



**TOWN OF TIBURON
PLANNING COMMISSION**
1505 Tiburon Boulevard
Tiburon, CA 94920
Action and Approved Minutes
January 12, 2005 – 7:30 PM

ACTION MINUTES

CALL TO ORDER AND ROLL CALL 7:30 PM

Present: Chairman Collins, Commissioner Fraser, Commissioner Hermann, Commissioner Snow

Absent: Vice Chairman Kunzweiler

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

PUBLIC HEARING

1. 41 MAIN STREET: TENTATIVE SUBDIVISION MAP APPLICATION TO DIVIDE A MIXED-USE RETAIL/RESIDENTIAL PROPERTY INTO FOUR CONDOMINIUM UNITS, FILE #60404; Doris Caceres Trust, Owner and Applicant; Assessor's Parcel No. 059-151-04 ***Conditional Approval 4-0***

DISCUSSION ITEMS

2. PLANNING COMMISSION MEETING CALENDAR FOR 2005: Discussion of meeting schedule for calendar year 2005 ***Discussion Held***

CONSENT CALENDAR

3. Approval of Planning Commission Minutes – December 8, 2004 ***Approved as Corrected 4-0***

4. Approval of Planning Commission Minutes – December 13, 2004 Approved as Corrected 4-0

TRAINING SESSION

Training Session #2: Sections 1, 2 and 3 of the Planning Commissioners Handbook Completed

ADJOURNMENT 8:30 PM

Future Agenda Items

Tiburon Glen Precise Development Plan (continued from December 13, 2004) (January 26)
5 Main Street: Guaymas Tent Structure CUP (continued from November 10, 2004) (January 26)
761 Hilary Drive: St. Hilary Church/School CUP review (February 9)
1600 Mar West Street: CUP for Tiburon Peninsula Club Expansion & Renovation (February 23)
1655 Mar West Street: Tentative Subdivision Map for two-lot split (February 23)
1505 Tiburon Boulevard: Conditional Use Permit for Wireless Communication Facility Expansion

**MINUTES NO. 903
PLANNING COMMISSION
January 12, 2005
Regular Meeting
Town Council Chambers
1505 Tiburon Boulevard, Tiburon, California**

CALL TO ORDER AND ROLL CALL

Present: Chairman Collins, Commissioners Fraser, Hermann and Snow

Absent: Vice-Chairman Kunzweiler

Staff Present: Community Development Director Anderson and Meeting Recorder Flanagan

ORAL COMMUNICATIONS

There were none.

COMMISSION AND STAFF BRIEFING

Community Development Director Anderson asked if any Commissioners are members of Tiburon Peninsula Club, as there is an application on file for this property. Commissioner Fraser said that he is a member. Anderson advised him to contact the Town Attorney regarding a possible conflict of interest on the application.

PUBLIC HEARING

1. 41 MAIN STREET: TENTATIVE SUBDIVISION MAP APPLICATION TO DIVIDE A MIXED-USE RETAIL/RESIDENTIAL PROPERTY INTO FOUR CONDO UNITS, FILE #60604; Doris Caceres Trust, Owner and Application; Assessor's Parcel No. 059-151-04.

Community Development Director Anderson reviewed the staff report. In response to questions, he stated the residential use requires leases for two spaces for each unit. Some spaces are in the Point Tiburon Plaza parking lot and others are in the Beach Road parking lot. Current parking leases are for ten years and if parking spaces are not maintained, the use permit can be revoked. Within ten years, it is expected that the leases will be renewed or that circumstances will have changed in the Downtown that would allow a different parking solution.

Ron Caceres, representing Doris Caceres, stated he has done his best to find parking and has signed ten year leases for six spaces, which was no minor feat, and he hopes for a long-term solution beyond ten years. He suggested Staff take another look at parking solutions in Downtown Tiburon, per the three-year review requirement on this project. He plans to sell two units and keep two units. He would like to have a retail tenant on the street floor, possibly a restaurant or bar. In response to questions from the Commission, Mr. Caceres stated that a stairway from the penthouse to the deck on the street side serves as the fire exit; that a rail will be placed along the side of the building between the walkway and the yacht club driveway to protect pedestrians; and that the trash storage area may require an operable chain or gate for access by the refuse company.

Chairman Collins stated the walkway is a public access area where people will be traversing, and that there should be a barrier or fence between the property and the driveway leading to the Corinthian Yacht Club parking lot for safety purposes, and a gate installed for access to the trash enclosure.

Mr. Caceres responded that he is aware these issues will need to be addressed for safety reasons and proper access to the trash bin.

Commissioner Hermann stated that he believed other Downtown Tiburon restaurateurs would welcome another restaurant.

Chairman Collins noted he is a member of the adjacent Corinthian Yacht Club, but that he has no monetary interest in the club; therefore, did not recuse himself from participating in this item.

M/S, Snow/Fraser (passed 4-0) to adopt Resolution No. 2005-01 approving a Tentative Subdivision Map for a Four-Lot Condominiumization of an existing mixed-use building located at 41 Main Street, as submitted.

DISCUSSION ITEMS

2. PLANNING COMMISSION MEETING CALENDAR FOR 2005: Discussion of meeting schedule for Calendar Year 2005

Community Development Director Anderson reviewed the meeting schedule for Calendar Year 2005, noting that the year was shaping up to be very full and busy both with development applications and the General Plan update and its EIR.

CONSENT CALENDAR

3. Approval of Planning Commission Minutes – December 8, 2004

Amendments include:

Page 4, 5th paragraph, Lines 3-4, insert “in the community” before “1984.” Insert “the projections” before “ten.” Delete “and what the...same times.” Line 6, insert “that may need to” after “issues.” Change “said” to “believes.” 7th line, insert “proposed” before “project.” After “but,” insert “at the same time, current issues must be addressed too.”

Page 4, 6th paragraph, 3rd line to state, “...beyond the synagogue’s physical location, with...”

Page 4, 7th paragraph, 7th line, insert “the” after “sound.” Line 8, delete “there.”

4. Approval of Planning Commission Minutes – December 13, 2004

Amendments include:

Page 2, 2nd paragraph, 1st line, change “how” to “who.” Line 2, insert “which is” before “a public.”

Page 2, 4th paragraph, change “relevancy of” to “consistency with.”

Page 3, 2nd paragraph to state, “Chair Collins asked whether Staff directed the November 2004 alternative referred to in the letter for IPA, Inc.”

Page 5, 4th paragraph, 1st line, change “if” to “how it is that.”

Page 10, 6th paragraph, 2nd line, change “There is a developer...to develop” to “We have a developer who desires to develop his land; we should encourage that.” Insert “the” before “unavoidable.” 3rd line, change “are” to “can be.” Change “however” to “even so.” Change “are still” to “will remain.” Change “He would like” to “Ideally, we need.” Change the last sentence to “He stated that he could not support the project as it is now proposed and he is not prepared to look at a two- or three-unit project tonight. The Commission stated there is an approval project out there, but he does not know what it would be at this time.”

Page 10, 7th paragraph, Lines 2-3 line to state, “...lots, then the applicant should consider doing so.” Insert “He stated that” before “there may be consistency.” 4th line, insert “the significant unavoidable” before “environment impacts.” 5th line, after “continuance” add “to consider proposing an alternative plan that would avoid significant unavoidable impacts or if the applicant wanted a vote on the application at this meeting.”

M/S, Fraser/Hermann (passed 4-0) to approve the minutes as corrected. Commissioner Snow abstained from voting on the December 13 minutes.

TRAINING SESSION

Training Session #2: Sections 1, 2 and 3 of the Planning Commissioners Handbook

Community Development Director Anderson asked for input on the first three chapters of the new Planning Commissioners Handbook. In response to questions, he stated Tiburon tends to be informal with its small audiences and questions being directed through the Chairman tend not to be required. Staff is comfortable with members of the audience asking questions directly of Staff. He added that site visits are encouraged, but not with involved parties. He noted that some cities require a Commissioner to state at the meeting all those persons who contacted him or her regarding the project, and any site visits that were made. Regarding recusal, generally a Commissioner is required to leave the meeting room in most cases. However, a Commissioner may speak as a citizen and hear the proceedings, but not be in a position to make any type of contact with the Commissioners hearing the item.

Commission Hermann noted that the Handbook identified one role of Planning Commissioners as taking an active role in future planning for the community. He indicated that he wished to pursue that aspect, and asked about the proper way to proceed. Mr. Anderson responded that “working sessions” were one way to address future planning issues. These could be held after regular meetings or at another time. There is an agenda for these sessions, and they are open to the public, but follow a loose format and no decisions are made. However, there should be a consensus of the Commission that such sessions should be held, and what the goal of them would be. Responding to a question regarding the receipt of voluminous “late mail” at meetings, Anderson stated that Commissioners cannot ignore the late mail and continuing an item until late mail can be read and understood is usually the most appropriate course of action.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:30 p.m.

RICHARD COLLINS, CHAIRMAN

ATTEST:

SCOTT ANDERSON, SECRETARY