

TOWN COUNCIL MINUTES

CALL TO ORDER

Mayor Smith called the regular meeting of the Tiburon Town Council to order at 7:30 p.m. on Wednesday, February 15, 2006 , in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

ROLL CALL

PRESENT: COUNCILMEMBERS: Berger, Fredericks, Gram, Smith
ABSENT: COUNCILMEMBERS: Slavitz

PRESENT: EX OFFICIO: Town Manager McIntyre, Town Attorney Danforth, Director of Community Development Anderson, Interim Director of Public Works Bernardi, Chief of Police Odetto, Director of Administrative Services Bigall, Planning Manager Watrous, Assistant Planner Krasnove, Town Clerk Crane Iacopi

ORAL COMMUNICATIONS

None.

PRESENTATION

- **Supervisor Charles McGlashan** – State of District 3 Address

District 3 Supervisor McGlashan presented an overview of recent activities and events county-wide, including updates on emergency operations and County response to the recent floods.

McGlashan presented the highlights of the County of Marin Community Report which is based on five broad goals for the County as a whole—healthy communities, safe communities, sustainable communities, environmental preservation, and community participation.

McGlashan said that other programs he was working on included a bicycle-pedestrian pilot program which could receive federal funding and was modeled on the Safe Routes to School program. He said that the SMART rail proposal which was slated for the November 2006 ballot may or may not receive EIR certification in time for this election.

McGlashan said that on Earth Day 2006 he would dedicate a small island in Richardson Bay, to be named Aramburu Island, as a County Park preserve. He said that he was also working on a permanent mooring field in conjunction with the Richardson Bay Regional Agency.

Supervisor McGlashan said that the County was exploring the idea of energy aggregation which would make the County an energy provider.

Finally, McGlashan noted that the new County-wide General Plan, a “radical document” based upon the idea of economic sustainability, would come before the Board in the spring.

Councilmember Fredericks asked how the energy aggregation program would affect the cost-effectiveness of solar systems. McGlashan said that he would advise businesses to “overbuild” their systems for net export (of energy).

In connection with the Transportation Authority of Marin (TAM), Fredericks asked about the possibility of reactivating local shuttle service. The Supervisor said that he would be happy to discuss the idea with Councilmember Fredericks.

Mayor Smith asked what was being done at the County level to improve septic systems. McGlashan said that the SEPTAC committee was working on this because it was a big problem, especially in the Tomales Bay area. He said that new rules would come before the Board, however he said that the Supervisors might grant amnesty to some existing systems.

Mayor Smith thanked Supervisor McGlashan for his presentation.

CONSENT CALENDAR

1. **Approval of Amended Town Council Minutes** – January 18, 2006

Councilmember Fredericks added the following comments (via e-mail to the Town Clerk):
Page 8--“Previous Friday Nights on Main were very successful without any amplification. The one event allowing amplified voice ran late and ended with the MC yelling into the microphone. The amplified voice was heard at my house a half mile away. If amplified voice is to be used, amplification should be as controlled as it was for the rest of the evenings.”

2. **Approval of Town Council Minutes** – February 1, 2006

Mayor Smith corrected a word on Page 10 of the minutes.

3. **Recommendation by Town Clerk** – Adopt Updated Town Records Retention Program

- a) A Resolution of the Town Council of the Town of Tiburon
Adopting a Updated and Revised Records Retention schedule
And Authorizing Destruction of Certain Town Records

MOTION: To adopt Consent Calendar Item Nos. 1 through 3, as amended.

Moved: Gram, seconded by Berger

Vote: AYES: Unanimous

ABSENT: Slavitz

REGULAR AGENDA

4. Recommendation by Director of Public Works/Town Engineer – Removal of Trees in Fountain Plaza in conjunction with Public Art Installation

Mayor Smith said that the item before the Council was the removal of three trees in the downtown fountain plaza in order to install equipment to run the new fountain. The Mayor also said that plans were currently being drawn for the entire area which might include removal of additional trees to be replaced with a new species; he said that was not a subject for discussion tonight.

