



**TOWN OF TIBURON
PLANNING COMMISSION
1505 Tiburon Boulevard
Tiburon, CA 94920
Action and Approved Minutes
April 27, 2005 – 7:30 PM**

ACTION MINUTES

CALL TO ORDER AND ROLL CALL *At 7:30 PM*

Chairman Collins, Vice Chairman Kunzweiler, Commissioner Fraser, Commissioner Hermann, Commissioner Snow *All Commissioners 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. 1525 AND 1555 TIBURON BOULEVARD: REQUEST FOR EXTENSION OF AN EXISTING TEMPORARY CONDITIONAL USE PERMIT (#19503); TO OPERATE TWO (2) PUBLIC PAY PARKING LOTS IN DOWNTOWN TIBURON; Main Street Properties, Owner and Applicant; Assessor's Parcel Nos. 058-171-82 and 058-171-88 *Approved 5-0*

DISCUSSION ITEMS

2. GENERAL PLAN UPDATE STATUS REPORT (ORAL REPORT FROM ADVANCE PLANNER) *Report Accepted*
3. REVIEW OF SECONDARY DWELLING UNIT STANDARDS AND RECOMMENDATION TO TOWN COUNCIL FOR AMENDMENTS TO THE STANDARDS *Recommended Approval of Amendments to Town Council 5-0*

CONSENT CALENDAR

4. Resolution of Commendation for Advance Planner Kevin Bryant
5. **Adopted 5-0**
6. Planning Commission Minutes – Adjourned Meeting of March 23, 2005
7. **Adopted 5-0**
8. Planning Commission Minutes - Regular Meeting of April 13, 2005
Adopted 5-0

ADJOURNMENT **At 8:40 PM**

APPROVED MINUTES NO. 914
PLANNING COMMISSION
April 27, 2005
Regular Meeting
Town Council Chambers
1505 Tiburon Boulevard, Tiburon, California

ROLL CALL

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

Absent: None

Staff Present: Community Development Director Anderson, Advance Planner Bryant, Meeting Recorder Creekmore

ORAL COMMUNICATIONS There were none.

COMMISSION AND STAFF BRIEFING

Commissioner Hermann referenced a late mail item in regards to comments made at a recent Planning Commission meeting. Community Development Director Anderson advised that discussion of the item is not on the agenda and should be postponed to a future meeting after all the Commissioners have had an opportunity to read the letter.

Commissioner Hermann announced that tonight will be his last meeting as a Planning Commissioner. He said that he has been very fortunate to serve on the Commission and has learned a lot from his fellow Commissioners. Chair Collins thanked Commissioner Hermann for his hard work as a member of the Commission and said that he has learned a lot from him.

PUBLIC HEARINGS

1. **1525 AND 1555 TIBURON BOULEVARD: REQUEST FOR EXTENSION OF AN EXISTING TEMPORARY CONDITIONAL USE PERMIT (#19503); TO OPERATE TWO (2) PUBLIC PAY PARKING LOTS IN DOWNTOWN TIBURON; Main Street Properties, Owner and Applicant; Assessor’s Parcel Nos. 058-171-82 and 058-171-88.**

Community Development Director Anderson presented the Staff report. He noted that over the years, there has been an interest in having the parking lot paved and pointed out that a small section of the parking lot had been paved to comply with accessibility requirements. He informed the Commission that due to the recent passing of owner Edward Zelinsky, Mrs. Laleh Zelinsky has requested a one-year extension on the permit in order to settle estate and ownership issues. He said that Staff does not feel that paving is absolutely essential at this time and doesn't believe there to be any problems with granting the one year extension.

In response to questions by Commissioner Fraser, Community Development Director Anderson said that the permit does not currently distinguish between a short-term parking lot and a long-term parking lot, but that the Commission could restrict long-term parking to the lot adjacent to Bell Market if they so desired.

Commissioner Kunzweiler asked if there are vehicles or boats currently being stored long-term in the lots. Commissioner Fraser said that there are vehicles with car covers on them and that he does not feel that vehicle storage is an appropriate use of parking lots in the downtown area.

Commissioner Collins asked if there are arrangements for long-term parking in other lots in Tiburon. Community Development Director Anderson said that there are arrangements for three spaces under a long-term parking lease for the Point Tiburon Plaza parking lot and three spaces under a long-term lease for the Beach Road parking lot. These spaces are tied to the residential units at 41 Main Street.

Gary Lucas, representative of Main Street Properties, said that with respect to the covered vehicles in the Bell Market lot, that those cars are covered to protect against vandalism and that they are in fact used regularly. He said that long-term parking is granted on a month-to-month basis.

Commissioner Hermann referenced page 2, Section 2 of the draft resolution, "...the Town of Tiburon hereby approved a two (2) year extension of the Conditional Use Permit...", and asked if it should state a one year extension. Community Development Director Anderson confirmed that it should be changed to one year. Commissioner Hermann also questioned whether the language of Section 2, Item 4 of the resolution should be changed to reflect that paving of the parking lot will not be required in Autumn of 2007 should the lot be used for something other than parking.

Commissioner Fraser recommended that the resolution include language that states that unless another use for the parking lot is contemplated, the parking lot should be paved by the time specified in the resolution.

Chair Collins recommended adding "unless that date is extended by the Planning Commission" to Section 2, Item 4. The Commission agreed on the change.

Chair Collins opened the public comment period. There were none.

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

DISCUSSION

2. GENERAL PLAN UPDATE STATUS REPORT (ORAL REPORT FROM ADVANCE PLANNER)

Advance Planner Bryant gave a brief update on the status of the General Plan. He informed the Commission that the Town Council met for a special meeting on March 30, 2005 and were very complementary of the work that the Planning Commission had done. By and large, the Town Council agreed to the revisions recommended by the Planning Commission and added a few of revisions of their own. A final draft of the General Plan will be returned to the Planning Commission this summer. The final draft will be annotated with the recommendations; that is Planning Commission changes will be noted as Planning Commission changes, Town Council changes will be noted as Town Council changes.

Advance Planner Bryant said that Staff and the EIR consultant are getting ready to issue the draft EIR of the CEQA analysis within a couple of weeks. During the 45-day review period, Staff is required to hold a public hearing on the draft EIR, which is tentatively scheduled for June 22, 2005. Staff will receive public testimony and comments from the Planning Commission at that meeting. The final EIR and final draft of the General Plan will be brought to the Commission for recommendation to the Town Council together, which is anticipated for July. He commended the Commission for their work on reviewing the General Plan.

3. REVIEW OF SECONDARY DWELLING UNIT STANDARDS AND RECOMMENDATION TO TOWN COUNCIL FOR AMENDMENTS TO THE STANDARDS

Advance Planner Bryant presented the Staff report and gave a brief review of the recommended changes.

Commissioner Hermann asked what the background is behind 400, 500, and 1,000 square foot allowances. Advance Planner Bryant replied that per state law, 400 square feet is the smallest size that the Town can adopt; however, the Town does not believe that 400 square feet allows for adequate livable space. He said that this distinction has already been made in the Zoning Ordinance. For design review applications, any addition less than 500 square feet is reviewed at the Staff level and any addition above 500 square feet is reviewed by the Design Review Board. He said that this applies to any addition except for second units, as state law has made second units a separate issue.

Commissioner Fraser asked what were the standards that caused permits to be turned down. Advance Planner Bryant said that he is not aware of any permits that had been turned down. Community Development Director Anderson added that people often “pre-screen” applications with Staff so that they can determine whether they will meet the minimum requirements.

In response to comments from Commissioner Frasier regarding setback requirements for legal, non-conforming homes, Advance Planner Bryant said that any application would have to meet current building code standards. He referred to page 2 of Exhibit A of the draft resolution, and said that there is a distinction between the building and zoning codes.

Chair Collins asked how “new construction” is defined. Advance Planner Bryant said that the definition of new construction as it applies to a secondary dwelling unit “means the construction of a new building or the construction of an addition to an existing building that would increase the floor area of the building”. He added that repartitioning would be allowed under the current code and would not be considered new construction.

In response to questions by Chair Collins, Advance Planner Bryant said that he arrived at the 100-cubic yard maximum for grading by trying to find the most appropriate maximum. He said that it is his recommendation to not adopt any grading limits because he believes it is an unnecessary standard. He offered that if the Commission is not comfortable with eliminating the grading standard, they may want to consider including a limitation on retaining walls.

Commissioner Hermann asked whether an applicant has the ability to appeal the standards. Community Development Director Anderson replied that an applicant can appeal a decision, but that they would not be successful at getting an approval if they did not meet the standard. Their best option would be to try to get the standard changed.

Chair Collins opened the public hearing period.

Greg Price, Tiburon resident, said that as the standards currently are, there is no opportunity to build a secondary dwelling unit unless it is less than 400 square feet. He gave a brief background on his experience of trying to build a “nanny” unit and said that 400 square feet does not provide adequate living space and urged the Commission to review the standards and increase the allowable square-footage.

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

Commissioner Hermann said that he is uncomfortable with not having a grading limit and endorsed including the 100-cubic yard standard. He added that a 500-square foot limit for new second units is the right number because it leaves Tiburon’s citizens with options when planning a secondary unit.

Commissioner Fraser agreed with Commissioner Hermann’s comments and endorsed the draft resolution. Commissioner Kunzweiler said that the whole concept behind secondary units is a good one and agreed with his fellow Commissioners. Chair Collins and Commissioner Snow also agreed with the comments of their fellow Commissioners and supported the resolution.

M/S Kunzweiler/Fraser (5-0) to adopt the resolution with amendments as discussed regarding the limitation on grading.

CONSENT CALENDAR

4. Resolution of Commendation for Advance Planner Kevin Bryant

Commissioner Hermann commended Advance Planner Bryant for his hard work and superior performance on preparing the General Plan.

M/S Hermann/Kunzweiler (5-0) to adopt the resolution.

5. Planning Commission Minutes – Adjourned Meeting of March 23, 2005

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

6. Planning Commission Minutes – Regular Meeting of April 13, 2005

Amend the following:

Page 6, paragraph 3, last line: Change to "...are not a major issue in light of the Town's design guidelines".

Page 7, paragraph 3, lines 8-9: Change to "...and that it would result in more diners and cars in order to increase the viability of the Caprice".

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

ADJOURNMENT

The meeting was adjourned at 8:38 p.m.

RICHARD COLLINS, CHAIRMAN
Tiburon Planning Commission

ATTEST:

SCOTT ANDERSON, SECRETARY