached conditions of approval be applied.

### ATTACHMENTS:

1. Conditions of approval
2. Application and supplemental materials
3. Planning Commission Resolution No. 2005-09
4. Planning Commission Resolution No. 2005-18
5. Planning Commission Staff Report dated July 27, 2005
6. Planning Commission Staff Report dated November 9, 2005
7. Minutes of the July 27, 2005 Planning Commission meeting
8. Draft Minutes of the November 9, 2005 Planning Commission meeting
9. Submitted plans

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### CONDITIONS OF APPROVAL

#### 1505 TIBURON BOULEVARD

#### FILE #705186

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on October 20, 2005, or as amended by these conditions of approval. Any modifications to the plans of November 23, 2005, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. A landscaping plan shall be submitted prior to issuance of a building permit for this project indicating compliance with the requirement to continue the existing vegetation to the rear of the existing adjacent trash enclosure, with the intent to adequately screen views of the enclosure from Zelinsky Park. Said landscaping shall be installed prior to completion of the equipment enclosure.
7. All conditions of approval of Planning Commission Resolutions No. 2005-09 and 2005-18 shall be met at all times.