Interim Director of Public Works/Town Engineer Bernardi affirmed these statements and noted that the construction schedule attached to the report called for completion of the entire project by June 1, 2006.

Mr. Bernardi said that the Public Works Department personnel had met with PG&E about relocating some utilities for the construction. As a result of that meeting, PG&E had decided to upgrade their transformer and replace it with a larger box which would provide better service to the downtown area.

Bernardi said that the PG&E vault that houses the transformer would also house and run the meter and pumps for the soon to-be-installed fountain. He said that the vault had to be dug up and that one tree would have to be removed for this portion of the project; another tree would have to be removed to install a power line. Bernardi said that the third tree, adjacent to Main Street, had been marked for removal at the inception of the project because it would create a visual blockage of the fountain.

Bernardi called the Council's attention to the arborist's report which described how the existing species of tree was "well known for causing severe hardscape damage due to its strong, dense and shallow root system."

Councilmember Berger asked if another pump vault location had been considered. Mr. Bernardi said that alternate locations had been evaluated but that it was determined that they were either too close to adjacent buildings or would interfere with other utilities (sewer and water).

Jeff Madden, fountain artist, said that he had met with the landscape architect (Pedersen) several times; he agreed with Bernardi's comments that there was a very limited area where the vault could be installed. Berger asked if the vault would be covered in some way. Mr. Madden said that the vault would be five feet by five feet, with a spring-loaded top and brick veneer topping. He said that it would be located out of pedestrian way (crosswalk).

Councilmember Berger said that he understood that the tree roots would "go after the pipes," which would further limit the location of the vault.

Mr. Madden added that there was a lot of piping for this size fountain.

Councilmember Fredericks asked what the cost was to remove the trees and whether this cost had been foreseen.

Vice Mayor Gram said that there was an agreement early on that the Town would pay to bring services to the public art project. He said that “we knew we’d remove one tree and maybe two.” Councilmember Berger added that the City of Belvedere had agreed to contribute to the [installation] cost in the amount of \$20,000.

Councilmember Berger asked whether notices of the proposed action had been mailed out to interested parties. Town Clerk Crane Iacopi noted that the report and agenda had been mailed to the members of the fountain committee (which included members of the downtown business community and Chamber of Commerce), and the management and board of Pt. Tiburon Plaza. Director of Administrative Services Bigall said that she had also notified an interested party by telephone.

MOTION: To adopt Staff recommendation removal of three trees, as presented.
Moved: Berger, seconded by Gram
Vote: AYES: Unanimous
ABSENT: Slavitz

5. **Recommendation by Town Manager** – Organizational and Operational Review of Community Development Department

a) Presentation of report by Matrix Consulting Group

Town Manager McIntyre said that the organizational and operational review of the Community Development Department, similar to the one undertaken for the Police Department last year, had been completed. He introduced Matrix Vice President, Gary Goelitz, who gave the presentation.

Mr. Goelitz summarized the report and highlighted the strengths of the department, stating that “you do a lot with a little.” He noted the phenomenal level of cost recovery so that development in Tiburon “pays for itself;” inspection requests were responded to within 24 hours; a successful general plan update had been completed; there was a 31-day median processing time for design review applications; good minor permit noticing; and a building inspection program that ensured compliance in the field.

Mr. Goelitz said that some areas of improvement to consider were shortening the plan check time for building permits, as well as better utilization of staff time to do over-the-counter plan checks, and acquisition of new software to better track permits and report cycle times. He said that in order to provide better service the Building Department needed more “generalists” and recommended the reclassification of two positions.

Finally, Mr. Goelitz recommended that a comprehensive set of design review guidelines be compiled for the Town because the public wanted better, clearer definitions of what was permissible under Town policy. He said that this suggestion had come out of the focus groups he conducted as part of the survey.

