



**TOWN OF TIBURON
PLANNING COMMISSION**
1505 Tiburon Boulevard
Tiburon, CA 94920
Action and Approved Minutes
May 31, 2006 – 7:30 PM

ACTION MINUTES

CALL TO ORDER AND ROLL CALL 7:30 PM

Chairman Kunzweiler, Vice Chairman Fraser, Commissioner Aguirre, Commissioner Collins, Commissioner O'Donnell **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

UNFINISHED BUSINESS

1. 215 BLACKFIELD DRIVE: REVIEW OF FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) AND CONSIDERATION OF CONDITIONAL USE PERMIT PROJECT MERITS FOR A PROPOSED EXPANSION OF AN EXISTING RELIGIOUS FACILITY AND DAY SCHOOL (CONGREGATION KOL SHOFAR); Congregation Kol Shofar, Owner and Applicant; Assessor's Parcel No. 038-351-34
Final EIR Certified (5- 0); Conditional Use Permit Denied (4-1)

PUBLIC HEARING

2. 2240 CENTRO EAST: REQUEST FOR A CONDITIONAL USE PERMIT (FILE #10603) TO OPERATE A TEMPORARY CONSTRUCTION STAGING AREA ON A CURRENTLY VACANT LOT; Rolf Eiselin, Owner; Maggiora & Ghilotti, Inc., Applicant; Assessor's Parcel Number 059-1442-02 **Approved 5-0**

MINUTES

3. Planning Commission Minutes – Special Meeting of April 24, 2006
Approved as Amended
4. Planning Commission Minutes – Regular Meeting of April 26, 2006
Approved as Amended
5. Planning Commission Minutes – Regular Meeting of May 10, 2006
Approved as Amended

ADJOURNMENT **11:55 PM**

**MINUTES NO. 936
PLANNING COMMISSION
May 31, 2006
Special Meeting
Town of Tiburon Council Chambers
1505 Tiburon Boulevard, Tiburon, California**

CALL TO ORDER AND ROLL CALL

Present: Chair Kunzweiler, Commissioners Aguirre, Collins, Fraser and O'Donnell

Absent: None

Staff Present: Community Development Director Anderson, Planning Manager Watrous, Town Engineer Nguyen and Meeting Recorder Williams

ORAL COMMUNICATIONS

No one spoke at this time.

COMMISSION AND STAFF BRIEFING

Community Development Director Anderson noted that next meeting is June 14 however there are no business items and if it is convenient, the Commission may possibly take up some of the items from the Town Council/Planning Commission workshop at that meeting.

UNFINISHED BUSINESS

1. **215 BLACKFIELD DRIVE: REVIEW OF FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) AND CONSIDERATION OF CONDITIONAL USE PERMIT PROJECT MERITS FOR A PROPOSED EXPANSION OF AN EXISTING RELIGIOUS FACILITY AND DAY SCHOOL (CONGREGATION KOL SHOFAR)**

Lisa Newman noted that at the last hearing on May 10, 2006 there was a majority consensus that the Final EIR provided satisfactory analysis of the projects impacts, mitigations and alternatives, but the scale of the project as modified in Alternative 7 was too ambitious for the neighborhood and not consistent with many provisions of the General Plan and Zoning Ordinance. Ms. Newman also noted that most Commissioners expressed concern that the project's net increase in parking spaces was insufficient given the scale of the expansion; that the number of proposed new weekend nighttime events would expose neighbors to excessive noise; that the hours of the events would be too late for a residential neighborhood; and that it would be too difficult to monitor and regulate the CUP conditions and mitigations.

Ms. Newman finally noted that a draft resolution certifying the Final EIR for the project and another draft resolution denying the CUP application were presented for the Commission's consideration.

Chair Kunzweiler noted that at the last Planning Commission meeting an ad hoc subcommittee was established to see if a suitable alternative could be reached. However, prior to the first meeting of the subcommittee, Gary Ragghianti, Kol Shofar's attorney, contacted Staff and advised that Kol Shofar had requested that no further work be done on other or revised alternatives. Therefore, no further work had been done on the alternatives previously presented to the Commission.

