



**TOWN OF TIBURON
PLANNING COMMISSION
1505 Tiburon Boulevard
Tiburon, CA 94920
Action and Approved Minutes
Regular Meeting
August 8, 2007 – 7:30 PM**

ACTION MINUTES

CALL TO ORDER AND ROLL CALL At 7:30 PM

Present: Chairman Fraser, Vice Chairman Aguirre, Commissioner Collins,
Commissioner Kunzweiler

Absent: Commissioner O'Donnell

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

ELECTION OF CHAIR AND VICE CHAIR

Commissioner Aguirre Elected Chairman 4-0

Commissioner O'Donnell Elected Vice Chairman 4-0

COMMISSION AND STAFF BRIEFING

Staff Update
Commission Information Items

PUBLIC HEARING

1. VICINITY OF 3825 PARADISE DRIVE: SCOPING SESSION FOR AN ENVIRONMENTAL IMPACT REPORT (EIR) TO BE PREPARED FOR THE PROPOSED ALTA ROBLES RESIDENTIAL PROJECT; Irving and Varda Rabin, Owners and Applicants; Assessor Parcel Numbers 039-021-13 and 039-301-01 **Comments Received**

2. 9 MIRAFLORES LANE: REQUEST TO AMEND THE MIRAFLORES PRECISE PLAN (PD #21) TO AMEND A BUILDING ENVELOPE; Seth and Meg Landefeld, Owners; Holscher Architects, Applicants; Assessor Parcel Number 039-271-16 **Approved 4-0**
3. 1501 TIBURON BOULEVARD: CONDITIONAL USE PERMIT TO INSTALL A TEMPORARY OFFICE TRAILER; Belvedere-Tiburon Library, Owners and Applicants; Assessor Parcel Numbers 058-171-93 and 058-171-94 **CONTINUED TO AUGUST 22, 2007**

MINUTES

4. PLANNING COMMISSION MINUTES – Regular Meeting of June 27, 2007 **Adopted 4-0**

ADJOURNMENT At 9:05 PM

**APPROVED MINUTES NO. 950
PLANNING COMMISSION
August 8, 2007
Regular Meeting
Town of Tiburon Council Chambers
1505 Tiburon Boulevard, Tiburon, California**

CALL TO ORDER AND ROLL CALL

Chairman Fraser called the meeting to order at 7:30 P.M.

Present: Chairman Fraser, Vice-Chairman Aguirre, Commissioners Collins and Kunzweiler

Absent: Commissioner O'Donnell

Staff Present: Director of Community Development Anderson, Planning Manager Watrous, Contract Planner Henderson, Environmental Consultant Schroeder and Minutes Clerk Harper

ORAL COMMUNICATIONS

None

ELECTION OF CHAIR AND VICE-CHAIR

Chairman Fraser called for nominations for Chairman and Vice-Chairman.

ACTION: M/S (Kunzweiler/Collins) to nominate and elect Commissioner Aguirre as Chairman. There were no other nominations. Vote: 4-0.

ACTION: M/S (Collins/Kunzweiler) to nominate and elect Commissioner O'Donnell as Vice Chairman. There were no other nominations. Vote: 4-0.
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Chairman Aguirre thanked Commissioner Fraser for his service as Chairman for the past year. The Commission was re-seated and the meeting was led by Chairman Aguirre.

COMMISSION AND STAFF BRIEFING

None

PUBLIC HEARINGS

1. VICINITY OF 3825 PARADISE DRIVE: SCOPING SESSION FOR AN ENVIRONMENTAL IMPACT REPORT (EIR) TO BE PREPARED FOR THE PROPOSED ALTA ROBLES RESIDENTIAL PROJECT; Irving and Varda Rabin, Owners and Applicants; Assessor Parcel Numbers 039-021-13 and 039-301-01

Director of Community Development Anderson introduced Diane Henderson, the Town's Contract Planner on the project and Brent Schroeder, EIR Consultant with Nichols Berman. He said the purpose of the meeting was to hear from the audience and Commission about issues and alternatives they would like to see addressed in the EIR and the project.

Planner Henderson said the purpose for the meeting was to scope the Environmental Impact Report for the Alta Robles Project. She briefly described the project as two parcels; the SODA Parcel as undeveloped 20.95 acres outside the corporate limits, and the 31.25 acre Rabin parcel with one single family residence and some accessory buildings. She said the applicants hope to construct 13 single family dwellings on 52 acres, with applications for annexation, pre-zoning, and a precise development plan. She said that the precise development plan would establish development standards and parameters for the project.

Ms. Henderson stated that staff had made the determination that an EIR would be necessary and a full EIR will be done. She stated that EIR will focus on aesthetics, traffic, biological resources, geology, hydrology and land use issues. She said the EIR would also look at cumulative impacts of the proposed project and any projects in the vicinity which have been recently approved, are under construction or foreseeable in the future. She said that the EIR will also look at project alternatives, but some of these would be developed later in the EIR process. She stated that the purpose of this meeting is to receive input on areas that the public and Planning Commission would like to see explored in the EIR, but is not to discuss the merits of the project at this time.

