

**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, March 1, 2006 , in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

ROLL CALL

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

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, Town Clerk Crane Iacopi

Prior to the regular meeting, Council met in closed session to discuss the following:

CLOSED SESSION

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
(Section 54956.9(c))**

Claim of Mary Morrison

INTERVIEWS – Planning Commission Vacancy

- 6:45 p.m. - Jack Mavis, 407 Paradise Drive
- 6:55 p.m. - Cathy Frymier, 9 Linda Vista Avenue
- 7:05 p.m. - Frank Glassner, 11 Turtle Rock Court
- 7:15 p.m. - Emmett O'Donnell, 1885 Mountain View Drive

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

Mayor Smith said that no action was taken in closed session.

ORAL COMMUNICATIONS

William Howell, 30-year resident of Venado Drive, distributed a letter to Council outlining questions and concerns about construction activity at 28 Meadowhill Drive. He said that he had

requested a date by which compliance would be required, but had not yet received a response from Town staff. He suggested that the Town consider adoption of a noise ordinance that would include the kind of equipment that had been installed in a shed on the property at 28 Meadowhill, without approval. He asked the Council to consider his request.

APPOINTMENTS TO BOARDS, COMMISSIONS & COMMITTEES

- Planning Commission Vacancy
- Reappoint Commissioners whose Terms Expired on February 28, 2006

MOTION: To appoint Emmett O'Donnell to the Planning Commission, effective March 10, 2006.

Moved: Gram, seconded by Fredericks

Vote: AYES: Unanimous

Council thanked the other applicants and noted that this appointment would create a vacancy on the Design Review Board.

Town Clerk Crane Iacopi said that several other commissioners, whose terms had expired on February 28, 2006, sought reappointment to another term. She said that the vacancies had been duly noticed per the Town's policy.

MOTION: To reappoint Jim Fraser and Al Aguirre to the Planning Commission; to reappoint Helen Lindqvist and Chris Wand to the Parks & Open Space Commission; to Dave Gotz and Peggy Bremer to the Heritage & Arts Commission

Moved: Berger, seconded by Fredericks

Vote: AYES: Unanimous

RECOGNITION OF OUTGOING AND PAST COMMISSIONERS AND BOARD MEMBERS

- Planning Commission (Jim Hermann, Steve Stein)
- Design Review Board (Mike Figour)
- Heritage & Arts Commission (Andrea Morgan, Meg Abbott, Donna Kline)

Mayor Smith presented plaques to the following people who were present at the meeting: Jim Hermann, Steve Stein and Donna Kline. He thanked all of the outgoing and past commissioners for their dedicated service to the Town.

CONSENT CALENDAR

1. **Approval of Town Council Minutes – February 15, 2006**

2. **Recommendation by Director of Administrative Services** – Accept Town Monthly Investment Summary for January 2006
3. **Recommendation by Director of Administrative Services** – Accept Town Audit Report for Fiscal Year Ending June 30, 2005
4. **Recommendation by Director of Administrative Services** – Reallocation of Reserves for Fiscal Year 2005 - 2006
5. **Recommendation by Town Manager** – Adopt Goals and Objectives from Town Council/Staff Retreat
6. **Recommendation by Town Manager** – Approval of Agreement with Valhalla Signworks for Construction and Installation of a New Ferry Landing Sign and Related Budget Amendment
7. **Recommendation by Town Manager** – Authorize Retention of Executive Search Firm for New Town Manager
8. **Recommendation by Associate Planner** – Adopt Resolution Partially Granting 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
9. **Recommendation by Interim Director of Public Works/Town Engineer** – Agreement and Budget Amendment for Relocation of Gas Main at Fountain Plaza

Mayor Smith asked if anyone would like to comment on any of the items on Consent.

Item No. 5: Vice Mayor Gram handed the Town Clerk an amendment to the language in the Town's policy concerning utility undergrounding district formation.

Item No. 6: Town Manager McIntyre said that there was a change in the amount listed (\$8,600) that the authorization should state, "not to exceed \$9,000."

Item No. 7: Town Manager McIntyre said that the Council subcommittee had recommended retention of Ralph Anderson & Associates.

Item No. 9: Town Manager McIntyre said that the amount was higher than reported and the authorization should read, “up to \$30,000.”

MOTION: To adopt Consent Calendar, as amended.