Other recommendations listed by Goelitz included giving the Planning Director additional authority to approve minor additions such as fences, garages, and hiring an additional assistant planner for General Plan implementation, code enforcement, and other programs. He said that industry best practices encourage a workload balance of different permit types among all planners that allows for more professional growth opportunities.

Goelitz said that the cost of hiring an additional planner (\$71,000) could be recovered through the long-range planning fee; also, that the additional cost of reclassifying one of the Building Division positions would be approximately \$5700. He said that the cost of acquiring new software (\$75,000) could be recovered through permit fees.

Councilmember Berger complimented Mr. Goelitz on his report and said that the Town's Community Development Department was "one of the best." He said that one of the improvements he would like to see implemented would be to have an application deemed complete (or not) at the time of submittal; he said that more staff would be required in order to provide this service and that every citizen would benefit from it.

Mayor Smith said that the Council receives a lot of feedback from the public on planning and building services and that he was anxious to see the report. He said the message was loud and clear from the public that it wanted to know "what the rules are" for variances and the like; he agreed that there was a need for comprehensive design guidelines.

b) Appoint ad-hoc subcommittee for implementation program

MOTION: To appoint an ad hoc committee, consisting of Vice Mayor Gram, Councilmember Berger and a member of Planning Commission and Design Review Board (to be determined) to recommend implementation measures

Moved: Fredericks, seconded by Smith

Vote: AYES: Unanimous

ABSENT: Slavitz

PUBLIC HEARING

6. **Report by Associate Planner – Appeal of Design Review Board Approval of Site Plan and Architectural Review for Construction of Additions to an Existing Single-Family Dwelling with a Floor Area Exception**

Address: 430 Ridge Road

Applicant: Mark Garay

Appellants: Fred & Casey Hannahs
APN: 059-082-22

Associate Planner Krasnove said that the design being appeal was the Design Review Board approval of a 436-square feet addition and various architectural changes to the Garay residence at 430 Ridge Road. She noted that there was a long history of issues and concerns expressed by the neighbors on this project.

Vice Mayor Gram asked what had been learned from this history. Ms. Krasnove said that the Town had learned that, under the Town's system, there was no way to prevent "serial building" from happening. Director of Community Development Anderson said that the topic would be discussed at the upcoming Town Council/Design Review Board workshop.

Councilmember Berger said that another issue for Council was whether to limit its review of appeals to the specific issues of the appeal at hand or to take a more global look at the entire project. He said that in an appeal hearing at the last meeting, "people came together" which resulted in a "better product" before the evening was through.

Design Review Board member Bill Teiser pointed out that while this appeal had been remanded to the Board, he had not yet seen a revised application.

Associate Planner Krasnove said that the staff report for the current appeal dealt strictly with the modifications approved by the Design Review Board.

Mayor Smith asked whether it would be appropriate to address other design elements of the house. Town Attorney Danforth said that it would be unusual for the Council to go back and require modifications to preexisting portions of the building unless those modifications would offset the impacts of the proposed improvements that were the subject of the appeal. She said that the Council had expressed a preference for focusing on the proposed improvements only but commented with the Council's concerns with "serial" approvals and lengthy construction projects.

Danforth said that this was a slightly different problem than the appeal at hand. She said that in this case, the question was not one of incremental changes but a new application, proposing to change the plans that the Design Review Board had approved previously.

Mayor Smith opened the public hearing.

Peter Brekhus, representing the appellants, Fred and Casey Hannahs, said that his clients objected to the height of the roof and said that it also violated a height limit within in a deed restriction on the property. He said that the project had been going on for over six years, with eight variances granted, and three building permits. He said that this process allowed an applicant to "outlive" the terms of planning commissioners or design review board members and was a "typical" method of wearing people down.

Mr. Brekhus said that the project violated the Town's guidelines and policies with regard to view blockage. He stated that the [DRB] approval of additional skylights and obstructions on the roof where no hardship was involved was also a violation of Town policy.