Scott Hochstrasser, planning consultant representing the property owners, said they are excited about doing an EIR which they believe will be the test to show that they have done an amazing job of green planning, smart growth and complying with all general plan policies and the zoning ordinance. He said the plan preserves and protects over 70% of the land area as open space and its density would be 6 units below the general plan limit for the site. He said that the focus in the EIR would be upon peer reviews of studies they have already done, with new studies only on traffic and visual impacts. He described work on modeling the architecture and project siting with many green features, such as green rooftops, defensible space for fire protection, water preservation, water conservation and native plant landscaping and preservation.

Commissioner Kunzweiler questioned to what extent was the applicant willing to mandate the green designs in the conceptual plans. He asked if applicant intended to build these houses and to what extent

would the applicants be willing to enforce the designs. Mr. Hochstrasser stated that the applicant is prepared to “lock in” the house designs through CC&R’s or other means. He said that they were uncertain whether they would develop the site.

Commissioner Kunzweiler stated that CC&R’s are often fluid and changeable and asked if the developer of the project would be willing to mandate these designs and requirements into the project, if approved. Mr. Hochstrasser replied that they would be willing to live with conditions that carve specific development standards into the project approvals

The Chairman opened the scoping session and asked for public comment.

Public Comments:

Victoria Wayne stated that Hacienda Drive is private property and she hoped that before any plan assumed to include access from Hacienda Drive, its owners would be brought into that discussion. She said that she had not yet been notified about the project and wanted to see the plans and where the houses would be situated.

Community Development Director Anderson stated that he spoke with the Fire District, who would like to see fire access from the Town’s open space that is actually beyond the Wayne’s property. He said that the intent is to provide emergency access from Gilmartin Drive across the existing fire road and onto the Rabin property prior to ever reaching the Waynes’ property.

Kevin Mostyn asked what types of emergency traffic would be allowed to use the secondary access from Hacienda Drive. Community Development Director Anderson said that this would be the route to use if emergency personnel needed to reach the site, but the residents of the homes on the site would not be allowed to use the fire road for access. Planning Manager Watrous added that the emergency access would be through a fire gate and individual homeowners would not have access through the gate.

Joanna Kemper, representing the Last Chance Committee for Open Space, said the general plan has a framework for preserving open space. She said that beyond just saving 70% of the site, the general plan encourages saving prime open space. She said that the EIR should evaluate the prime open space characteristics of the site. She quoted from the general plan; “Often when designing a subdivision, a developer’s last consideration is what should be preserved as open space. This approach can result in land that has little value to the community being proposed as open space.” She said that the Town should try to preserve the areas that are most worth preserving.

Sandra Swanson, Seafirth Estates Company, asked that the Alta Robles EIR analyze the cumulative effects of the project on Paradise Drive, particularly the continuing destruction of the already constrained roadway, traffic and safety issues during and after construction and the cumulative effects of traffic from all potential development. She felt it was critical to conduct a current traffic impact analysis which would begin at least at Tiburon Boulevard and would include counts of vehicles, bicycles and pedestrians who must equally share Paradise Drive. She said that the EIR must include realistic mitigations measures, as in-lieu fees would not keep open and viable this critical roadway that currently serves so many homes. She recommended the Town review the previous approvals for the Rabin property, and believed that the owner was told he took the prime location for the single house on the site.

Roger Roberts, Marin Conservation League, stated that the property contains natural values of county-wide significance and they plan to follow the planning and environmental process closely. He said that a

considerable amount of development along Acacia Court and Hacienda Drive has already intruded into the open space of this portion of the peninsula. He felt additional homes would be visible from nearby streets, as well as from the Town-owned open space along the middle ridge portion of the Tiburon Ridge. He stated that the EIR must analyze with visual simulations all likely aesthetic impacts of proposed infrastructure and housing. He said the EIR should analyze effective and enforceable specifications that would cluster homes and consider alternative siting that would preserve open space.