Moved: Slavitz, seconded by Gram

Vote: AYES: Unanimous

REGULAR AGENDA

10. Presentation by Pedersen Landscape Architects – Re-Design of Downtown Fountain Plaza and Request for Authorization to Prepare Plans and Specifications

Mr. Pedersen reviewed the drawings he submitted at the meeting. He said that they reflected a “sensitive yet sensible blend” of design features (planters, benches and four “seating groups”) that supported the fountain and retained the charm of the original plaza.

Pedersen said that the paving would match the existing plaza and Main Street improvements. He described the special paving surface to be installed by the fountain artist that would be described as a “concentric link”. Pedersen also said that the new benches would match those found in the ferry plaza and that the tree grates and guards would be brought into compliance with Americans with Disabilities Act (ADA) requirements.

Mr. Pedersen said that the replacement trees would be deep root and that an irrigation system would be installed. He said that the trees would be “long-lived,” an “appropriate size,” and would not outgrow the plaza. He said that they could be either deciduous or evergreen.

Vice Mayor Gram asked about the wisdom of placing deciduous trees next to the fountain. Mr. Pedersen said that evergreen trees also dropped leaves, and Councilmember Berger said that the artist told him that “you have to clean all year long” with evergreens.

Councilmember Fredericks asked about possible damage from skateboards to the fountain, if the area around it was left open. Mr. Pedersen said that the paving (around the fountain) was made of a coarse material, and had an undulating pattern, that would be resistant to skateboards.

During public comment, Jim Hermann, representing the Downtown Development Committee, recommended a “flexible” approach to the plaza design to allow for future uses, such as an outdoor café in the area (if the corner space was rented to a tenant for this kind of use).

Council directed Mr. Pedersen to proceed with the plans and specifications, as shown. Mr. Pedersen said that he would return to Council with several options of species for tree replacement.

PUBLIC HEARING

Council took No. 12 out of order and heard it before Item No. 11.

11. **Recommendation by Director of Community Development** – Adoption of Tiburon Glen Precise Development Plan (PD#22) to Create Three Building Sites on a 26.03 Acre Parcel; Review of Second Addendum to Certified EIR

Address: 3700 Block of Paradise Drive near Norman Way
Applicant: Xanadu Property Holdings, Inc., Owners
AP No.: 039-241-01

- a) A Resolution of the Town Council of the Town of Tiburon Amplifying and Supplementing Provisions of the Tiburon Zoning Ordinance With Respect to Planned Development #22 by Approving the Tiburon Glen Precise Development Plan and Adopting a Mitigation Monitoring Program Assessor Parcel No.39-241-01

Director of Community Development Anderson gave the report and went over a chronology of the project. He said that the Planning Commission had recommended approval of the 3-lot plan in which 96% of the property was preserved as open space. He said that the applicant sought off-site tree mitigation and the Planning Commission had approved this as part of the mitigation monitoring plan approval.

Mr. Anderson said that the Environmental Impact Report (EIR) had been certified in 2003 and that there were two addendums. He said that the proposed project met nearly all of the relevant General Plan (Tiburon 2020) goals and policies and that the primary issue remaining was tree replacement.

Anderson said that the proposed off-site mitigation plan, which called for planting between 95 and 189 trees in the Gilmartin Drive open space area, was a “superior option.” He said the plan would include broom removal by the applicant in the Gilmartin Drive/Town Open Space area, in addition to the tree planting.

If the Town Council found the off-site plan unacceptable, it could choose to approve the two-lot alternative, under which all tree replacement could take place on the site, or could approve the 3-lot plan by adopting overrides and rejecting other alternatives.

Anderson said that 72% of the oaks on the Tiburon Glen property were not healthy; that replacement would improve the health of the forest there over time. He said that off-site mitigation was widely used in CEQA, although off-site biological mitigation had not been in this exact form by the Town to date. He said that it was entirely within the Town Council’s discretion to allow off-site mitigation on Town land, while adding that Staff did not think an applicant could compel the Town to do so.

Councilmember Berger said that he was pleased with the direction of the design of the houses in the project, as presented in the applicant's plans but noted that approval of the project did not represent approval of these specific homes.

Berger asked if the proposed planting of tree off-site in the Gilmartin Drive area would require Design Review approval or neighborhood comment.