Vice Mayor Gram asked if the DRB approval of the skylights required baffling. Associate Planner Krasnove said that the Town's policies including glazing and tinting but not baffling; she noted that the skylights were part of the previously approved plans, although the current application included some modifications. Planning Manager Watrous said that at times extra steps were taken to baffle skylights; Vice Mayor Gram asked if these conditions were in writing. Mr. Brekhus said that he was not aware of this.

Mayor Smith asked what the solar panels looked like. Associate Planner Krasnove said that, under state law, solar panels were not subject to local design guidelines and were therefore outside of the Town's purview. Mayor Smith and Vice Mayor Gram said that the Town could regulate the height of the roof and that if the panels, in effect, raised the height of the roof, the Town could regulate this part of the installation.

Mayor Smith asked about the denial of a chimney during the design review process. Ms. Krasnove said that the original review denied a third chimney; Director Anderson said that the appellant's report incorrectly stated that the DRB was reversing its decision when, in fact, he said the applicant received approval to replace an existing chimney.

Applicant Mark Garay thanked the members of the Council who had visited the site. He disputed the idea of a serial building project, stating that the actual time of construction was 10 months. He said that the original concept for the remodel dated back to 2000, but that "life changes" had created new needs for his family which drove the changes to the layout of the house.

Mr. Garay said that the Design Review Board had unanimously approved his three applications. He said that a delay of a year or more had been due to the Hannahs' "forcing us to go to DRB hearings." He said that he had gone to the DRB after five and a half months of negotiations with the neighbors. He stated that the architectural changes had not increased the mass or bulk of the house.

Mr. Garay described the changes thus:

1. a "clerestory" element over the kitchen which had no glass facing the Hannahs' house;
2. relocation of a previously approved space on the roof (which he demonstrated with a model to the Council) which did not create view blockage (and added that the approved chimney had been traded for a flue of an outdoor fireplace);
3. moving the gate down the driveway so that cars or trucks would not stick out in the street; no noise impact because the Hannahs' bathroom was 30-35 feet away.

Mr. Garay said that while the Hannahs could “see” these elements, there was no view obstruction; and that he looked at five rooftops from his home. He said that some landscape/shrubbery had been trimmed recently by the Hannahs’ but that his house would be “invisible” again when it grew back.

Vice Mayor Gram asked to see the location of the proposed solar panels and asked if they would “stick up or lay flat.” Mr. Garay said that he did not know the specifics at this time. Councilmember Berger said that the solar companies could “tip them any way you want.”

Council asked Building Official Dean Bloomquist how this project compared with others. Mr. Bloomquist said that “most projects go quickly and smoothly and finish on time.” He said that some “problematic ones” had gone either shorter or longer than Mr. Garay’s.

The Building Official said that in this case, Mr. Garay was both the owner and builder and that the project after 14 – 16 months was “just out of the ground” (with a foundation being poured). At that point in time, Bloomquist stated that he suspended the permit and required that Garay get a contractor. He said that Mr. Garay had no approved plans at the time of suspension, in September 2005.

Paula Little, neighboring property owner, said that if baffling could be added, it would be good, because she would be looking down at 15 skylights. Nevertheless, Ms. Little said that she would still see the clerestory windows. Ms. Little said that Mr. Garay had had four contractors on the job and that others had “quit and left.”

During appellant’s rebuttal period, Mr. Brekhus suggested that the Council look at Mr. Garay’s model from eye level [in order to see the elevations of the elements]; that Garay’s defense was one of “design as you build” and that the initial approval dated back to 1999. He said that his clients did not delay the project but had, in fact, been threatened with a lawsuit by Mr. Garay.

Mr. Brekhus said that a skylight was being called “something else” [clerestories] and that the gate was being moved right up against the Hannahs’ bedroom. Brekhus asked the Council to deny the changes to the project and uphold the Town’s design guidelines.

Mr. Garay rebutted that Mrs. Little was not an appellant and could not see his roof from her window, which was 300 feet uphill.

Mayor Smith closed the public hearing.

Councilmember Berger commended Mr. Garay on his “beautiful house,” which he described as an “elegant piece of architecture.” He said that the Town could not address the issue of the deed restriction but that in his opinion, the DRB had done a good job and that the Hannahs’ view was not in jeopardy. He said that once the construction was completed, the house would start to “soften into place.”

However, Berger said that the Council did not really know what the skylights looked like and that just because they had been approved by the DRB, an approval didn't mean for "just any kind of skylight." He said that the Town had worked with applicants on re-design or relocation of skylights because they could result in a "big ball of glare." He said that if there was a way to design them (with a drawing of a parapet) it would "put muscle behind everyone's good intentions" and would satisfy both the Council and the Hannahs.

Councilmember Berger said that he would vote to deny the appeal but that Garay should find a way to tilt the skylights away from the Hannahs' house so that they could not see them.

Councilmember Fredericks asked if that could be a condition of denial. Town Attorney Danforth clarified that it would be a "partial granting of the appeal."

Councilmember Fredericks said that while the photographs taken by staff from the Hannahs' home did not show the very nearest part of the foreground views, she said that the Design Review Board had made the correct findings. She noted, however, that whether they were consistent with the deed restriction was outside of what the Council could vote on.

Ms. Fredericks said that she too was concerned about the impact of installing solar panels; she said that she would vote to partially uphold the appeal with the conditions recommended by Councilmember Berger.

Vice Mayor Gram said that while it was a nice house, skylights were a recurring issue in the Town and that more attention should be paid to them to minimize the impact on the uphill neighbors, perhaps by adding baffling. He asked whether the Town could require that the solar panels not be visible, as well.

Town Attorney Danforth said that it would be possible if Mr. Garay were to agree to this in conjunction with the other conditions.

Mr. Garay replied that he was reluctant to enter into such an agreement because he did not understand how the equipment [solar panels] worked. He said that he could make a commitment in spirit.

Vice Mayor Gram said that the panels should not block any more of their [Hannahs'] view; that the Town would like to see the plans would reserve the right to not approve the roof height until they were reviewed.

Mr. Garay asked whether that meant they could not be higher than the highest point of the roof.

Councilmember Berger drew some examples of view lines; Garay asked if they might be articulated later on.

Vice Mayor Gram said that he was not talking about angle and asked if the panels could be “nailed down.” Mr. Garay said that he did not think so.

Mayor Smith said that the intent was to regulate the total height of the roof.

Town Attorney Danforth said that a condition might state that the raised portions of the roof could not be the location of the solar panels, and would be subject to review by Staff.

Mr. Garay said that he could agree to that condition and stated that “it is our intent to put [them] on the flat parts.”

Vice Mayor Gram further stated that he thought the gate was better located and that he would also vote to uphold the DRB decision on that portion of the application.

Mayor Smith commented that the sight line presented by the [Garay] architect was not accurate, in his opinion, but that the site visit was helpful. Smith said that he was a Design Review Board member in 1999 and 2000 and that he did not understand the need for an outside chimney then and he still did not; however, the Mayor said that he agreed with the current DRB that it is a better house today than before.

Mayor Smith said that while he was still disturbed by the process [of serial permits], he thought that the DRB had applied the hillside guidelines accurately. Smith said that he agreed with Councilmember Berger’s recommendations regarding the skylights as well as review of the plans for solar panels to see how they would be designed and placed on the roof.

MOTION: To direct staff to prepare a resolutions partially granting the appeal with the condition to minimize the impact of the skylights through design review by staff; to note that Mr. Garay had agreed and had offered to come up with a plan for the reasonable placement of solar panels.