Gary Ragghianti, Attorney for Congregation Kol Shofar, noted that in April a Staff report found the application as modified by Alternative 7 to be consistent with the Tiburon General Plan. He stated that the EIR concluded that Alternative 7 mitigated all potential project impacts to less than significant levels. Mr. Ragghianti stated that the resolution denying the use permit was a product of coming up with an answer before there is a question. He felt that the resolution was arbitrary and capricious and would fail to withstand scrutiny. He also stated that he believes the record of the proceedings fail to contain substantial evidence to support many of the general statements contained in the resolution, such as findings related to noise and traffic, light and glare and neighborhood compatibility and neighborhood identity.

In regards to noise, Mr. Ragghianti noted that the draft resolution simply ignores thresholds established in the General Plan and findings contained in the EIR that these noise standards have been met, as shown both by measurements using technical metrics used for other similar projects in the town and by further efforts to avoid inconvenience to neighbors. Mr. Ragghianti also stated that General Plan Noise Element Policy N-1 is the exclusive criteria that the Town must use to determine noise impacts, and that the Planning Commission is holding this project to a different standard.

Mr. Ragghianti stated that the Planning Commission seems to be making findings that the neighbors are the community, and not just a part of the community. He said that he was astounded that light and glare is an issue when the EIR indicates that there are only two or three homes that may have headlight intrusion for a few seconds at night when the cars leave the upper parking lot. He said that there is no evidence to support the claim that insignificant headlight spillage will impact the public health, safety or general welfare and no evidence to support claims that the project's headlight spillage impacts the character and identity of the community.

Mr. Ragghianti noted that there is already an existing 43,000 square foot facility on the site, and that it was preposterous to compare the impacts of the building to that of a single-family dwelling. He added that Kol Shofar's presence precedes that of many of the surrounding homes. Mr. Ragghianti added that Kol Shofar is not just a part of the community, but rather is a defining part of the community. He stated that there is no evidence in the Staff report identifying aspects of the

neighborhood character and identity with which the project would be incompatible. He stated that Tiburon does not really have a small town residential character and that Kol Shofar has been an integral part of the neighborhood for many years.

Mr. Ragghianti further stated that Kol Shofar is a religious institution and cannot function without a physical space adequate to meet their religious needs. He said that the congregation's first amendment rights would be superceded by the supposed issues raised by the resolution. He stated that the record incontrovertibly demonstrates the need for this project for Kol Shofar to meet its religious purpose, and that the Planning Commission has failed to support less restrictive means of achieving the desired results. Finally, Mr. Ragghianti noted that he believes that denial of the application imposes a burden on the congregation and that Kol Shofar will appeal the resolution if adopted.

Steven Volker, attorney for Tiburon Neighborhood Coalition, noted that the Coalition is in support of the proposed resolution denying the conditional use permit and opposes the proposed resolution certifying the final EIR. He disputed Mr. Ragghinatti's comments about Policy N-1, stating that Policies N-2 and N-3 support the denial of the project. He stated that the record is replete with ample evidentiary support for the findings of denial for the use permit.

Mr. Volker stated that children in neighboring homes should not be subjected to light and glare from headlights. He stated that insufficient parking provided creates grounds enough to deny the project. He said that the project would place a parking burden on the neighborhood when it should fall on the applicant.

Mr. Volker stated that the proposed project is not located in a commercial zone, but rather in a quiet, residential neighborhood where people have invested their entire life savings in homes to provide a quiet, safe neighborhood for their children and that is what the General Plan demands be respected. Mr. Volker finally noted that in over 30 years of practice, he had never seen a Planning Commission start with a staff report recommending approval, listened to public comment, read voluminous public record and then follow the truth. He concluded by stating that the Coalition remains prepared to work with Kol Shofar to come up with a project that would be consistent with the Zoning Ordinance and the General Plan.