Mr. Anderson said that the Town would retain a "restoration ecologist" paid for by the applicant, and that the Planning Commission would need to be satisfied with the plan before a Town encroachment permit would be issued by either the Town Engineer or the Town Council. Mr. Anderson said that the Planning Commission would hold a public hearing on the matter and that the Council could also hold a hearing, if desired.

Councilmember Fredericks asked about the 3:1 standard for tree replacement and why a smaller ratio was called for in the off-site mitigation plan. She said by her count 189 off-site trees were needed to reach the 3:1 ratio, but only 95 were called for in the off-site plan.

Bob Berman, Nichols Berman, EIR consultant, said that there was not enough room on-site for the 504 trees necessary to achieve the 3:1 ratio; that 189 off-site trees would achieve that ratio, and that the mitigation measure provided a "credit" for broom removal, thereby reducing the number of trees to be planted off-site down to as low as 95 trees. Mr. Anderson clarified that this was approximately a 2.5:1 ratio.

Ms. Fredericks commented that she understood that oaks "do better" in swales and ravines, rather than the grassy open space area proposed. EIR biologist Melissa Denena commented that some of the existing oaks in the Gilmartin area were on the upland slopes on the property, and that they were currently surrounded by broom.

Ms. Fredericks asked again about the effect of topography on the proposed off-site plan. Ms. Denena reiterated that many "trees out there now are not in swales or ravines."

Mayor Smith asked if the pampas grass along Gilmartin Drive would also be removed. Ms. Denena said that it would.

Vice Mayor Gram asked about maintenance of the newly planted trees. Ms. Denena replied that there would be a need for ongoing maintenance to ensure their survival. Mayor Smith asked who would pay for this; Vice Mayor Gram asked about the cost per acre for removal of scotch broom.

Director Anderson said that the plan would be "expensive," but all of the numbers had not yet been calculated. Vice Mayor Gram asked if \$10,000 was a ballpark figure; Anderson replied that his guess would be closer to \$100,000.

Mayor Smith asked how the Town would obtain the necessary funds. Director Anderson said that after the plan was more fully developed, the numbers would have more meaning, and that the mechanism for funding would be bonds or cash security, tied to the subdivision improvements for the Tiburon Glen project.

Councilmember Slavitz wondered how, from a biological standpoint, a reduction in the number of trees to be replaced on site would replace the “functions and values” of these trees, as well as habitat.

Mr. Berman said that there was nothing specific in CEQA that addressed the value of the off-site mitigation versus on-site mitigation plan; that the idea had evolved over time; and that there was no law or in the Town’s General Plan that required a 3:1 replacement.

Under further questioning, Mr. Berman said that even if the Town Council went to a 2:1 replacement schedule, the findings could still not be made to eliminate the “less than significant” impacts cited in the EIR.

Councilmember Slavitz asked if there was another way to address the tree replacement issue on site, such as replacing the trees that were already determined to be “in poor shape.” Mr. Berman replied that while the applicant could address this issue, it still would not result in the maximum number of trees needed on site.

However, Mr. Berman said that under the original eight-unit plan, there had been more discussion of tree replacement on site; however, he said this plan met with opposition from the Planning Commission and the neighbors and was therefore rejected.

Director Anderson added that the main concern with more tree removal on the site, such as removal of the tree canopy, was that visual impacts that would occur, thereby shifting the scope of the mitigation plan.

Mayor Smith said that removal of additional trees on site would also result in road-building to get to them. Councilmember Fredericks said she would oppose road-building and continued to ask for “judicious removal and replacement of unhealthy trees” on site.

Director Anderson said that there were other possible sites on Town open space adjacent to forested areas on Paradise Drive but that they would accommodate a relatively small number of [replacement] trees.

Councilmember Slavitz outlined his understanding of the off-site program the applicant would remove and burn the broom; plant oaks and install irrigation; pay for five years of monitoring to ensure survival, then what?

Director Anderson said that the mitigation program, as written, would require that the trees be established and the broom seeds flamed, but eventually the trees would become the Town’s

responsibility. Mayor Smith said that not acting on this program would leave the Town in charge of broom removal in the Gilmartin Drive area.

Mayor Smith opened the public hearing.

Greg Fishman, applicant said that the project had been down a “long road” with “many documents” and hundreds of thousands of dollars had been spent. He said that he agreed with the staff report and recommendations. He outlined the benefits of the project to the Town: sizeable landslide repair; fire control; tree restoration; improvement of the forest on the site; extensive broom removal.

