



**TOWN OF TIBURON
PLANNING COMMISSION
1505 Tiburon Boulevard
Tiburon, CA 94920
Action and Approved Minutes
August 9, 2006 – 7:30 PM**

ACTION MINUTES

CALL TO ORDER AND ROLL CALL

Chairman Kunzweiler, Vice Chairman Fraser, Commissioner Aguirre, Commissioner Collins, Commissioner O'Donnell All Present

ORAL COMMUNICATIONS

Persons wishing to address the Planning Commission on any subject not on the agenda may do so under this portion of the agenda. Please note that the Planning Commission is not able to undertake extended discussion, or take action on, items that do not appear on this agenda. Matters requiring action will be referred to Town Staff for consideration and/or placed on a future Planning Commission agenda. Please limit your comments to no more than three (3) minutes.

COMMISSION AND STAFF BRIEFING

Staff Update
Commission Information Items

ELECTION OF OFFICERS ***Chairman Fraser, Vice Chairman Aguirre***

PUBLIC HEARING

1. 40 MONTEREY DRIVE: AMENDMENT TO CYPRESS HOLLOW PRECISE DEVELOPMENT PLAN (PD #45) TO ALLOW ADDITIONAL FLOOR AREA; Nasser Kashefi, Owner and Applicant; Assessor's Parcel No. 034-394-04 **Recommended**
Approval to Town Council (4-1)

DISCUSSION ITEMS

2. REVIEW OF CROSSWALK AND CIRCULATION IMPROVEMENTS FOR TIBURON PENINSULA CLUB; 1600 Mar West Street **Review Held**
3. EIR AND CEQA DISCUSSION **Discussion Held**

ELECTION OF OFFICERS

M/S Collins/O'Donnell (5-0) to elect Vice Chair Fraser as new Chair of Planning Commission.

M/S Fraser/O'Donnell (5-0) to elect Commissioner Aguirre as new Vice Chair of the Planning Commission.

Commissioner Collins thanked outgoing Chair Kunzweiler for his hard work in an interesting year for the Planning Commission, particularly the great courtesy and understanding with which he handled the Kol Shofar hearings.

PUBLIC HEARING

- 1. 40 MONTEREY DRIVE: AMENDMENT TO CYPRESS HOLLOW PRECISE DEVELOPMENT PLAN (PD#45) TO ALLOW ADDITIONAL FLOOR AREA; Nassar Kashefi, Owner and Applicant; Assessor's parcel No. 034-394-04**

Planning Manager Watrous reviewed the staff report and stated that the application appeared to be in compliance with the Precise Development Plan guidelines. He recommended that the Commission adopt the draft resolution recommending approval of the amendment to the Precise Development Plan to the Town Council.

The public comment period was opened.

Mohamad Sadrieh, architect for the applicant, presented the plan for conversion of crawl space to a play room. He described the need for this space in the neighborhood due to lack of yard space. Further, he argued the additional square footage would be consistent with the Floor Area Ratio (F.A.R) guidelines because there would be no increase in the mass or bulk of the home and the project would not intensify the use of the home.

Chair Fraser closed the public hearing.

Commissioner O'Donnell stated that this is a perfectly apt and valid application, and agreed with the applicant that the project would not violate the spirit of the floor area ratio.

Commissioner Kunzweiler conceded that this was not a huge project, but expressed a concern for where to draw the line on additions in this neighborhood. He felt that the Town had rationalized its way into granting a series of exceptions for homes in the vicinity, but that this was the largest request he had yet seen. He stated that he was not in favor of the amendment.

Vice Chair Aguirre stated that he supported the application, noting that the Town Council has set precedents in the past which would be consistent with this request. He said that it is difficult to gauge the intent of the original Cypress Hollow approvals, but he was comfortable that the general intent would be met by this application. He stated that it would be difficult to deny this application given what the Town has previously approved in this subdivision. He felt that a line had been drawn by allowing no additional building mass or increase in the intensity of use of the homes.

Commissioner Collins agreed that it would be hard to deny this after the approval of prior applications. He said that the Town could draw a line by reducing the amount of area allowed for this house, but he doubted that such an idea would be practical.

Chair Fraser agreed that this application was similar to others in the vicinity and felt that a line has been drawn by the limitations on the intensity of use of the homes. He said that it makes good sense for a family to have a playroom on a lot with steep slopes.

M/S Collins/O'Donnell (passed 4-1, Kunzweiler dissenting) to adopt the resolution recommending approval of the precise plan amendment to the Town Council.

Community Development Director Anderson offered to research other homes in the Cypress Hollow neighborhood to evaluate the potential for future precise plan amendments for presentation to the Commission.

DISCUSSION ITEMS

2. REVIEW OF CROSSWALK AND CIRCULATION IMPROVEMENTS FOR TIBURON PENINSULA CLUB ; 1600 Mar West Street

Chair Fraser and Vice Chair Aguirre recused themselves from the meeting.

Planning Manager Watrous summarized the Staff Report and reminded the Commission of the future opportunity to review the conditional use permit one year following the completion of the clubhouse.

Tiburon Peninsula Club Project Manager Dave Marks thanked the Commission for their support thus far and reported positive progress on the project. He summarized the project status and efforts to address traffic and member flow issues. He said that the drop-off area had been eliminated and a walkway added from the fitness area to encourage members to use the main entrance to the club. He also noted that increased landscaping would work to funnel members to the front door of the clubhouse. He said that activity at the club to date has resulted in no accidents or safety issues.

Commissioner O'Donnell questioned the placement of the driveway to the fitness center, stating that he sees a lot of people crossing the street at that location early in the morning on a blind curve. Project Manager Marks described efforts made to eliminate this problem by discouraging access other than through the front door of the clubhouse.

Commissioner O'Donnell stated that he was very happy with the progress of the project, but still expressed concerns with safety issues with pedestrians cutting across the street.

Commissioner Kunzweiler stated that this is a huge improvement, as there had been no control for pedestrians before. He commended the design philosophy to funnel as much pedestrian traffic as possible. He was still concerned with early morning traffic, and suggested perhaps locking other club entrances early in the morning. He stated that he appreciates the work that has been done by the club.

Chris Horne, Manager of the Tiburon Peninsula Club, stated that previously pedestrians crossed the street at a number of points. He said that by channeling the pedestrians, even the fitness center users

would likely cross at the crosswalk. In response to a question from the Commission, he said that the parking spaces across from the fitness center will be used only for overflow parking and not for daily use.

Commissioner Collins stated that he spoke to the Police Chief about his matter. Commissioner Collins suggested more lighting during dark hours. He said that he would like to see a method implemented by which traffic speed is slowed because pedestrians tend to take the shortest path to the fitness center.

Commissioner Kunzweiler stated that the lighting plan is very clear and will guide pedestrians to the crosswalk. He thought that more replied lighting may encourage parking on the wrong side of the street and thought that signage might be an answer.

General Manager Horne explained that the club has been doing a lot of education regarding pedestrian traffic and will continue to do so once the project has been completed. He noted that TPC has been able to keep many of its facilities open during the construction.

Commissioner Collins suggested the possibility of implementing better street lighting. Planning Manager Watrous stated that the Town generally discourages more street lighting, and has found the bollard lights to be effective. Mr. Horne added that there is currently a street light on the clubhouse side of the street.

Community Development Director Anderson suggested that the Traffic and Safety Committee review the overall improvement plan after the project has been completed to give the Commission good feedback for its review of the use permit.

Chair Fraser and Vice Chair Aguirre returned to the meeting.

3. EIR AND CEQA DISCUSSION

Planning Manager Watrous explained that this time was an informal discussion time requested at the Town Council-Planning Commission workshop to discuss the CEQA review process and organization of EIRs.

Commissioner Kunzweiler stated that there is a need to balance the intent and spirit of CEQA with being fair. He said that the Commission is trying to make good, informed, rational decisions, but that the volume include in the EIRs makes that difficult. He said that he wants to improve the documents to improve the ability of the public to participate in the process.

Commissioner O'Donnell asked if the Town could investigate a better cut-off point for late mail, which inundates the Town, feeds on itself, and cannot always be properly evaluated.

Community Development Director Anderson stated that Staff has been directed to prepare a policy on handling late mail.

Vice Chair Aguirre inquired about other towns' best practices for dealing with late mail and other CEQA issues to use as a model for Tiburon. Community Development Director Anderson confirmed that no one has pulled together such best practices, but that the Town may want to

standardize how information is presented in EIRs. Vice Chair Aguirre said that the Town wants EIRs to focus on alternatives analysis that will come up with meaningful, appropriate alternatives.

Vice Chair Aguirre suggested checking with EIR consultants to see if other jurisdictions have better ways of dealing with these issues. He asked if there were a way we could come up with a better set of alternatives early in the review process.

Planning Manager Watrous suggested that the Town could do more to identify alternatives during the EIR scoping process, but added that the scoping session often occurs before useful feedback is provided on a project.

Community Development Director Anderson added that the Town consultants aim to achieve a low and high end in setting alternatives and that anything in between those alternatives is fair game. Vice Chair Aguirre noted that changes to require additional analysis can result in change orders and delays to the project.

Commissioner Collins suggested that burying the alternatives analysis in the rear of the EIR does a disservice to the EIR review process. Planning Manager Watrous replied that the alternative summary could be moved up front in the EIR with the mitigation measures discussion.

Vice Chair Aguirre asked if there was a way to become more aggressive with applicants at the beginning of the review process regarding likely project outcomes.

Community Development Director Anderson explained that the Town has the ability to recommend a project for immediate denial by the town Council without CEQA review. However, he noted that this is a risky action without an EIR or record for back-up.

Vice Chair Aguirre reiterated the importance of strongly relaying a message of the fate of egregiously outrageous applications. He went on to suggest pre-CEQA review hearings in order to examine both sides of a proposal and offer suggestions prior to EIR submission.

Community Development Director Anderson explained that the conceptual master plan process can help in this regard, but added that few applicants are willing to take this extra step. He conceded that when applicants follow advice of the Staff, the review process does move faster.

Chair Fraser expressed some frustration with the fundamental organization of information in EIRs. He said that a three-ring binder may help organize volumes of disjointed information.

Commissioner Collins suggested defining terms early on in the EIR. He said that duplication should be avoided, if possible, and that tabs, a table of contents, and an index would help organize the EIRs.

Commissioner Kunzweiler added that an executive summary in an EIR would be helpful.

Vice Chair Aguirre encouraged more structure in the body of the EIR, with data placed in appendices.

Commissioner Collins stated that the method of the EIR consultant's response to comments is often hard to follow and suggested that a standardized method or approach be used on future EIRs.

MINUTES

4. APPROVAL OF PLANNING COMMISSION MINUTES- JUNE 28, 2006

No changes were made.

M/S Kunzweiler/Collins (passed 5-0) to approve the minutes of the June 28, 2006 meeting as written.

ADJOURNMENT

The meeting was adjourned at 9:25 p.m.

JIM FRASER, CHAIRMAN

ATTEST:

DANIEL M. WATROUS, SECRETARY