Kurt Kaull, Tiburon Neighborhood Coalition, thanked the Commission for its time and effort and referenced Mr. Volker's previous letter to the Town recommending denial of the project. He stated that it is the Coalition's has asked for common sense and has tried to exhibit sensitivity and a spirit of fairness. Mr. Kaull stated that it is not right to marginalize the neighbors who are trying to protect the character of the neighborhood. Mr. Kaull characterized Mr. Ragghianti's comments as confrontational and asked the Commission to stick to their guns, but noted that the Coalition welcomes continued debate.

Bruce Abbott expressed opposition to the building plan as well as concern about offsite parking along Greenwood Beach Road. Mr. Abbott characterized the proposal as grandiose and added that the parking could not be accommodated on-site. He cited the parking requirements of the Zoning Ordinance, noting that these requirements are mandatory, not discretionary.

Nancy Sherm, member of Kol Shofar, stated that she was opposed to the denial of Kol Shofars' application. Ms. Sherm referenced the expansion of St. Hilary, which occurred in a neighborhood similar to that surrounding Kol Shofar. She said that St. Hilary's facilities assisted the Catholic

community to carry out their mission. She added that on a recent night when a bat mitzvah was held at Kol Shofar, St. Hilary held an event hosting 300 people with music until midnight.

Ron Brown, past president of Congregation Kol Shofar, stated that he opposed the denial of the use permit. He stated that he was confused by statements that Kol Shofar is inconsistent with the neighborhood as Kol Shofar was there before a lot of the homes. He said that one could easily conclude that Kol Shofar, Bel Aire and the Cove shopping center were the primary elements of the community. Mr. Brown also wondered who would be impacted by the mass of the proposed building as it is screened by vegetation. He stated that the project would not be massive, as Kol Shofar already has 43,000 square feet of space on a 7 acre site. Mr. Brown further noted that St. Hilary was allowed to construct 25,000 square feet of space and felt that their project was reasonable. He said that he was quite puzzled why two religious institutions would be treated so differently.

Virginia Brunini stated that Kol Shofar has been a welcome neighbor, but that the issue is not about religion, but about parking and cars. She suggested that if a 43,000 square foot building does not meet Kol Shofar's needs, they should tear it down and build one that meets their needs. Ms. Brunini also stated that the EIR states that Bel Aire as a neighborhood would be significantly impacted by the project, which she felt was a huge omission. She encouraged Kol Shofar to stay on their property but find a better way to meet their needs.

Ida Geldert stated that she has gained enormous respect for the Planning Commission for dealing with the intricacies of this project. She said that Kol Shofar will do everything in its power to be a partner with the neighborhood. She said that congregation members come and go, but they want to share the neighborhood with the residents. Ms. Geldert added that the intentions are not to build a Taj Mahal, but a functional synagogue.

Diane Zack, president of Kol Shofar, stated that she was heartened to hear that neighbors want to work with Kol Shofar. She said that Kol Shofar thought the level of noise and traffic impacts in Alternative 7 had been lowered to less than significant levels which is very important to Kol Shofar as they really care about the neighbors. Ms. Zack stated that she feels the application has gotten hijacked after two and a half years of study. She stated that Blackfield Drive is not a quiet country lane. Ms. Zack stated that the multi-purpose room is desperately needed, and that it is not possible to stay within the current footprint and have a decent place to pray and teach.

The Planning Commission began deliberations on the draft resolution regarding certification of the Final Environmental Impact Report.

Commissioner Fraser stated that he believed that the Draft EIR and Final EIR have adequately addressed the right elements required by the CEQA guidelines. He said that there has been exhaustive testimony and evidence presented. He said that although he does not agree with every aspect of the EIR, he saw no benefit to or reason for recirculation of the document, and felt that there was no material change presented that would require recirculation. He said that he supports the draft resolution as is and is in favor of certifying the Final EIR.