Mr. Fishman said that the project had been “financially challenging for us,” and said that in the best case scenario the investors would only realize a 2% return. He said that approval of “anything less [than the three-lot plan] would be unfeasible.” He said that the plan was a good one and had addressed the comments and concerns of the neighbors.

Mr. Fishman introduced the team of consultants for the project: Scott Hochstrasser, planning consultant, Don Blayney, tree and landscape expert, Joe Farrell, architect, Glenn Dearth, civil engineer, Arthur Gimmy, economic expert, and Craig Herzog, geologist.

Mr. Hochstrasser discussed in more detail the four-lot project that had been reduced to three lots by the Planning Commission. He pointed out that only 4% of the land was being built upon in this plan; that the loss of 168 trees out of thousands on the property was minimal, and that 72% were currently unhealthy. He said that many hours had already been spent debating the points raised about the trees, and that under a 3:1 scenario, 540 trees would have to be replaced. He said that 315 trees were being planted on-site and the rest, off-site. He said that the off-site mitigation plan should be approved.

Councilmember Fredericks asked if there was a feasible way to reduce the ratio, would the applicant be willing to keep the mitigation on-site; Mr. Hochstrasser said “absolutely,” but noted that many alternatives had already been explored and rejected.

Finally, Mr. Hochstrasser said that even after the four-unit project had been rejected, the Town adopted a new General Plan that would allow up to eight units on the site.

Mayor Smith asked Planning Commissioner Jim Fraser about the approval of the three versus two-lot project. Mr. Fraser said that they had “struggled” with the project from its eight-lot to 4-lot to its current configuration. He noted that only 4% of the land was being developed and that all of the other issues had been successfully mitigated. He said that after reviewing the supplemental EIR and evaluating the scope of the project from where it started, the Planning Commission decided to “go the extra step” and approve the off-site mitigation program. He also said that they had found the off-site plan to be a public benefit.

Councilmember Fredericks asked if the Commission was required to make a statement of overriding considerations, would it find the off-site mitigation plan to be a public benefit. Mr. Fraser said that was the case.

Councilmember Berger asked if any of the Gilmartin neighbors had commented on the proposed off-site plan.

Mr. Fraser said that one resident had expressed concern about the potential for landslide if broom was removed. He also said that the Planning Commission had commented that a long-term plan to monitor tree height would be needed and that the Town would “take ownership” of the project at some point.

Director Anderson added that the project would be designed so that no view blockage would occur. Councilmember Fredericks asked how this was compatible with the Town’s tree [view] policy. Director Anderson relied that the Town has written policies that address these issues.

Councilmember Slavitz asked whether this statement was true: that the Planning Commission did not want to approve a project with “significant, unavoidable impacts” so it approved the three-lot versus the four-lot project. Mr. Fraser confirmed this statement.

Allan Bortel, Tiburon resident, said that he was “familiar with” broom and oaks and commented that oaks did not normally grow in the “arid areas of Tiburon,” so that planting oaks on this side of the peninsula did not make sense. He recommended concentrating on broom removal instead.

Mr. Bortel referred to Exhibit I, letter from the Marin Conservation League, which said the plan needed more study. Mr. Bortel said that he was not opposed to the three-lot project but he urged the Council not to approve this “new method of off-site mitigation.”

David Greenberg, Norman Way, said that there were a “lot of trees” on the other side of the peninsula and that if the Council approved this off-site plan, other developers would seek the same method of mitigation. He said no “real study” was made that more trees were needed and that “desperation” was not a good enough reason to approve the off-site plan.

Mayor Smith asked about an “equivalent” mitigation fee instead of replacement of a certain number of oaks, if a “reasonable use” could be found.

Director Anderson said that under certain circumstances, an impact fee could work. He said that this had been done, for instance, using serpentine bunchgrass, instead of oak, removal. However, he said that he would want an EIR biologist to “weigh in” on whether this was an actual mitigation.

Mayor Smith said that the Council could not just deem it “equivalent.” Town Attorney Danforth noted that the Director had also mentioned other locations on public land that might

be suitable for tree replacement, which might be an equivalent measure. She agreed with the recommendation to get an opinion for the Council from a biologist, however.