Moved: Smith, seconded by Berger

Vote: AYES: Unanimous

ABSENT: Slavitz

7. Recommendation by Director of Community Development and Planning Manager – General Plan and Zoning (Chapter 16 of the Town Code) Text Amendments

a) Amendments to Land Use Element of General Plan and Adoption of an Updated Zoning Map and Planned Development Map

(1) A Resolution of the Town Council of the Town of Tiburon Amending the Tiburon General Plan

- (2) An Ordinance of the Town Council of the Town of Tiburon Amending Title IV, Chapter 16 (Zoning) of the Tiburon Municipal Code to Add a “Parks & Recreation” Zone and To Adopt a Revised Zoning Map and Planned Development Map

Introduction and First Reading of Ordinance

Planning Manager Watrous said that the actions before Council were required to update the Town’s zoning ordinance and make it consistent with the recently adopted General Plan, *Tiburon 2020*.

According to Watrous, the Planning Commission had received testimony from members of the Audubon Society with regard to the change in zoning of the Lyford House. He said that the Planning Commission had determined that a “Parks & Recreation” zoning designation was a better “fit” for the area than current [Open Space] designation. He noted that some members of the Marin Audubon Society had argued in favor of requiring a conditional use permit for construction of minor improvements in this zone.

Mayor Smith asked for and received an explanation of what would require a conditional use permit. Mr. Watrous also noted that the Richardson Bay Audubon Center wanted to construct raised platforms, for example, for educational purposes, and wanted to be able to do so without applying for a conditional use permit.

Councilmember Fredericks asked if the platforms were an example of a “minor structure.” Mr. Watrous answered affirmatively, and noted that the Planning Commission thought all improvements in this zone should receive the highest level of review.

Glen Olsen, Director of Audubon California, said that the Center had been owner of the property for over 40 years. The property includes dry land as well as 900 acres of tidelands. He said that he would leave the zoning to the Council’s wisdom and good judgment; however, he said that the Center wanted a facility to manage its educational projects and did not want to have to apply for conditional use permits for fences, trails, or to undertake restoration or vegetation removal in the area.

Mayor Smith asked if the Center wanted the “same deal” as they had now. Mr. Olsen said yes.

Councilmember Fredericks asked if there were existing structures on the property. Mr. Olsen listed the Lyford House, Rosie’s Cottage, and a main building which housed a garage, a classroom and administrative offices. He said that the Society wanted to upgrade these buildings.

Planning Manager Watrous said that new buildings or additions to existing buildings would clearly require a conditional use permit under the proposed zoning change (to Parks & Recreation).

Brooke Halsey, Tiburon native, member of the Audubon Leadership Council and Blackie's Student Brigade, said that the facilities were old and needed to be brought up to speed to accommodate more children in its education programs, and also for safety. He asked the Council not to place "additional roadblocks" in the path of what they were trying to accomplish.

Barbara Salzman, President of the local [Marin] chapter of the Audubon Society, said that she felt that the Open Space designation was more appropriate for this location. She said that it was the will of the people who donated the land and that it was what was best for the community and the neighbors.

Ms. Salzman said that the Parks & Recreation designation meant something slightly different; not just education but that active sports were allowed under this designation. She said that the permitting process "protects the community."

Ms. Salzman admitted that this position was contrary to the statements by the National Audubon Society and she said that they had "not worked this out" prior to the Planning Commission hearing.

Meg Fawcett, Southern Marin resident, docent for the Bay Shore Studies Program, said that the Center had been used not only for passive purposes since 1968. She said that the Center should be allowed to make improvements to the facilities without notice to the community.

Ms. Fawcett recommended that the zoning designation be changed and that it allow minor construction as a permitted use.

John Kunzweiler, Planning Commission Chair (who noted that he was not present at the meeting where the matter was voted on), agreed that Open Space implied a different use; that the Parks & Recreation zone was not intended to allow soccer fields and the like everywhere, but did allow some active uses. He said that the Center should not be "an island in the permitting process" and that the Planning Commission wanted to be the facilitator of that process. He said that the Planning Commission's recommendation was appropriate and that he supported it.