Commissioner O'Donnell agreed with Commissioner Fraser that the issue has been looked at exhaustively and in great detail. Commissioner O'Donnell stated that sometimes the EIR becomes a battle in itself, and he felt that the Commission should proceed with certifying the Final EIR.

Commissioner Collins stated that he supports certification of the Final EIR and characterized it as a full disclosure document. He added that he disagrees with some of the conclusions in the EIR, as noted in the draft resolution for the use permit.

Commissioner Aguirre stated that he supports the resolution certifying the EIR with no modifications.

Chair Kunzweiler concurred with the comments made by the other Commissioners. He stated that preparing an EIR is often a thankless task, but felt that the consultants have done a good job capturing a very complicated and multifaceted project. He said that one can disagree with some of the conclusions and mitigation measures within the EIR, but that he could support the EIR being certified as is.

M/S, Fraser/Aguirre (passed 5-0) to adopt the resolution certifying that the final EIR has been completed in compliance with the California Environmental Quality Act and local CEQA guidelines.

The Planning Commission began deliberations on the draft resolution regarding denial of the conditional use permit.

Commissioner Collins stated that the resolution is detailed and captures the essence of the Commission's feelings about the project. He stated that not all of Kol Shofar's events that are held on the site at the present time are therefore covered by the existing use permit. He stated that celebratory events create noise, and that the project would be too much of an intrusion on the neighborhood. Commissioner Collins further noted that this decision has nothing to do with who the applicant is but has more to do with its potential impact on the neighborhood. He stated that the applicant is not entitled to approval of a facility that would necessarily meet its stated needs, and he felt that this project is too ambitious. He hoped that the two parties would be able to work things out.

Commissioner Aguirre stated that he is not in favor of the project as currently conceived, but that there are some sections of the resolution that he cannot support. He felt that the discussion of noise in Section 4 was satisfactory, and agrees with the discussion of evening events in the traffic and traffic safety section. He said that he does not support the section on light and glare. He felt that the section on neighborhood compatibility should focus on evening events and should not compare the size of the building to existing residences, noting that the St. Hillary gym is larger than the homes in its neighborhood. He said that there is a significant distinction between a gym that was designed as a gym having an occasional weekend event, and a multi-purpose room that would host many more evening events. Finally, Commissioner Aguirre noted that in reference to section 5 E, he has no problem with the size of the facility, but he does have a problem with the proposed uses of the facility.

Commissioner Fraser stated that he was in support of the resolution as drafted. He stated that the findings in the resolution reflect the reasons for denial, but noted that he does not view the resolution as a suggestion on how to change the project. He stated that it was sad that the project has come to this point and felt that both sides have dug in their heels. He was discouraged that although the neighborhood embraces religious facilities (i.e. Kol Shofar) that the verbal fighting and bantering between Kol Shofar and the neighborhood had gotten out of control. Commissioner Fraser also noted that compromise means that both sides need to compromise. Finally, Commissioner Fraser

noted he had hoped if the resolution is denied, that the Town Council is back and voting on a revised resolution that makes sense for the community and Kol Shofar.

Commissioner O'Donnell stated that he would not support a resolution of denial, but would instead support elements within the resolution. He said that it was sad to come to a position with two sides diametrically opposed. Commissioner O'Donnell stated that the number of weekend evening events could be reduced and agreed with Commissioner Aguirre about issues of size versus usage.

Commissioner O'Donnell stated that the size of the multi-purpose room was not out of context with the lot and the multi-purpose room would be well screened by trees. He felt that light and glare are not an issue, but agreed that the parking issue is very difficult. He noted that there was a lot of information and mitigations that support staff's conclusions. He stated that a cap of 250 participants in evening events would allow all the cars to fit within the parking lot. He felt that parking would only be a problem during the High Holy Days and certain religious functions, but that there is a way of dealing with the extra cars that does not impact the Bel Aire community. In regards to traffic, Commissioner O'Donnell stated that Blackfield Drive is a main artery and will always be a heavily traveled route. He felt that even with the small increase of nighttime usage associated with the project, the traffic would not be as dire or as problematic as the resolution outlines. He believed that the facility will fit nicely in the neighborhood and recognized that the current facility needs to be modernized. He added that he would not like to see Kol Shofar leave the community, but would instead like to see a proposal that would be to the benefit of the neighborhood. He added that he does not like the current proposal of closing hours and is in complete agreement with the neighborhood that the hours are way too late and could significantly be reduced by one or one and one half hours.

Chair Kunzweiler stated that he had hoped a compromise could be worked out as the project has been in the works for two and a half years, but Kol Shofar's approach is to take the matter to the Town Council. He noted that the Commission and Staff have tried to be respectful of the religious mission of Kol Shofar from the beginning and that the debate has mostly been about size and usage of the proposed additions. He noted that the proposed usage has decreased, but not the size of the facility. He said that he was happy to see some movement on the use and hours, but he felt that there was still a ways to go. Chair Kunzweiler further noted that he is concerned about the size of the addition itself, noting that he trusts the applicant and the statements they have made about the usage, but also noted that the conditional use permit currently held by Kol Shofar has changed over the last twenty years. He noted that if a large facility is built, there is a potential for other or different uses. He stated that parking is a big issue and he fears that increased parking brought on by the increased usage of the facility would create problems. He felt that light and glare is a minor issue unless you are one of the two or three homes affected by the light and glare. Chair Kunzweiler agreed with Commissioner Aguirre's comments on the neighborhood compatibility section of the resolution, and thought that the logic that the facility being bigger than houses is a stretch. Chair Kunzweiler also noted that he hoped the traffic issue would be resolved at later meetings and would like to see the number of events reduced. He felt that the parking issue would result in an unacceptable impact on the neighborhood.

Commissioner Aguirre objected to section 4, paragraph E of the resolution, as it appears that the Commission is substituting its judgment for Kol Shofar's on whether the facility meets their needs.

Commissioner Fraser stated that given the testimony about event schedules, it appears that a lot of the facility is unused at many points in time.

Commissioner Aguirre stated that the Town does not need to make this finding to deny the application.

Commissioner Collins stated that the Planning Commission cannot agree that the additional space is necessary for this facility.

Chair Kunzweiler noted that there is no disagreement that the existing facility needs work, but the issue is over the amount of extra area needed. He noted that a round building is usually inefficient.

Commissioner O'Donnell noted that with a religious institution, space is about beauty, openness and making things look right.

Commissioner Fraser noted that parking remains an issue, especially overflow parking. He suggested that direction be given to the Town Council that adequate onsite parking needs to be provided for the addition. He stated that the neighborhood should not be impacted by additional parking of cars due to a facility expansion.

Chair Kunzweiler stated that the Town Council should be very mindful of not moving the parking problem to Greenwood Beach Road or Bel Aire and should come up with a reasonable set of parking requirements for the facility.

The following amendments to Resolution No. 2006 – Draft were proposed:

Page 10, 1st Paragraph, Section 4, Neighborhood Compatibility, remove the 2nd sentence.

Page 14, Section E, 1st sentence, change to “concludes” to “questions whether...”

M/S, Fraser/Aguirre (passed 4-1, O'Donnell dissenting) to adopt the resolution to deny a conditional use permit application for expansion of an existing synagogue and day school at 215 Blackfield Drive and adopting findings supporting the denial.

Community Development Director Anderson noted that both decisions can be appealed and that the following Monday is the filing deadline.

PUBLIC HEARING

2. 2240 CENTRO EAST: REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A TEMPORARY CONSTRUCTION STAGING AREA ON A CURRENTLY VACANT LOT

Planning Manager Watrous noted that a proposal has been made to operate a temporary staging area on vacant property located at 2240 Centro East Street. Staff reported that there are varying degrees of screening of the property and on adjacent lots provided by fairly dense vegetation. Staff also noted that there are varying degrees of visibility from the surrounding property.

Commissioner Collins asked how much land is available without cutting the vegetation. Planning Manager Watrous it is likely that much of the vegetation would have to be removed.

Rolf Eiselin, property owner of 2240 Centro East Street, stated that he was asked by Maggiora & Ghilotti if his land could be used for this purpose. He felt that it would be in the best interest of the neighbors to not park trucks on the street and to have a closer staging area that would reduce traffic through town.

Glen Ghilotti, project manager, stated that the staging area would enable the company to make the project safer as it will allow smaller dump trucks to be used, with less traffic through town. He said that dirt and debris would be transferred to bigger trucks at another staging area. He also noted that this would enable the yearlong project to be shortened and not inconvenience people as long. He added that all equipment that would be placed on the staging area would need to be in the vicinity anyway.

In response to Commissioner Collins inquiry of how much dirt would be exported out of town, Mr. Ghilotti responded that probably 15,000 yards of material would be exported, using about 1,000 truckloads. He said that without the staging area, it would take four times as many truck trips. He noted that the job shack would be about 8 feet by 20 feet and would be just for small tool storage.

Commissioner Collins asked how much vegetation would be left on the site. Mr. Ghilotti responded that they could probably leave a 15 foot wide barrier of vegetation.

Commissioner Fraser inquired if there would be a flagman working on Centro East the entire time. Mr. Ghilotti replied that as each area has a different traffic situation, each situation will be dealt with weekly. Commissioner Fraser stated that someone is needed to manage and monitor traffic safety for the project.

Chair Kunzweiler asked how the project would proceed without the staging area. Mr. Ghilotti replied that backhoes, loaders and steel track excavators would be parked on the streets at night. He said that they can pull equipment with rubber tires off the street and onto the lot. He said that smaller trucks would dump soil on the site and larger trucks would dump gravel.

In response to questions about dust management, Mr. Ghilotti noted that the dust will be covered and a water truck will be available to wet it down if the wind starts blowing.

Joan Lombardo and Liz Bird, representing the Lyford Cove Utility Undergrounding Project, noted that there are a lot of challenging phases to the project, but the biggest issues have been money and duration of construction. Ms. Lombardo noted that the staging area would help keep costs down and speed the project up. She understood that construction will be a hardship on the residents and that compromises need to be made. She asked the Commission to look at the overall project and what would have the least impact for the entire district.

Dolores Davis stated that she lives downslope from the proposed project and asked if Maggiora & Ghilotti had a backup plan to using this site. She stated that an elderly woman and children live near the lot and that this would not be safer for them. She noted that there have been drainage issues from the lot and she was concerned regarding erosion control for the coming winter. She also noted that dirt was piled on the lot prior to the use permit being granted and was concerned that there might be asbestos in the dirt that could blow into the nearby homes. Ms. Davis suggested finding another lot near commercial properties away from residences.

Milton Diaz expressed that he has an unobstructed view of the subject property, and went through grading of the site in 1991 that deposited dust directly upwind into his house. He stated that the dust situation will create significant quality of life issues for him. He stated that heavy equipment use for house construction occurs at the beginning of a project and is not continuous as would occur on the staging area. He said that the neighborhood is being asked to bear the burden of saving money for the whole project. Finally, Mr. Diaz asked if the lot would remain graded or be revegetated at the end of the project.

Lisa & Steven Wear showed photos they had taken of the site and stated that the project will create dust impacts for them. They disagreed that using small trucks would lower costs for the project, and suggested using empty lots near Town Hall or other locations that have previously been used for staging areas. Ms. Wear noted that the neighborhood is residentially zoned and the staging area would be unsafe for children, the elderly and dog walkers. Ms. Wear suggested that an environmental impact report should be prepared for the project.

Steven Wear noted that there have been many problems in the past with construction workers using the site without the owner's permission. Mr. Wear stated that the undergrounding district should use its funds for other staging areas and not cut corners.

