



**TOWN OF TIBURON
PLANNING COMMISSION
1505 Tiburon Boulevard
Tiburon, CA 94920
Action and Approved Minutes
December 8, 2004 – 7:30 PM**

Action and Approved Minutes

CALL TO ORDER AND ROLL CALL 7:30 PM

Chairman Collins, Vice Chairman Kunzweiler, Commissioner Fraser, Commissioner Hermann, Commissioner Snow **All Commissioners Present**

ORAL COMMUNICATIONS There Were None

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.

COMMISSION AND STAFF BRIEFING There Were None

Staff Update
Commission Information Items

PUBLIC HEARING

1. FILE #10404: SCOPING SESSION FOR AN ENVIRONMENTAL IMPACT REPORT (EIR) TO BE PREPARED FOR A PROPOSED EXPANSION TO AN EXISTING RELIGIOUS FACILITY AND DAY SCHOOL; 215 BLACKFIELD DRIVE; Congregation Kol Shofar, Owner/Applicant; Assessor Parcel No. 038-351-34 **Testimony Received**
2. FILE #30405: AMDENDMENT TO THE RING MOUNTAIN PRECISE PLAN (PD #10) TO AMEND A BUILDING ENVELOPE; 8 MARIPOSA COURT; Jeff and Sheryl Ott, Owners; Nick Noyes Architecture, Applicant; Assessor Parcel No. 038-440-08 **Approved 5-0**
3. FILE #10410: CONDITIONAL USE PERMIT APPLICATION FOR CONDOMINIUM CONVERSION; 41 MAIN STREET; Doris Caceres, Owner/Applicant; Assessor Parcel No. 059-151-04 **Approved 5-0**

4. FILE #10408: REQUEST FOR A CONDITIONAL USE PERMIT TO EXPAND AN EXISTING HOTEL AND RESTAURANT (TIBURON LODGE); 1647/1651 TIBURON BOULEVARD; Larkspur Hotels, LLC, Owners; Assessor Parcel No. 058-171-87 Approved 5-0

MINUTES

5. Planning Commission Minutes of November 10, 2004 Approved As Amended

ADJOURNMENT 10:20 PM

**MINUTES NO. 901
PLANNING COMMISSION
December 8, 2004
Regular Meeting
Town Council Chambers
1505 Tiburon Boulevard, Tiburon, California**

CALL TO ORDER AND ROLL CALL

Present: Chair Collins, Vice-Chair Kunzweiler, Commissioners Fraser, Hermann, & Snow

Absent: None

Staff Present: Planning Manager Watrous, Assistant Planner Krasnove, Meeting Recorder Flanagan and EIR Consultant Leonard Charles

ORAL COMMUNICATIONS

There were none.

COMMISSION AND STAFF BRIEFING

Planning Manager Watrous reminded the Commission of the special meeting on December 13, 2004 for the Tiburon Glen project.

PUBLIC HEARING

1. **FILE #10404: SCOPING SESSION FOR AN ENVIRONMENTAL IMPACT REPORT (EIR) TO BE PREPARED FOR A PROPOSED EXPANSION TO AN EXISTING RELIGIOUS FACILITY AND DAY SCHOOL; 215 BLACKFIELD DRIVE; Congregation Kol Shofar, Owner/Applicant; Assessor Parcel No. 038-351-34**

Commissioner Snow recused himself from this item.

Planning Manager Watrous presented the Staff report.

Branwell Fanning, representing the La Cresta Homeowners Association, stated that they cannot see or hear Kol Shofar; however, parking is a concern. He said that on the High Holidays and a few other times a year Blackfield Drive is filled with parking all the way to the Cove Shopping Center. He said that when congregants park their cars on Via Los Altos and Blackfield Drive with SUV's on each side of the road, the roadway becomes one lane. He suggested placing parking restrictions on the side of the driveways. He said that the parking problems are ongoing, week after week.

Christopher Harney stated that Reedland Woods Way is not very wide, and the spillover parking takes so many spaces that emergency vehicles are unable to turn around on the street. He said that the current parking lot lights do not seem to affect the neighborhood, but the proposed lighting would not be compatible with the surrounding residential neighborhood. In response to a question from the Commission, he said that SUVs can turn around in the cul-de-sac when there are no parked cars there; but with more than three parked cars, SUVs cannot turn around.

Virginia Brunini, representing the Bel Aire Neighborhood Homeowners Association, stated that a community center that could support 1,500 people is a concern. She said that the potential impacts on drainage, parking, and traffic are also concerns. She stated that homes in Bel Aire have experienced flooding in the past.

Mary Ann Snyder stated that the proposed parking lot should not face Reedland Woods Way or Vista Tiburon, and should instead be placed above on the flat grassy area. She said that traffic entering from and exiting onto Reedland Woods Way is also a concern. She was also concerned about noise and lighting from the new parking area.

Margaret Kirby stated that she lives on the curve of Blackfield Drive as you pass Kol Shofar and go up the hill. She said that exiting her driveway is difficult now, especially when she cannot see out of her driveway when cars parked on the street. She was worried that this situation will become worse with extra traffic from the temple. She said that new parking lot lighting could impact her bedrooms, living room, dining room and back yard. She noted that the people on the patio in front of the proposed multi-purpose room would be able to look into her property. She said that she would be affected by amplified music, noise, lights and car headlights. She felt that Kol Shofar has outgrown its current location and it will be difficult to meet their needs at this location.

Edward Baker stated that the environmental impact of the proposed project should be compared those of similar facilities of other religious institutions and community centers. He said that the multi-purpose room would be larger than the Strawberry and Mill Valley Recreation Centers. He said that he had been assured that the multi-purpose room would only be used by congregants, but he was concerned that Kol Shofar might sell and a new owner would operate this site as a commercial venture.

Christy Seidel stated the proposed multi-purpose room would allow up to 800 people to be seated at an event. She said that the hours of operation for the proposed multi-purpose room are not compatible with residential areas. She said that lighting and noise into the late hours would be a huge change for the neighborhood, as there is currently little lighting in her neighborhood, and it is quiet. She was concerned about the safety of the new driveway on Reedland Woods Way, particularly at the intersection with Blackfield Drive. She was concerned that the street will be

clogged with traffic and parking and might not be open for emergency vehicles and those who live on the street. She noted that the acoustic study submitted by Kol Shofar used noise averaging as the method of predicting noise impacts, which would not accurately reflect the actual nighttime noise impacts on the neighborhood. She was concerned about placing a new parking lot 60 feet from the neighbors. She said that the proposed parking lot lighting on ten-foot poles until late at night would have an impact. She also felt that noise from parking activity would be a concern.

Mike Bentivoglio, president of the Vista Tiburon Homeowners Association, stated they support a place of worship that accommodates its congregation. However, he felt that their feedback has not been taken into account by Kol Shofar. He was concerned with the new driveway onto Reedland Woods Way. He said that the size of the proposal seems excessive and not in keeping with the neighborhood. He was also concerned with late night activities, safety, noise, trees, nonmember use of facilities, and the growth of the congregation.

Daniel LaCoss stated that many of the houses in Bel Aire were designed with bedrooms facing the street, so nighttime traffic noise in the area is a concern. He said that the project would result in increased water runoff into the ditch, which could cause downstream flooding. He said that traffic has increased to a steady volume that is now controlled by a three-way stop sign, but at big events, the police department directs traffic. His concern is that with more large events in the evening there will be a need for more traffic control.

Karen Nygren stated that she hopes the EIR will address all the concerns in her letter. She distributed photographs of streets around Kol Shofar showing the amount of on-street parking, and photos of the shuttle site at the same time showing that it was not being used. She said that the EIR should study the impact of health, safety and quality of life issues on the community. She said the potential for the project to be developed in phases should be addressed. She said that a “no change” alternative should be included in the EIR. She said that the neighbors are fairly pleased with the current level of use, and suggested that perhaps Kol Shofar should consider another location to meet its needs.

Bill McLaughlin stated that he is appalled at some of the comments he has heard. He said that Kol Shofar is a religious congregation, and that suggestions that they move out of town or limit capacity and service times are not acceptable. He said that religious facilities make an important contribution to the Town. He said that many of the comments at this meeting have not been about environmental issues.

Isidore Natsios stated he cannot get into his driveway when there are services at Kol Shofar. He said that his grandchildren cannot sleep when there are services and cannot cross the street. He suggested that a stop sign be installed at the intersection of Blackfield Drive and Cecilia Way.

David Holden stated that several houses on Blackfield Drive and Paseo Mirasol face the area in front of the proposed multi-purpose building, and without restrictions on time, sound amplification and the amount of people, a lot of noise will be generated. He asked that the EIR do a better job of identifying noise sources, receptors and characteristics than Kol Shofar did with its acoustical analysis. He said that his bedroom faces Kol Shofar and nighttime lighting is an issue. He said that no one questions whether a religious facility can have a meeting hall in the neighborhood, but he felt

that social activities until late at night and parking cars for 1,500 people are issues that neighbors should be adequately addressed.

Sara Sakai stated that when an event ends, it takes time for attendees, caterers and clean-up people to leave; hence, the noise lasts later than the closing hour.

There being no further comments, the public comment period was closed.

Commissioner Hermann asked that the letter from Mr. and Mrs. Nygren and the letter from Mr. Baker be addressed by the EIR. He stated that the Planning Commission needs to have a clear understanding of the growth and activity levels of the congregation. He said that the EIR should consider growth projections in the review of the project.

Commissioner Fraser stated that the town and community have evolved and changed in the 20 years since Kol Shofar was established. He said that the Commission must clearly understand what was going on in the community in 1984, today, and the projections for ten years from now. He said that demographic changes need to be evaluated. He said that the residents in the surrounding neighborhood indicate a desire to co-exist, but there are valid issues that need to be addressed. He believed that mitigation measures can be developed for the proposed project, but at the same time, current issues must be addressed too.

Commissioner Kunzweiler stated that the Commission needs an understanding of the numbers and size of the current and proposed uses on the site. He said that the Commission also needs a sense of demographics and growth rates to “model forward” the project. He said that issues need to be explored quite a ways beyond the synagogue’s physical location, with traffic patterns evaluated all the way to Tiburon Boulevard, and drainage should be followed to the bay. He said that the potential lighting impacts need to be evaluated from a distance as well. He noted that the geography of the site is unique, and said that the EIR needs to also take a broader look at noise issues.

Chair Collins noted that the major issues are growth, privacy and safety. He said that traffic should be studied from the top of Blackfield Drive to Tiburon Boulevard. He said that the traffic study should evaluate pedestrian crossings and safety issues. He said that turnaround movements for cars parking on Via Los Altos should be addressed. He said that it should be determined if Kol Shofar is in compliance with the parking ordinance, considering all seating and assembly areas. He was concerned about the safety of the eucalyptus trees near the children’s play area, and what the sound, privacy and lighting impacts will be on neighbors if the trees are removed. He said that lighting and glare at night is a concern. He felt that it is possible for Kol Shofar and the neighborhood to co-exist. He thanked the public for their comments, and asked that people write to the Town with additional comments before the December 17, 2004 deadline.

Commissioner Snow returned to the meeting.

2. **FILE #30405: AMENDMENT TO THE RING MOUNTAIN PRECISE DEVELOPMENT PLAN (PD #10) TO AMEND A BUILDING ENVELOPE; 8 MARIPOSA COURT; Jeff and Sheryl Ott, Owners; Nick Noyes Architecture, Applicant; Assessor Parcel No. 038-440-08**

Planning Manager Watrous presented the Staff report.

Nick Noyes, architect, described the project and stated that the pool was pulled closer to the house to be smaller. He said that their intent is to have as little impact as possible on the neighbors. In response to questions from the Commission, he said that the pool equipment would be on the existing deck, and that the existing fence would be modified to meet the pool safety requirements.

Commissioner Fraser stated that the level of trauma that would be placed on this portion of the lot would be rather dramatic. He asked about the setback of the pool from the creek.

Mr. Noyes responded that he is trying to stay as far from the creek as possible. He said that efforts were made to minimize engineering needed for the pool, and that walls will be kept to a minimum. He said that the pool will follow the slope of the property.

There were no public comments.

Commissioner Snow stated that he had no issues or concerns, and was glad to see that the pool will be smaller.

Commissioner Kunzweiler said that he had no issues with the project and could support the application.

Commissioner Hermann stated that this appeared to be a good “land swap.”

Commissioner Fraser stated that he supported the project in principle, but he could not figure out how it will be done. He thought that the site needed further review and study to see how the project will be engineered.

In response to questions, Planning Manager Watrous stated that the specific design of the swimming pool will be addressed through the design review process. He said that the engineering for the pool will be reviewed by the Town Engineer or Building Official. He noted that the Planning Commission is looking at the envelope changes, rather than the actual design of improvements within the envelope.

Chair Collins stated that he supported the application. He said the project was consistent with the Ring Mountain Precise Plan, and would have less impact on the neighbors than the current envelope.

M/S, Kunzweiler/Hermann (passed 5-0) to adopt the resolution recommending approval of the amendment to the Ring Mountain Precise Plan to the Town Council.

3. FILE #10410: CONDITIONAL USE PERMIT APPLICATION FOR CONDOMINIUM CONVERSION; 41 MAIN STREET; Doris Caceres, Owner/Applicant; Assessor Parcel No. 059-151-04

Assistant Planner Krasnove presented the Staff report.

Chair Collins stated, while he is a member of the Corinthian Yacht Club, which is next door to the project site, he will not recuse himself from the hearing.

Ron Caceres, son of Doris Caceres, owner, answered questions about the railings next to the driveway leading to the Corinthian Yacht Club and soundproofing for the residential units.

Commissioner Hermann stated that he was sorry that the building appears to close off access to the bay.

Mr. Caceres responded that he gave up the largest public access along Main Street, as a percentage of his property, of any other owner. Planning Manager Watrous added that the project was thoroughly reviewed by BCDC with the goal to improve public access. He described the new public access on the side and the back of the building. He said that the new public access was significant, and that the Town hopes this access will someday tie in to other public access along the waterfront.

There were no public comments.

Commissioner Kunzweiler stated that it was easy to approve the condominium conversion, given the history of the project.

Commissioner Snow stated that the idea for condominiums was part of the initial review of this project, and makes sense now.

Commissioner Hermann stated that he supports the project, but said that the Town cannot continue to make one-off decisions without considering the remainder of the downtown.

Chair Collins stated that the upper floors of the project are already housing, and the only question is whether they will be apartments or condominiums. He acknowledged that a specific plan for the downtown area is needed, and volunteered to be on a committee to draft such a plan.

M/S, Kunzweiler/Snow (passed 5-0) to adopt the resolution approving the conditional use permit for this project.

4. FILE #10408: REQUEST FOR A CONDITIONAL USE PERMIT TO EXPAND AN EXISTING HOTEL AND RESTAURANT (TIBURON LODGE); 1647/1651 TIBURON BOULEVARD; Larkspur Hotels, LLC, Owners; Assessor Parcel No. 058-171-87

Planning Manager Watrous presented the Staff report. He noted that the Building Official has inspected the unpermitted rooms and has determined that three of the rooms will not be able to be approved due to Building Code violations.

Commissioner Snow asked about employee parking. Planning Manager Watrous responded that the number of spaces required under the zoning ordinance is to address the use as a whole, and there is no separate parking requirement for employees. He said that it is up to the owner where employees can park, but that it appears that there is adequate parking for any new employees that would be generated by the proposed expansion.

Commissioner Hermann asked if the project appears to be consistent with the Downtown Design Guidelines. Planning Manager Watrous responded that the Design Review Board will determine that. He felt that the proposed exterior changes were not substantial, and involved more of a cleaning up of the façade and adding improvements. He said that he did not see anything that appeared to be inconsistent with the design guidelines.

Jim Hanson, vice president of Larkspur Hospitality, described how his company operates its hotels, and noted that each hotel has its own design and theme. He said that the hotel will have more employees, but noted that many use public transportation. He added that the peak employee shift occurs during the day, while the peak parking demand is at night.

Commissioner Kunzweiler noted the restaurant will be a community resource and asked if the bar is intended as an amenity to the restaurant or a separate bar.

Mr. Hanson responded that there would be a separate entry to the bar and restaurant, and it opens to the patio in back. He said that they intend to create a visual presence from the street, and explained the synergy with the restaurant and hotel. He added that there will be a new sign program, with its own logo and image.

Commissioner Hermann welcomed the new owners, and stated this is exactly what Tiburon wants in a hotel in the downtown area.

James Bradley, architect, described changes to the façade, including a *porte cochere* and an elevator. He said that the annex building and the hotel will be made to look like one building and there will be a bridge between the two.

Commissioner Fraser suggested that any excess hotel parking could be used to address other downtown parking needs.

Bob Meredith, president of Point Tiburon Lagoon Homeowners Association, stated that they have maintained the landscaping between their property and the hotel as a privacy and noise buffer. He said that the residents sometimes experience noise from parties, vehicles, car alarms and air conditioning units, but that these issues have been settled amicably over the years. He requested that the trees and landscaping along the rear not be eliminated as a result of the proposed parking and circulation changes.

Mr. Hanson noted that there will be no changes to the laundry room or mechanical equipment in the rear. He said that they did not intend to change the landscaping in the rear as part of this project.

There being no further comments, the public comment period was closed.

Commissioner Hermann stated that he had no concerns except for the buffer at the rear of the site. He said that the buffer should be maintained or enhanced as a result of this project.

Commissioner Fraser stated that the project will be a plus for the community and would be a catalyst for activity in the downtown area.

Commissioner Snow stated that this was a wonderful project and he appreciated the vigor expressed by the applicants in being a part of the community.

Commissioner Kunzweiler wished success to the applicant. He stated that the circulation improvements would enhance the functioning of the hotel, and he looked forward to sign improvements for the property.

Chair Collins stated that he was excited about the circulation changes, and felt that the project would be wonderful for the community.

M/S, Kunzweiler/Snow (passed 5-0) to adopt the resolution approving the conditional use permit for the project, amended to include a new Condition of Approval #8 stating that “The Design Review Board is encouraged to maintain or enhance the landscaping buffer between the hotel and the adjacent residences during review of the approved parking and circulation improvements and in any future improvements to this property.”

MINUTES

5. Planning Commission Minutes of November 10, 2004

Changes include:

Page 3, 2nd paragraph, 1st line, change “position of” to “recommendation made by.”

Page 5, 8th paragraph, 1st line to state, “...no alternative but to keep open space...”

M/S, Hermann/Kunzweiler (passed 5-0) to approve the minutes as amended.

ADJOURNMENT

The meeting was adjourned at 10:20 p.m.

RICHARD COLLINS, CHAIRMAN

ATTEST:

DANIEL M. WATROUS, SECRETARY