



**TOWN OF TIBURON
PLANNING COMMISSION**
1505 Tiburon Boulevard
Tiburon, CA 94920
Action Minutes
Regular Meeting – 7:30 PM
April 12, 2006

ACTION MINUTES

CALL TO ORDER AND ROLL CALL 7:30 PM

Chairman Kunzweiler, Vice Chairman Fraser, Commissioner Aguirre, Commissioner Collins. Commissioner O'Donnell **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. 4144 PARADISE DRIVE: APPLICATION FOR A CONDITIONAL USE PERMIT (FILE #10602) TO CONSTRUCT A FIXED PIER AND FLOATING DOCK; Peter Paul, owner and applicant; Assessor's Parcel No. 038-171-75 & 76
Approved 5-0
2. 1525 AND 1555 TIBURON BOULEVARD: APPLICATION FOR EXTENSION OF TEMPORARY CONDITIONAL USE PERMIT (FILE#19503) FOR TWO PAY PARKING LOTS; Laleh Zelinsky and Barbara Abrams, owners and applicants; Assessor's Parcel No 058-171-91 and 058-171-88 **Approved 5-0**

DISCUSSION ITEMS

3. REFERRAL FROM TOWN COUNCIL REGARDING MODIFICATION TO ZONING TEXT AMENDMENT REGARDING NC/AHO ZONE **Comments Passed Along to Town Council**

MINUTES

4. Planning Commission Minutes – Regular Meeting of March 8, 2006 Approved
As Amended 4-0-1 (O'Donnell abstained)

ADJOURNMENT 8:15 PM

**APPROVED MINUTES NO. 932
PLANNING COMMISSION
April 12, 2006
Regular Meeting
Town Council Chambers
1505 Tiburon Boulevard, Tiburon, California**

The meeting was called to order at 7:30 p.m.

ROLL CALL

Present: Chair Kunzweiler, Vice-Chair Fraser, Commissioners Aguirre, Collins, and O'Donnell
Absent: None
Staff Present: Planning Manager Watrous and Meeting Recorder Creekmore

ORAL COMMUNICATIONS

There were none.

COMMISSION AND STAFF BRIEFING

Planning Manager Watrous noted that the April 26 meeting will include the proposed daycare center at 642 Tiburon Boulevard and the periodic review of the St. Hilary project. He also noted that the Kol Shofar meeting is scheduled for April 24. He said that later in the evening the Commission will discuss scheduling issues for the Kol Shofar meeting.

PUBLIC HEARING

1. **4144 PARADISE DRIVE: APPLICATION FOR A CONDITIONAL USE PERMIT (FILE #10602) TO CONSTRUCT A FIXED PIER AND FLOATING DOCK; Peter Paul, owner and applicant; Assessor's Parcel No. 038-171-75 & 76**

Planning Manager Watrous presented the Staff report.

Commissioner Collins noted that part of the guest cottage appears to encroach on adjacent parcels and asked if all of the parcels are under the same ownership. Planning Manager Watrous replied that all of the parcels on the application are under the same ownership but in different jurisdictions. He said that a portion of the guest cottage was determined to be in the County's jurisdiction.

Chair Kunzweiler asked Staff to explain the CEQA categorical exemption. Planning Manager Watrous explained that CEQA has categorical exemptions for a number of small structures and that those exemptions can be used when it is determined that there is no substantial evidence that there would otherwise be an environmental impact. He said that outside of the concern that BCDC raises with eel grass in the general vicinity, Staff has determined in the past that docks themselves do not create any soil disturbance or erosion problems that would trigger something beyond a categorical exemption. He said that it did not appear that there was any vegetation that would be damaged as a result of the dock. He noted that Staff will amend the resolution to include Assessor's Parcel Number 038-171-74.

Commissioner Fraser asked when the last time a pier was installed on Old Landing Road. Planning Manager Watrous replied that approximately three years ago the Town received an application for a new dock on Old Landing Road. He said that some of the neighbors had concerns about the application but that the Planning Commission approved it because it was consistent with other docks in the area.

The public hearing was opened.

Scott Noble, civil engineer and representative for the applicant, said that the polyethylene wrap around the piers will go a couple of feet into the ground and as high as the pier goes. He said that it is an added precaution to provide an impermeable coating so that the chemical treatment of the pier does not leach into the water. He noted that he has applied to the Water Quality Control Board, Army Corps of Engineers, and BCDC. He said the Corps visited the site the previous week and requested additional information, mainly with regards to the framing of the dock.

Commissioner Kunzweiler referenced the BCDC permit (Exhibit 3) and asked if the pier itself was the 91 foot structure. Mr. Noble confirmed this and clarified that the dimensions noted on the application are not exactly 6 or 8 square feet wide and that it varies a little bit.

Rick Camby, Tiburon resident, asked if a portion of his property was being annexed into the Town as part of this project. Planning Manager Watrous said that the annexation of the Old Landing Road area occurred some years back. He said that part of the irregularity of the boundaries occurred as a result of a less-than-attentive review by LAFCO authorities. He explained that this application has nothing to do with annexing parcels into Tiburon. He said that part of Mr. Paul's property, including the dock, is located in the Town. He invited Mr. Camby to come by Town Hall to discuss the issue further. Mr. Camby concluded by stating that he is in favor of the application.

Commissioner Fraser asked if Mr. Camby's concerns have any impact on the Planning Commission's decision on the application. Planning Manager Watrous noted that Mr. Camby supports the dock, but has questions regarding boundaries. He said that he would be happy to look into boundary issue further for Mr. Camby.

Sandy Chen, nearby resident, said that she is curious about the property lines and asked if they could be marked. Planning Manager Watrous replied that she could request that the applicant have a surveyor physically mark the property. He said that some times the cost of the surveyor is split between the applicant and the neighboring property owner. Commissioner Aguirre noted that markers may already be in place at the corners of the property. Commissioner Collins noted that survey maps may also be on file at the County of Marin.

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

The Commissioners agreed that they are in support of the project.

M/S Aguirre/Fraser (passed 5-0) to adopt the resolution approving the conditional use permit, as amended to include the additional Assessor's Parcel number.

2. 1525 and 1555 TIBURON BOULEVARD: APPLICATION FOR EXTENSION OF TEMPORARY CONDITIONAL USE PERMIT (FILE #19503) FOR TWO PAY PARKING LOTS; Laleh Zelinsky and Barbara Adams, owners and applicants; Assessor's Parcel No 058-171-91 and 058-171-88

The public hearing was opened and closed. There were no comments.

Commissioner Collins requested that the current resolution be amended as follows:

- a) Section 2, Item 4: Include "unless that date is extended by the Planning Commission" at the end of the last sentence in the paragraph.

Commissioner Fraser said that he is not happy with the request to extend the permit by another year without addressing the paving issue. He said that, at last year's review, the Commission agreed that improvements to the parking lot were needed. As such, he believes that the condition regarding the deadline should remain as is.

Laleh Zelinsky, applicant, said that ownership of the estate has been settled, but her sister-in-law and she co-own the properties and are in the midst of splitting up their ownership interests. Commissioner Aguirre questioned why the improvements should be deferred until the ownership issues are resolved. Ms. Zelinsky replied that her sister-in-law does not want to begin improvements at this time.

Planning Manager Watrous stated that once Ms. Zelinsky and her sister-in-law decide who owns which lot, it then will be known who is responsible for complying with the conditions of the permit.

Commissioner Collins suggested extending the permit until June 30, 2007 to allow time for Ms. Zelinsky to work out issues regarding the settlement of the ownership issues.

Commissioner Aguirre said that he is not in favor of extending the permit on the basis of ownership issues.

In response to questions by Commissioner Collins, Planning Manager Watrous said that that it should not take more than a few weeks to complete the improvements once they begin.

Chair Kunzweiler asked Ms. Zelinsky if she would be happy if the Commission were to grant an extension to the end of 2007. She replied that she would.

M/S Fraser/Collins (passed 5-0) to approve the resolution granting the time extension, with Condition of Approval No. 4 amended to read "...by the end of 2007, unless that date is extended by the Planning Commission."

3. REFERRAL FROM TOWN COUNCIL REGARDING MODIFICATION TO ZONING TEXT AMENDMENT REGARDING NC/AHO ZONE

Commissioner Collins referenced Section 16-2.11.52 of the draft ordinance and asked if Item (a) should be divided into two sections for residential and commercial projects. Planning Manager Watrous replied that the difference is between projects that are looking to get a density bonus based on consistency with the Affordable Housing Overlay versus projects that are looking to get a state-mandated density bonus.

There were no further comments. It was the consensus of the Commission that the revised ordinance language was acceptable.

Chair Kunzweiler asked that his fellow Commissioners check their availability for May 1 for a possible follow-up meeting for the Kol Shofar item.

Planning Manager Watrous explained that the bulk of public testimony will be heard at the first meeting. The Commission discussed how they could structure the meeting in order to avoid continuous rebuttals. Planning Manager Watrous said that the public has been very cooperative in the past at such meetings.

MINUTES

4. Planning Commission Minutes –Meeting of March 8, 2006

Amend the following:

Page 5, paragraph 4, line 3: Change “use” to “usage”.

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

ADJOURNMENT

The meeting was adjourned at 8:15 p.m.

JOHN KUNZWEILER, CHAIRMAN
Tiburon Planning Commission

ATTEST:

SCOTT ANDERSON, SECRETARY