Les Hembree stated that the issues are safety, cost and speeding up the project. He asked how much time and money would be saved by using this staging area. He said that once this information was known, the Commission could make a rational decision to determine if the savings of cost and time are worth the impact on the neighborhood.

Joan Lombardo noted that part of the bid package for the undergrounding project included having a staging area in the neighborhood. She stated that this site and another lot on Paradise Drive were both investigated for a staging area. She said that the only other options would be to use the area near Lyford Drive or the Blackie's Pasture overflow parking lot.

Mr. Ghilotti noted there that the lot on Paradise Drive is much smaller with a fire hydrant in the middle of the lot. He characterized this lot as more dangerous, less level and not as feasible. He said that the reason for using the lot was not so much cost as being safer. He said that they hoped to be able to work extended hours to accelerate the project and possibly be completed before winter. He said that they would not change the drainage on the site and use best management practices for erosion control. He noted that their contract requires them to seed the staging area when finished.

Mr. Hembree stated that the lot on Paradise Drive is not that much smaller and has less slope and better access from the street.

Town Engineer Nguyen stated that he had not inspected the Paradise Drive lot and that the biggest issue is safety. He noted that the undergrounding contract encouraged the use of alternate sites. He said that the Blackie's Pasture overflow parking lot could be used but would result in increased truck traffic and slow moving equipment on Tiburon Boulevard. He said that the concerns are for the district and the town as a whole.

Commissioner O'Donnell stated that it is regrettable that a few contiguous properties would be affected by the staging area, but noted that he thinks the Commission needs to look at the bigger picture. He said that the staging area would be temporary, practical and would facilitate a faster project. He added that all of the neighbors will be seriously impacted by project, but a staging area

was part of the bid package that was approved by the voters. He stated that the staging area would be a lot safer than having heavy equipment driving down Tiburon Boulevard, as more trips and larger trucks would result in more problems. He stated that he can support the application, but recommended adding a condition of approval requiring that the site be revegetated at the end.

Commissioner Fraser stated that he understood the desire to stage within a district, but he felt that this probably is not an ideal staging place in residential neighborhood. He described the requested location as problematic as Solano is a very steep street. He suggested that other locations on Paradise Drive, Lyford Drive or downtown be explored. He empathized with the neighbors and stated that at this time, he is not in favor of the proposed staging area.

Commissioner Collins stated that it is hard to conceive how large trucks would be able to turn around on this lot. He said that he felt that he did not have enough information about alternative sites to make a decision.

Commissioner Aguirre noted that the undergrounding project has already been approved, meaning that these streets will be torn up. He said that he was very concerned that appropriate technical safeguards for dust, drainage and safety be in place. He stated that it seems to be an overall benefit to the neighborhood to have the staging area as it will limit the number of trips through town. He pointed out that there will be heavy equipment used with or without the staging area. He acknowledged the appropriate concerns of the neighbors, but felt that, on balance, this is the right way to proceed.

Chair Kunzweiler stated that this is a tough project that will be disruptive. He said that the public testimony has been an eye opener, and he felt that serious issues such as dust, drainage, parking, turnaround, cost savings, time savings and safety have been lightly addressed. He suggested a continuance to allow time to look at alternative sites and to address the concerns raised.

Commissioner Collins asked how the cost of the project would increase if the application was delayed two weeks. Mr. Ghilotti responded that it is the Town's responsibility to ensure that the project does not stop. Mr. Ghilotti noted that the actual cost depends on how much equipment is on the site and can usually add up to thousands of dollars per day.

Commissioner Aguirre asked what analysis was used to prepare the report. Planning Manager Watrous noted that there were no alternatives presented, and as such only the subject lot was analyzed.

Mr. Ghilotti noted that the project could end up requiring three or four staging areas around the community.

Town Engineer Nguyen noted that the contract document offered alternative sites for staging and noted there are other alternatives the contractor could explore which were not part of the contract.