John Gurley, San Francisco Bay Audubon Program Director, said that the structures were minor and ancillary and that making improvements, such as building steps down to the beach, would be handled more efficiently if it was a permitted use.

Judy Stalker, Marin Audubon boardmember, said that there had been five different directors for the Center and that the current vision might not be consistent with her vision of open space over time. She said that the Town should make it difficult to change; that the Parks & Recreation language seemed contradictory to "our vision."

Mayor Smith said that the Council's action was to correct inconsistencies between the zoning ordinance and General Plan.

Helen Lindqvist, Parks & Open Space Commission, Marin Audubon Society boardmember, said that staff had the authority to approve minor additions and why not do the same for the Center; said that General Plan Goal OSC-42 said that the Town may authorize construction of conservation facilities if they had minimal impact. She recommended leaving the Open Space designation intact.

Mayor Smith closed the public hearing.

Mayor Smith said that the Land Use Element (of the General Plan) called for a Parks & Recreation designation. He said that he agreed with the Planning Commission recommendation to require conditional uses permitted in this case.

Councilmember Fredericks said that she would like the zoning ordinance to reflect the current use of the Audubon Center and cited General Plan Goal PR-6 as an example that the Town could limit uses to passive or recreational use. However, she pointed out the cost to the Center, and the expense of Staff time in processing permits for fences and trail repair. She recommended allowing these uses to be permitted which would still be consistent with the particular use of the property.

Councilmember Berger said that Parks & Recreation was the correct designation but keeping the conditional uses permitted as recommended by the Planning Commission would be best.

Vice Mayor Gram and Mayor Smith agreed. Mayor Smith noted that it was an important waterfront area to the entire community.

MOTION: To adopt resolution, as presented
Moved: Berger, seconded by Gram
Vote: AYES: Unanimous
ABSENT: Slavitz

MOTION: To read ordinance by title only
Moved: Berger, seconded by Gram
Vote: AYES: Unanimous
ABSENT: Slavitz

Mayor Smith read, "An Ordinance of the Town Council of the Town of Tiburon Amending Title IV, Chapter 16 (Zoning) of the Tiburon Municipal Code to Add a "Parks & Recreation" Zone and to Adopt a Revised Zoning Map and Planning Development Map."

MOTION: To pass first reading of above ordinance.
Moved: Berger, seconded by Gram
Vote: AYES: Berger, Fredericks, Gram and Smith
ABSENT: Slavitz

- b) Zoning Text Amendments to Modify Site Plan and Architectural Review Requirements for Mechanical Equipment, Exterior Lighting and Safety Railings; Amend Definitions for Floor Area Ratio and Wet Bars
 - (1) An Ordinance of the Town Council of the Town of Tiburon Amending Title IV, Chapter 16 (Zoning) of the Tiburon Municipal Code by Making Text Amendments Thereto

Introduction and First Reading of Ordinance

Council waived the staff report.

Mayor Smith opened the public hearing. There was no public comment.

Mayor Smith closed the public hearing.

MOTION: To read ordinance by title only
Moved: Fredericks, seconded by Berger
Vote: AYES: Unanimous
ABSENT: Slavitz

Mayor Smith read, “An Ordinance of the Town Council of the Town of Tiburon Amending Title IV, Chapter 16 (Zoning) of the Tiburon Municipal Code by Making Text Amendments Thereto.”

MOTION: To pass first reading of ordinance
Moved: Gram, seconded by Berger
Vote: AYES: Berger, Fredericks, Gram, Smith
ABSENT: Slavitz

COUNCIL AND COMMITTEE REPORTS

None.

WRITTEN COMMUNICATIONS

Town Council Weekly Digest – February 3, 2006

Town Council Weekly Digest – February 10, 2006

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ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Smith adjourned the meeting at 10:25 p.m., to the next regular meeting scheduled for March 1, 2006.

PAUL SMITH, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK