



**TOWN OF TIBURON
PLANNING COMMISSION
1505 Tiburon Boulevard
Tiburon, CA 94920
Action and Approved Minutes
May 26, 2004 – 7:30 PM**

ACTION MINUTES

CALL TO ORDER AND ROLL CALL

7:35 pm

Present: Chairman Snow, Commissioner Fraser, Commissioner Kunzweiler

Absent: Commissioner Collines

ORAL COMMUNICATIONS

Persons wishing to address the Planning Commission on any subject not on the agenda may do so under this portion of the agenda. Please note that the Planning Commission is not able to undertake extended discussion, or take action on, items that do not appear on this agenda. Matters requiring action will be referred to Town Staff for consideration and/or placed on a future Planning Commission agenda. Please limit your comments to no more than three (3) minutes. **There were None**

COMMISSION AND STAFF BRIEFING

Staff Update

Commission Information Items

ELECTION OF VICE-CHAIRMAN

Continued to Meeting of June 23, 2004

CONSENT CALENDAR

1. Approval of Planning Commission Minutes – April 28, 2004 **Approved as Corrected**
3-0

UNFINISHED BUSINESS

2. CONDITIONAL USE PERMIT; REQUEST TO INCREASE THE DURATION OF SEASONAL USE FOR A RESTAURANT AWNING STRUCTURE; 5 MAIN STREET; Ed Zelinsky and Spectrum Foods, Inc., Owner and Applicants; Assessor's Parcel No. 29-151-41 **Continued to Meeting of June 23, 2004**

PUBLIC HEARINGS

- 3 SCOPING SESSION FOR AN ENVIRONMENTAL IMPACT REPORT (EIR) TO BE PREPARED FOR A PROPOSED FIVE LOT RESIDENTIAL DEVELOPMENT (LING PRECISE DEVELOPMENT PLAN); STONY HILL ROAD; Joe Ling, et. al.,

Owners; Assessor's Parcel No. 55-261-10 *Public and Commission Comments Received*

4. GENERAL PLAN UPDATE: CIRCULATION ELEMENT ISSUES PAPER; Take Public Comment for a Report to the Town Council Regarding Recommendations for General Plan Goals, Policies and Programs for the Circulation Element of the General Plan *Public and Commission Comments Received*

DISCUSSION ITEMS

5. LAFCO SPHERE OF INFLUENCE STUDY AND RECOMMENDATIONS FOR SOUTHERN MARIN COUNTY: Review and Make Recommendations to the Town Council *Commission Comments Received*

ADJOURNMENT 9:45 PM

**MINUTES NO. 893
PLANNING COMMISSION
May 26, 2004
Regular Meeting
Town Council Chambers
1505 Tiburon Boulevard, Tiburon, California**

ROLL CALL

Present: Chair Snow, Commissioners Fraser and Kunzweiler
Absent: Commissioner Collins
Staff Present: Community Development Director Anderson, Planning Manager Watrous, Advance Planner Bryant, and Administrative Aide Creekmore

ORAL COMMUNICATIONS

There were none.

COMMISSION AND STAFF BRIEFING

Planning Manager Watrous noted that the Standards and Criteria for Wireless Communication Facilities is tentatively scheduled for the June 9 Planning Commission agenda. If Town Attorney Danforth has not finished reviewing the document by that time, the item will be continued to a later meeting. It was also noted that a hearing for the draft Environmental Impact Report for the Parente project on Taylor Road is anticipated for July.

ELECTION OF VICE-CHAIR

The Commission agreed that the election of vice-chair be deferred until a meeting when all commissioners are present.

CONSENT CALENDAR

1. Approval of Planning Commission Minutes of April 28, 2004

Change the following:

Page 2, paragraph 3, line 5, change “Chair Snow” to “the Commissioners”.

Page 2, paragraph 4, delete “library bookstore”.

Page 3, paragraph 2, line 1, change “perform” to “build”.

Page 4, paragraph 1, lines 1-2, strike “open space advocate”.

Page 6, paragraph 7, line 3 insert “and” before “that the Commission should...”.

M/S Kunzweiler/Fraser (passed 3-0), to approve the minutes as corrected.

UNFINISHED BUSINESS

2. CONDITIONAL USE PERMIT; REQUEST TO INCREASE THE DURATION OF SEASONAL USE FOR A RESTAURANT AWNING STRUCTURE; 5 MAIN STREET; Ed Zelinsky and Spectrum Foods, Inc., Owner and Applicants; Assessor’s Parcel No. 29-151-41

This item was continued to the July 28, 2004 meeting of the Planning Commission.

PUBLIC HEARINGS

3. SCOPING SESSION FOR AN ENVIRONMENTAL IMPACT REPORT (EIR) TO BE PREPARED FOR A PROPOSED FIVE LOT RESIDENTIAL DEVELOPMENT (LING PRECISE DEVELOPMENT PLAN); STONY HILL ROAD; Joe Ling, et al., Owners; Assessor’s Parcel No. 55-261-10

Planning Manager Watrous presented the Staff report and stated that consultant Leonard Charles is present to collect information pertaining to the EIR. He stated that the purpose of tonight’s meeting is to look at the issues that will be analyzed in the EIR. He noted that the public will have a number of opportunities to discuss the project details.

Neil Sorensen, attorney for the applicant, announced that he was present to answer questions regarding the proposed development.

Chair Snow opened the item for public comments.

Bill Upson said that his property overlooks the proposed development and pointed out that the Little residence would be directly impacted, as their front door faces the proposed Lot 2. He asked why Lot 2 could not be shifted to provide a greater contiguous area of open space and stated that the orientation of the house should be reconsidered. He added that the ridgeline on the site should be examined to determine if it meets the intention of a designated ridgeline.

John Gigounas stated that he has no basic objections to the development other than that neighbors should be consulted. He stated that the proposed density of the project should be carefully considered.

Roy Little referenced the letter he submitted to the Commission and noted that his residence faces the proposed development and that views from his dining room, living room, master bedroom, and front door would be impacted. He said that the footprint, height, and size of the development should be considered and suggested that the proposed adjacent lot be moved west to reduce view impacts and enhance the open space area. He added that he is in favor of minimizing the slide potential that may be remedied by excavating the hillside. He concluded by acknowledging the efforts of Community Development Director Anderson, Planning Manager Watrous and Mr. Verelley. He stated that while the impacts to his property are unacceptable at this time, he believes that an acceptable agreement can be reached with the developer.

Leonard Sperry expressed concern over moving the development westward as doing so could impact views from his property. He said that he has no additional objections but hoped that the concerns of other neighbors would be mitigated. He said that the statement in the Staff report that the neighbors have been consulted is inaccurate as he had not been consulted by the developer.

Allan Littman said that he owns a parcel to the east of the proposed development and noted that the neighbors' request that reasonable consideration be given to their residences and their willingness to work cooperatively with the developer does credit to them as a community.

Steve Harowitz said that the proposed development is visible from his property and that he is concerned about the project's density. He requested that the EIR examine how increased traffic would be mitigated.

Randy Greenberg, 45 Norman Way, expressed concern about the linear form of the project's open space, and that the arrangement of the private and common open spaces is awkward. She said the size of the proposed houses is inconsistent with houses in neighboring areas and that the building envelopes should be smaller. She said that the visual impacts of the project are considerable, particularly from off-site and along San Rafael Avenue, and that photo-simulations representing the actual height of the buildings should be provided. She is concerned that the fence lines will invite suburban landscaping, and said that the visual impacts of the fencing should be evaluated. She said that the project would require an enormous amount of grading, and the submitted plan looks more like a quarry than a grading plan. She concluded by requesting an alternative plan that would site the homes outside of the landslide area.

In response to questions regarding the height of the story poles, Planning Manager Watrous said that the maximum height of the buildings would be 30 feet. He said that the actual height of the story poles should be addressed by the applicant.

Dr. Anne Marie Meagher stated that she is concerned about the size of the proposed homes, which would be inconsistent with homes in the neighborhood. She believed that the development would pose a threat to views and privacy of the Little's property and that the location of Lot 2 is inappropriate.

Sharon Power concurred with Mr. Upson's and Mr. Little's comments. She said that she too is concerned about the project's density and said that the lots should be moved 50 feet to the west.

Becky Pringle said that at 5.6 acres, the property fits in with the Town's definition of a large, undeveloped lot and that it should be developed with the same density as other similar projects in Tiburon. She noted that the Town does not have a clear definition of a secondary ridgeline and encouraged a careful analysis of the ridgeline on the site. Additionally, she asked that view and vista impacts to be taken into consideration, including those from the Multi-Use Path.

Bill Verelley, project coordinator for the owner, stated that the height of the story poles for the homes is 30 feet, and 27 feet for the garages.

Mr. Sorensen stated that he will continue to consult with the neighbors and will be happy to explore the definition of ridgelines and whether the project can be moved westward.

Chair Snow closed the public hearing and returned discussion of the item to the Commission.

Commissioner Kunzweiler made the following comments:

1. The requirement for retaining walls of up to 17 feet throughout the hillside would cause significant visual and aesthetic impacts;
2. The applicant would be well served to consider a lower density alternative and smaller homes;
3. The secondary ridgeline is subjective and may provide the developer with flexibility to move the building envelope;
4. The overall open space design is counterproductive to the spirit of preserving open space, and the open space should be better integrated into the neighborhood;
5. The project is heavily fenced which gets in the way of usable open space;
6. Increased traffic on Gilmartin Drive should be addressed;
7. Landslide repair is unavoidable, and the temporary visual impacts of the hillside excavation need to be understood

Commissioner Kunzweiler stated that the project has significant potential, but should be scaled back and resorted.

Commissioner Fraser noted that it would be prudent for the developer to spend more time consulting with neighboring residents. He believes that it would benefit the neighbors and the project to preserve contiguous open space and move the planned homes to the west. He said that the ridgeline issue merits further investigation. Commissioner Fraser noted that the mass and size of the planned homes would be very noticeable from San Rafael Avenue, and should be examined in the EIR. As the project is now proposed, he felt that it would have a huge visual impact and he would like to see a compromise reached that suits the needs of the parties.

Chair Snow thanked the public for its input on the project. He stated that the number of lots and open space design should be rethought. He suggested that renderings be prepared to illustrate a visual representation of the project, including the impacts of retaining walls and other hardscape elements.

4. GENERAL PLAN UPDATE: CIRCULATION ELEMENT ISSUES PAPER; Take Public Comment for a Report to the Town Council Regarding Recommendations for General Plan Goals, Policies and Programs for the Circulation Element of the General Plan

Advance Planner Bryant presented the Staff report and identified the recommended changes and additions to the Circulation Element Issues Paper. He stated that the suggestions received by the public and the Commission will be forwarded to the Town Council.

Chair Snow opened the item for public comments.

George Landau, Tiburon resident, recommended that the number of bicyclists on Tiburon Boulevard, particularly the section past Trestle Glen Boulevard, be reduced by erecting signs that encourage them to use the alternate routes.

Commissioner Kunzweiler suggested that bicycle rental outfits revise their maps to encourage bicycling along the multi-use path.

Commissioner Fraser said that the Bicycle and Pedestrian Advisory Committee is making ongoing efforts to work with CalTrans to install signs that will indicate the various bicycle routes.

Chair Snow stated that bicyclists are aware of their rights to use roadways and support the efforts made to encourage them to take alternate routes.

Jerry Riessen, Tiburon resident, referenced the intersection Levels of Service (LOS) tables in the Issues Paper and questioned whether certain projects would show significant impacts on intersection LOS.

Advance Planner Bryant replied that certain criteria must be met for project specific impacts on levels of service to be considered a significant impact.

Community Development Director Anderson confirmed that three particular intersections would drop below the Town's LOS standards and that each development project is required to contribute its pro rata share of funding towards making the improvements.

Mr. Riessen referenced Policy C-1 and asked that safety be considered on narrow two-lane streets. He noted that the traffic impacts caused by large trucks associated with home remodels pose safety concerns on those streets.

Mr. Riessen suggested revising Policy C-7 to read, "...or where no other access is available".

Commissioner Fraser agreed with Mr. Riessen's comments regarding Policy C-7 and made the following recommendations:

1. Clarify Circulation Goals and provide a method of measuring the goals;
2. Create an incentive in Policy C-8 that encourages residents to underground utilities;

3. Specify who is responsible for the preservation of views and how those views are identified in Policies C-14, C-16, C-21, and C-22;
4. Develop ways to encourage public transportation by making it more desirable and convenient while preserving the Town's rural nature; he also noted that the recommended change regarding the bus shelters for reasons of cost and liability are inconsistent with this goal;
5. Provide clarification on Policy C-29, which opens the possibility of a multi-level parking structure in the downtown area yet conflicts with the desire to preserve the Town's character and rural environment;
6. Provide clarification regarding whether gated communities are prohibited or discouraged for single homes.

Commissioner Fraser stated that many policies seem vague and that he would like to see more overall clarity.

Commissioner Kunzweiler agreed that more specificity is needed throughout the document but cautioned that codifying the document would make it inflexible.

Advance Planner Bryant clarified the existing level of service for Trestle Glen Boulevard/Tiburon Boulevard intersection is LOS "C" and that it is projected to worsen to LOS "E" over time.

Commissioner Kunzweiler referenced Policy C-3 and Policy C-4 and asked what enforcement is in place that requires a project applicant to pay traffic fees.

Community Development Director Anderson replied that according to current laws, a project cannot be denied based on an inability to produce the total amount of funding required to build the improvement that would meet the Town's intersection level of service standards. Developers can only be required to pay their pro rata share of contributions toward the traffic improvements. He agreed that this wording is unclear and stated that it has been proposed for deletion. If a project in and of itself would cause an intersection to fail, it would then have to be identified as being a significant impact. Funds received for traffic mitigation measures are retained in a dedicated fund that is applied to the list of traffic improvements currently identified in the General Plan.

In response to Commissioner Kunzweiler's request to clarify Policy C-20, Community Development Director Anderson stated that the goal of this policy is to minimize the number of new intersections created on Paradise Drive so that new developments with multiple homes are designed to access it from a single intersection.

Commissioner Kunzweiler asked if Policy C-25 was designed to open reserved parking during evening hours work by working with business owners.

Advance Planner Bryant replied that this program will be further examined in the future.

Commissioner Kunzweiler referenced Policy C-31 and questioned whether a specific statement is needed to address downtown/ferry parking.

In response to a question asked by Commission Kunzweiler regarding whether a formal statement should be made regarding the use of roundabouts, Advance Planner Bryant informed the

Commission of the requirements typically needed for considering roundabouts as an alternative to stoplights, and why they are unlikely to be met in Tiburon.

Community Development Director Anderson stated that the fees cited in the Issues Paper are used to implement policies and programs.

Commissioner Kunzweiler asked whether a statement can be included which indicates that the Town should work cooperatively with the County of Marin to lobby for additional funding for Paradise Drive.

In response to a question asked by Mr. Landau regarding fees collected to mitigate traffic problems, Community Development Director Anderson assured him that traffic mitigation fees have resulted in many improvements.

Chair Snow made the following comments:

1. The statement made in Policy C-29 regarding the exploration of multi-level parking is very good because it says “explore” instead of committing the Town to a specific course of action;
2. Many of the recommendations regarding bicycle changes are appropriate;
3. There should be an ongoing review of shuttle feasibility, especially given the current bus service situation;
4. That he assumes that CalTrans would have to approve roundabouts on Tiburon Boulevard;
5. That traffic signal warrants are not always related to traffic but may related to injuries or accidents as well;
6. Egress and ingress for a second west-bound lane on Tiburon Boulevard at Trestle Glen Boulevard will need to be looked at very closely;
7. Timed pedestrian signals should be looked at.

Community Development Director Anderson clarified for Chair Snow that the LOS is an average of the hours that have the highest use. The four consecutive 15 minute segments that generate the most traffic volume are considered the peak hour. It was noted that morning peak hours may coincide with school drop-offs.

Advance Planner Bryant thanked the Commission for their comments and noted that those comments will be forwarded to the Town Council.

DISCUSSION ITEMS

5. LAFCO SPHERE OF INFLUENCE STUDY AND RECOMMENDATIONS FOR SOUTHERN MARIN COUNTY: Review and Make Recommendations to the Town Council

Community Development Director Anderson presented the Staff report and concluded that LAFCO staff's findings are accurate and its recommendations appropriate.

Commissioner Fraser asked what the impact is when LAFCO makes a recommendation to change city boundaries, but that doesn't take place.

Community Director Anderson replied that LAFCO has the authority to set spheres of influence but it does not have land use authority. LAFCO can encourage cities to initiate boundary changes. Either Tiburon or Belvedere would need to apply for the boundary change for it to move forward.

Commissioner Kunzweiler agreed with both Staff recommendations and stated that he likes LAFCO's recommendation to modify the corporate boundaries [at the Boardwalk Shopping Center and on Corinthian Island].

Community Development Director Anderson stated that Staff prefers the LAFCO recommended sphere of influence for the Boardwalk Shopping Center, as opposed to the "alternate" sphere of influence.

Chair Snow stated that he supports Staff and LAFCO recommendations.

Chair Snow opened and closed the public hearing. There was no public comment.

M/S Fraser/Kunzweiler (3-0) to support Staff recommendation as noted.

ADJOURNMENT

The meeting was adjourned at 9:46 p.m.

WAYNE SNOW, CHAIR
Tiburon Planning Commission

SCOTT ANDERSON, SECRETARY