Commissioner Fraser noted that issues seems to be dust, noise, traffic and safety and that he is more in favor of trusting Staff's judgment and allowing Staff to determine and mitigate the impact on the district.

Planning Manager Watrous noted that a condition of approval could be added to require that appropriate mitigation measures for dust, noise, traffic and safety shall be imposed by the Public Works Department during pre-construction meeting for the project as appropriate to the staging area.

Commissioner Collins asked if anyone looked at Tiburon Peninsula Club land as a possible staging area. Planning Manager Watrous replied that historically Judge Field has not been used for staging.

Chair Kunzweiler suggested approving the project for a short period of time to avoid penalties while considering the feasibility of other sites.

Town Engineer Nguyen noted that the contractor can start non-critical work that may not entail penalties for delays.

M/S, O'Donnell/Collins (passed 5-0) to adopt the resolution approving the conditional use permit, with additional conditions of approval requiring appropriate mitigation for dust, noise, traffic and safety to be imposed during pre-construction meetings at Public Works using Best Management Practices and requiring review in three months to include evaluation of other alternative sites.

MINUTES

3. Planning Commission Minutes of April 24, 2006

M/S, Aguirre/Collins (passed 5-0) to approve the minutes

4. Planning Commission Minutes of April 26, 2006

Amendments include:

Page 3, 6th Paragraph, 1st sentence, remove “hours” insert “are the”

M/S, O'Donnell/Fraser (passed 5-0) to approve the minutes as amended.

5. Planning Commission Minutes of April 26, 2006

Amendments include:

Page 3, 2nd Paragraph, 1st sentence, add “the traffic and sound conclusion as to” after “disagree with” and change “they” to “the Coalition’s consultants”

Page 6, 2nd Paragraph, 1st sentence, insert “to house mechanical equipment” after “necessary”.

Page 6, 10th Paragraph, 1st sentence, insert “ever” after “have”.

Page 6, last Paragraph, 1st sentence, insert “the” after “about”.

Page 7, 2nd Paragraph, 1st sentence, change “upon” to “open”.

Page 7, 9th Paragraph, 1st sentence, insert “the construction” before “plan” and insert “the” before “project”.

Page 8, 3rd Paragraph, last sentence, insert “Chair Kunzweiler replied that table one appeared to be a mix of religious and non religious uses”.

Page 9, 5th Paragraph, replace “an” with “their”.

Page 9, last Paragraph, delete “in the”, and change “a significant” to “insignificant”.

Page 10, 6th Paragraph, 3rd sentence, change “Friday and Saturday” to “Saturday and Sunday”.

Page 10, 6th Paragraph, 3rd sentence, insert “the” after “are” and “impact” after “main”.

Page 10, 6th Paragraph, 3rd sentence, insert “the proposed new activities” after “and”.

Page 10, 6th Paragraph, 4th sentence, insert “and backing out of private driveways” after street.”

Page 10, 6th Paragraph, 4th sentence, insert “also important safety issues” after “are”.

Page 10, 6th Paragraph, last sentence, insert “addition” after “room”.

Page 11, 1st Paragraph, 3rd sentence, insert “people exiting or entering” after “from”.

Page 11, 1st Paragraph, 5th sentence, remove “Saturdays and Sundays” and insert “High Holy Days”.

Page 11, 1st Paragraph, 11th sentence, insert “a recirculation of the EIR for the purposes of exploring” after “requiring”.

Page 11, last Paragraph, 2nd sentence, replace “is” with “represents”, and replace “should” with “might”.

Page 11, last Paragraph, 3rd sentence, insert “overriding” after “the”.

Page 12, 1st Paragraph, 6th sentence, replace “of” with “calling”.

ADJOURNMENT

The meeting was adjourned at 11:55 p.m.

JOHN KUNZWEILER, CHAIRMAN

ATTEST:

Action and Approved Minutes – Planning Commission Special Meeting

May 31, 2006

SCOTT ANDERSON, SECRETARY