Dave Coury, Paradise Drive resident, said he favored the two-unit plan. He said that the mitigation plan sounded like a “feasibility study” and that the trade-offs had not been “fleshed out.” He said that planting oaks on the arid side of the peninsula was not a public benefit, and that he was not even sure that the Town should approve such a plan. He stated that CEQA’s purpose was to “enrich, not just replace.”

Becky Pringle, Paradise Drive resident, said that she was in favor of the project, as presented, and that the applicant “has the right to expect a feasible return.” She added that the applicant had done everything in their power to make it workable and that it did not harm the neighbors.

Ms. Pringle said that CEQA did not say that a 3:1 ratio was required, nor did the Town’s general plan, and she asked that the project not be killed on this basis. She suggested that the diseased trees could be taken out as a possible mitigation in lieu of the off-site plan which she said seemed burdensome.

Sandra Swanson, Seafirth Lane, said that their association had just changed their CC&R’s and that future Tiburon Glen residents could do the same. She said that an “outside body” should enforce the mitigation plan, and that if the Town wanted to get rid of broom, it should “just do it.” She added that the project did not “replace open space” but just “fragmented it.”

Jerry Riessen, Ridge Road, said that using public open space to solve a development issue is not good policy; that open space as a “dumping ground” was not a good thing. He said the idea should be sent back to staff for further study. He said that a valuable mitigation to that [the project’s] open space was to hire an expert to remove the unhealthy trees and replace them.

Mark Ginalski, resident, echoed Mr. Riessen’s comments. He said that the General Plan discussed “preserving, protecting and maintaining” open space and that the town’s residents would be surprised at the suggestion of using open space for this purpose. He said that most people thought of open space as “sacrosanct,” and that it should not be modified. He said that such a decision would set a precedent and if the Town truly wanted to pursue it, a policy should be formulated for this purpose which would identify which open space should be used for oak trees, etc. and that the neighbors should be made aware of this policy. He said that good planning requires this.

Randy Greenberg, Norman Way, said that she could imagine scenarios in which the use of open space could be a good idea, however, she agreed that a policy would be needed.

Ms. Greenberg said that she supported a two-lot project because, for one thing, it would not need an off-site mitigation plan. She also said that the visual impacts of the project had been “greatly understated;” and that the two-lot plan would be consistent with the pattern of development in the area. She said that other new homes in the area were “considerably

smaller” and that the 30-foot high homes under consideration would “loom over Paradise Drive.”

Greenberg opposed the off-site plan, stating that “nature doesn’t support” oaks in a grassland area and that it would cost the Town time and money to pursue it. She suggested instead that the Town try to find “woodland at risk” and attempt to buy it from a willing seller. She said the current plan “didn’t make sense.”

Councilmember Fredericks asked about the “judicious removal of dead and dying trees” on the site. Ms. Greenberg said she thought it was a good idea but that the terrain was too steep and the trees were too close together; that it would require “clear-cutting” and the planting of one-year-old acorns which would not work. She recommended pursuing other sites instead, especially the “high priority” areas at the edge of existing woodlands.

Greg Fishman, applicant, reiterated Ms. Pringle’s comments and asked that the Council not require further studies or delays because more delays would cut into the value of the project.

Mayor Smith closed the public hearing.

Councilmember Fredericks said that the offsite mitigation plan did not make sense and was not a good principle of planning; in addition, she said that the trade-off of public open space bothered her. Ms. Fredericks added that the applicants were not “excited” about the concept nor were the neighbors in either location. Fredericks said that it was important to find an alternate mitigation. She said that the dedication of Lot A would be a public benefit and suggested that the Council make a statement of overriding considerations and approve the three-lot project, or, vote for the two-lot project which would allow on-site mitigation and which the EIR stated was an “environmentally superior plan.” She said she was leaning in that direction.

Councilmember Slavitz said the project was on a “constrained site” and had gone from eight to four to three units. He said that three houses was not an unreasonable number and that the applicant had done a “great job” in keeping them low on the site, clustered, and “all that we’ve asked for.” But he said the crux of the issue was the mitigation plan; he agreed that the off-site plan “doesn’t make sense;” and that a policy allowing the use of public open space for private developers to mitigate problems did not “ring right.” But he said that the statement of overriding considerations was more than semantics. He said that that a significant, unavoidable impact had been identified in the EIR and he agreed with the Planning Commission that mitigation could not be done on-site. He suggested that the “environmental people” be given another shot at coming up with an on-site mitigation plan.

Mayor Smith pointed out that it was the Town who had proposed the option of an off-site plan; that the mitigation measure was written into the EIR several years ago and one was an off-site solution. He said that it had to be on a Town-owned site because the Town would have to have control over it.

Councilmember Berger echoed Councilmember Slavitz' comments regarding the number of units, placement and design, and added that the Design Review Board would not be adverse to further reduction [in size].

Berger said that the Gilmartin Drive site was at one time a ravine (where the road is today) and that it's "not natural" because it had all been graded. He said that it was "odd" to think about the use of open space in this fashion but that Director Anderson said that off-site mitigation plans were not unusual. Berger said that 20 years from now, seeing oaks growing up there "would be great;" however, he said that the Gilmartin Drive residents should be consulted about such a plan.

Berger agreed that the decision "turned" on the off-site plan; that one idea was to take base-line monies and come up with a plan, whether it was for Gilmartin Drive or not. He said that the project should not be "held hostage" and that a plan should be determined, accepted, and allowed to move ahead.

In response to a question from the Mayor, Director Anderson said that the mitigation measure was not specific to the [Gilmartin] site, but agreed that it was supposed to be Town-owned or Town-controlled.

Mayor Smith asked how the exact determination of the off-site mitigation site plan would be reviewed by Council. Director Anderson said that he envisioned the Planning Commission "buying into" the idea and that the Town would then issue an encroachment permit to be approved by either the Public Works Director or Town Council.

Vice Mayor Gram said that he had "no problem" with three lots and that the plan included expanded landslide repair, which was beneficial. However, he said that he was "uncomfortable" with the off-site plan, which he described as trying to put a "square peg in a round hole." He recommended finding another, appropriate place and that if the Town could be assured something of value, it would approve such a plan.

Mayor Smith said that the project was now five years old; that it was situated on a very constrained site; that "enough is enough;" that the applicants had made good compromises, the Planning Commission had done a good job, and the Town had an experienced Planning Director. He said that it would be a "tremendous" benefit to have the broom and pampas grass removed, and that it would be great if the Town had the money to do it. He said his concern was fire danger from such vegetation. Again, he said that the site was the issue.

Mr. Berman said that the current mitigation measure required the mitigation to be off-site.

Mayor Smith asked if a modified version of the resolution could be adopted that would essentially approve the project but modify the mitigation plan.

Councilmember Slavitz said that he would encourage on-site mitigation, and/or an adjacent or nearby site.

Councilmember Fredericks called for more creativity in finding a solution, which would also include broom removal.

Mayor Smith asked if this would require an addendum to the EIR. Mr. Berman said that if the approach had not been discussed in the EIR, then it would be subject to additional public review.

MOTION: To indicate its intent to approve the 3-lot Tiburon Glen Precise Development Plan (PD#22) and to direct Staff to return with an amended resolution regarding the off-site mitigation plan.

Moved: Fredericks, seconded by Gram

Vote: AYES: Unanimous

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

Adoption of an Updated Zoning Map and Planned Development Map and Text Amendments creating a Parks and Recreation zone

- (1) 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

Second Reading and Adoption of Ordinance

Council waived reading of the staff report.

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

MOTION: To read ordinance by title only.

Moved: Gram, seconded by Slavitz

Vote: AYES: Unanimous

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 planned development map.”

MOTION: To adopt ordinance, as presented.

Moved: Slavitz, seconded by Gram

Vote: AYES: Berger, Fredericks, Gram, Slavitz, Smith

- a) 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

Second Reading and Adoption of Ordinance

MOTION: To read ordinance by title only.

Moved: Gram, seconded by Slavitz

Vote: AYES: Unanimous

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 Amendment Thereto.

MOTION: To adopt ordinance, as presented.

Moved: Slavitz, seconded by Fredericks

Vote: AYES: Berger, Fredericks, Gram, Slavitz Smith

COUNCIL AND COMMITTEE REPORTS

Mayor Smith reported that the Richardson Bay Regional Agency (RBRA) had “ambitious plans” for the proposed mooring fields and that it might be costly to the Town. He said that there would be future hearings on the matter.

WRITTEN COMMUNICATIONS

Town Council Weekly Digest – February 17, 2006

Town Council Weekly Digest – February 24, 2006

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 15, 2006.

PAUL SMITH, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK