



**TOWN OF TIBURON
PLANNING COMMISSION
1505 Tiburon Boulevard
Tiburon, CA 94920
Action and Approved Minutes
Regular Meeting
March 23, 2005 – 7:30 PM**

ACTION MINUTES

CALL TO ORDER AND ROLL CALL At 7:35 PM

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

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. 1655 MAR WEST STREET: APPLICATION FOR A TENTATIVE SUBDIVISION MAP PROPOSING THE DIVISION OF A 22,000 SQUARE FOOT PARCEL INTO TWO LOTS; Diane Ho, owner and applicant; Assessor's Parcel No. 059-051-18.
Approved with Conditions 4-0 (Fraser Recused)

DISCUSSION

2. VACANT LANDS INVENTORY AND MAP **Received**

MINUTES

3. Planning Commission Minutes of March 9, 2005 (Special Meeting) **Adopted 5-0**
4. Planning Commission Minutes of March 9, 2005 (Regular Meeting) **Adopted 5-0**

ADJOURNMENT **At 8:40 PM**

MINUTES NO. 910
PLANNING COMMISSION
March 23, 2005
Regular Meeting
Town Council Chambers
1505 Tiburon Boulevard, Tiburon, California

ROLL CALL

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

Absent: None

Staff Present: Community Development Director Anderson, Assistant Planner Krasnove, and Meeting Recorder Creekmore

ORAL COMMUNICATIONS: There were none.

COMMISSION AND STAFF BRIEFING

Community Development Director Anderson noted that there currently are no items for the first regular meeting in April.

Chair Collins suggested moving items 3 and 4 (minutes) up on the agenda in front of the public hearing item so that Commissioner Fraser would be present for approval of the minutes.

MINUTES

3. Approval of Planning Commission Minutes – March 9, 2005 (Special Meeting)

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

4. Approval of Planning Commission Minutes – March 9, 2005 (Regular Meeting)

Amend the following:

Page 3, paragraph 2, line 1: Insert "if" between "Commissioner Kunzweiler asked" and "the noise".

Page 6, paragraph 3, line 2: Change to "... there are not many places like this for children to use in Tiburon".

Page 6, paragraph 6: Change to "Chair Collins said that it is unfortunate that the lights and sound bother neighbors, but this hearing is about compliance issues. He said that the conditions of approval of the use permit have been satisfied. He said that he could not see how the conditions can

be modified at this review. He suggested that perhaps Mr. Bendinelli can have his own sound study completed. He finds that St. Hilary is in substantial compliance with the use permit. He said that if the use is to be expanded, the issue will have to be evaluated again".

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

PUBLIC HEARINGS

1. 1655 MAR WEST STREET: APPLICATION FOR A TENTATIVE SUBDIVISION MAP PROPOSING THE DIVISION OF A 22,000 SQUARE FOOT PARCEL INTO TWO LOTS; Diane Ho, owner and applicant; Assessor's Parcel No. 059-051-18.

Commissioner Fraser recused himself from participation on this item as his residence is within 500 feet of the subject property. He then left the building.

Assistant Planner Krasnove reviewed the Staff Report. She noted that the public access easement containing a footpath running from Mar West Street to Esperanza Street would remain and that the applicant has proposed to enhance the path and make it less susceptible to erosion as part of the planned improvements.

Commissioner Kunzweiler asked about the square footage of proposed Lot #1 and about the size of the existing house. Assistant Planner Krasnove replied that the proposed Lot #1 is 8,005 square foot and that the existing house is approximately 2,132 square feet, not including the garage and basement. She said that remodeling plans do not propose to add any additional square footage to this house.

Chair Collins referenced the Staff Report analysis and noted that parking for 4 cars is not proposed as a condition. Community Development Director said that it is not a standard requirement in that zone but that it could be added as a condition.

Assistant Planner Krasnove informed the Commission that there is not a specific restriction on square footage for the proposed single family home on Lot #2 and that square footage for this home was not specified in the resolution because the applicant has not submitted a specific design with the exact square footage for the house. She said that a "not to exceed" condition can be added.

The public comment period was opened.

Mark Groody, project draftsman and representative for property owner, provided an overview of the project. He noted that some members of the community expressed doubts about the ownership of the land on which the footpath is located, but confirmed that the land is owned by Ms. Ho. He said she granted an easement to the Town for pedestrian purposes years ago. He said that improvements will be made to the path as well as the adjacent drainage ditch.

Mr. Groody explained to the Commission that the proposed lot layout shows the pathway entirely within the upper lot, while the alternative lot layout recommended by staff shows the pathway crossing both lots. He believed that the impact of the project to the surrounding community would be minimal.

Commissioner Hermann asked if the alternate lot layout would change the square footage of the house on the second lot. Mr. Groody replied that the building envelope, egress, and ingress would remain the same.

Mr. Groody informed the Commission that all surface drainage that occurs from Esperanza Street needs to be diverted from crossing the path and directed into a drainage swale. He said that a rubble-lined v-ditch has been proposed by the project civil engineer, but that visually superior alternatives were possible. Mr. Groody explained that to get the water around the first house, it would need to be piped. He said that the project civil engineer would provide more specific drawings for how that water will be diverted, but that it will most likely be diverted under the path and eventually to a catch basin. He said that the subdivision improvement drawings will have a specific and finite plan as to how drainage will be dealt with.

Chair Collins noted that Mr. Groody said that not much would have to be done to the existing building to have it fit on the lot. Mr. Groody replied that if the alternate plan is adopted, the sun room and some of the porches would not have to be removed.

Mr. Groody stated that the garage will be a 2-car garage and that the plan allows for additional parking that is not within required setbacks. Chair Collins asked if the applicant would be willing to provide 2 off-street parking spaces in addition to the garage. Mr. Groody replied that that the applicant would do so. Mr. Groody confirmed for the Commission that there is a 20-foot wide easement and the plan proposes a 12-foot driveway.

Mr. Groody stated that the footpath is worn into the grass and is not clearly defined at present and that the applicant intends to make it a 4-foot wide delineated path from top to bottom.

Helen Lindqvist, Tiburon resident and representative for four properties in addition to her own, said that she is very knowledgeable about the subject property. She said that the alternate lot split design recommended by Staff seems the most logical and that her big interest is in preserving the wildflowers and doing something about the existing drainage problems. Ms. Lindqvist said that the water that comes from the Moitoza Subdivision and Cazadero Lane goes into an inlet, then under Esperanza Street, and discharges into the wildflower preserve property, resulting in erosion and boggy conditions. She also said that there are springs near the St. Hilary's property that contribute to the run-off. On behalf of her homeowner's association, she said that she would not like to see a rip-rap ditch as proposed by the civil engineer. She spoke about other drainage conditions in the area adjacent to the project and recommended that all concerned entities work together to find a solution to the inefficient drainage in the area. She said that the path on Ms. Ho's property was used in the 1970's as a walking path and that the Town took action to secure an easement over the path after a serious bicycle accident occurred in the area.

In response to a question by Chair Collins, Ms. Lindqvist said that she is interested in ensuring that no invasive or non-native species are planted in the area of the project.

Commissioner Hermann posed the question that if there were no non-native plants planted, a reasonable drainage plan, and the alternate lot layout is approved, would the HOA be in favor of the project. Ms. Lindqvist replied that they would. She added that there was also a density issued that concerned the HOA, but that they support the project as proposed with regards to density. She

finished by stating that the Landmarks Society's interest in the project is largely due to the wildflower preserve.

Tim Bogan, neighbor of the project, said that he is in favor of the project and that it would not interfere with his enjoyment of the area.

Mr. Groody addressed Ms. Lindqvist's concerns regarding drainage by stating that the materials proposed for lining the ditch would make it look inviting and that it would not be an eyesore. He added that water from the wildflower preserve flows onto the applicant's property, but none on the water from the applicant's property flows onto the wildflower preserve. He said that the applicant does not intend to plant anything that will cause problems for the wildflower preserve.

There being no further comments, the public hearing was closed.

Commissioner Hermann said that he believes that the property owner has done a reasonably good job in addressing the issues raised. He said that he is in favor of the project, but that he does have an issue with how the V-ditch might look. He said that anything that can be done to make it look like part of the natural landscape would be ideal, but that he will leave the overall issue of drainage to be handled by those people that are more qualified to speak to it.

Commissioner Snow said that he respects the application and that he is confident that the Town Engineer will handle the issue of drainage appropriately. He said that the lack of adverse community input speaks well of the application. He stated that he supports the alternative lot layout.

Commissioner Kunzweiler said that he too supports the alternate layout shown on page 6 of the drawings, and would propose the following amendments to the resolution:

1. Specify the square footage of the new house on Lot #2 and state that it is not to exceed 2,200 square feet plus a two-car garage.
2. Specify that two off-street parking places are to be included in addition to the garage. Apron parking is acceptable.
3. Add more specificity to the path and the appearance of the drainage ditch and make a clear, viable plan that is sensible to the colors and ecology of the area.

Chair Collins endorsed the comments of his fellow commissioners. He asked that a condition be added stating that there are to be four on-site parking spaces. He asked for a condition stating that there be no clearing of fire protection on the open space preserve. Community Development Director Anderson replied that the applicant would not be allowed to go onto the wildflower preserve to remove vegetation.

Chair Collins suggested that a mitigation measure be added stating that the project applicant develop a planting palette that includes only noninvasive plant species and a covenant recorded not to permit planting of any invasive plant species in the future. The Commission agreed.

Regarding the easement and footpath, Community Development Anderson noted that Condition F, paragraph 8, requires that final drawing for the drainage ditch and footpath are reviewed by the Planning Commission and Staff. He said that addressing "maintenance" issues will be added to this condition.

Chair Collins recommended that the following findings be incorporated into the slope exception granted by the Town Engineer based on the unique characteristics of the property:

1. Access to the existing residence from the public street will remain unchanged.
2. New Lot #2 has sufficient area to provide two additional on-site parking spaces beyond those required by code, which is unusual for Old Tiburon.
3. The parcel is larger than all similarly-zoned lots in the vicinity.
4. Access to new Lot #2 would be direct and level.
5. Slope is not an obstacle to the subdivision.

M/S Kunzweiler/Hermann (4-0) to adopt the resolution approving the project as amended.

DISCUSSION

2. VACANT LANDS INVENTORY MAP

The Staff Report by Advance Planner Bryant regarding the Vacant Land Update was noted, as well as the large-scale vacant lands display map on the wall.

ADJOURNMENT

The meeting was adjourned at 8:31 p.m.

RICHARD COLLINS, CHAIRMAN
Tiburon Planning Commission

ATTEST:

SCOTT ANDERSON, SECRETARY