Regarding biological issues, Mr. Roberts said that the site contains unusual and diverse plant and habitat communities, including serpentine soils and seeps. He said that it is important that the EIR precisely locate and map the populations of all sensitive plant species and allow for adequate buffers to protect the integrity of those plant communities. He said that water from the seeps and springs were important sources of water for these habitats, that the water flow must not be impeded or redirected. She said that native grassland must be preserved and buffered to minimize invasion by annual grasses and shrub species associated with future landscaping. He felt it was important to document all trees proposed to be removed and propose realistic mitigation programs to replace significant tree loss and lost woodland habitat. He stated that the geology of the site will require extensive earthwork and other efforts to stabilize the landslides, and the extent of this work needs to be understood. He said that the integrity of the watersheds must be observed, and therefore the EIR must map in detail the existing and proposed drainage areas showing ephemeral streams and seeps and their relationships to plant life and new project development. He said that open space planning is important, as three sides of the property were already developed and open space on Tiburon Ridge is becoming fragmented. He said that the project should maximize both continuity of open space on the site and its connectivity to other existing open space areas. He stated that the EIR should map the prime open space characteristics and their relationship to other open space areas, with mitigation measures intended to achieve the Town's own policy to preserve open space of high value. He agreed with the necessity of addressing cumulative impacts and the history of development on the peninsula. He said that a mitigated alternative should be analyzed that includes clustered housing that maximizes open space values, avoids sensitive habitats, maintains natural drainage patterns, and minimizes grading and retaining walls.

Randy Greenberg stated that the intent of the residential use areas must be clarified and there needs to be a list showing the sizes and permitted uses of those areas for each lot. She said that it was unclear if the residential use areas were building envelopes or not. She asked that the EIR discuss impacts of potential build-out, including the necessity for slide repairs, retaining walls and other infrastructure. She said that many of the houses appear to be within the ridgeline setbacks, and that the project has made ridgelines priority building sites. She said that roads on the ridgelines would violate general plan policy C-4, which states that "the Town shall ensure that no new street, driveways or utilities are installed along or over the Tiburon Ridge of significant ridgelines except for the use of emergency services or where no other access is viable." She felt a project map was needed which clearly shows the relationship of roads, building areas to the ridgeline and setbacks. She said that there should be an alternative that meaningfully reduces the impacts of the project on the ridgelines. She said that more information is needed about retaining walls, including a table showing retaining wall heights and lengths by numbered segments for the whole project, including roads, driveways, slide repair, and house construction. She said that the project description states that retaining wall heights would not exceed 10 feet, but the geotechnical study says the highest wall could be 25 feet high. She said that the amount of grading described needs to take into account house construction, stating that it was fiction to talk about a project without houses. She requested a lot-by-lot analysis of slide repair and grading associated with house and driveway construction. She said that tree loss numbers also need to include those lost due to house construction, as there were a couple of lots that looked to be in the middle of dense tree growth. She agreed that the

design features of the houses have been a big selling point but believed that the designs are for 9,000 to 10,000 square foot houses.

Robert Swanson said he was concerned with water usage for the project, noting that Paradise Drive currently has inadequate water pressure, which impacts fire safety and day-to-day home water usage. He said that the EIR needs to include a clear assessment of water usage, including cumulative impacts. He said that he supports green projects, but hoped that the EIR would be blind to this issue.

Jerry Riessen said it was difficult to get a visual sense of the project and even see the site without trespassing, and felt it would be valuable to hold a public viewing of the site. He stated that the project is adjacent to valuable open space and represents a golden opportunity to extend the Tiburon Ridge open space. He felt that the proposed homes were not properly clustered to preserve the more valuable open space. He said that the project ignores the required setbacks from the Tiburon Ridge, which he thought was among the most sacred features in Tiburon.

Commissioner Collins stated that the EIR needs to be formatted to make it more readable and understandable. Specifically, he requested that the EIR use a 3-ring binder; include a table of contents with subsections; use marked dividers for sections; include a glossary of defined terms; include an index; and utilize page and title references throughout the document to link to other referred to sections or statements in the document. He asked that the Planning Commission be presented with a mockup of the EIR for evaluating the document format ahead of receiving the completed EIR, and all the other Commissioners agreed that this would be useful.

Commissioner Collins stated that this is a wonderful piece of property, and he thought the idea of a public viewing would be very helpful. He recommended preparation of an overlay showing ridgelines, setbacks and house locations. He said that it was difficult to understand the building envelopes versus the residential use areas and how a house location might move within the envelopes or areas. He appreciated the applicant's willingness to tie down the development standards. He felt that all the issues identified by the speakers were very important, and suggested consideration be given to a stacking area for vehicles making turns at the intersection with Paradise Drive. He agreed that a traffic study was needed and supported the green building concept.

Commissioner Kunzweiler stated that EIRs have a tendency to grow over time and that it was important to come up with a usable document. He felt the cumulative impact of increased traffic on Paradise Drive was a significant issue and there is some question about the rigor of the traffic studies conducted in the past, particularly pertaining to bicycle and pedestrian traffic. He questioned the expectation of calculating 2.5 residents per home for the traffic impacts, noting that the homes would be very large and the number of residents would drive the traffic count. He requested the EIR address the cumulative impacts of construction traffic, given the current poor condition of the roadway on Paradise Drive. He recommended fair and realistic project alternatives because at some point in time, he felt that traffic on Paradise Drive will reach a breaking point. He noted that the fire road is now proposed to be the main road for the project and runs along a ridgeline, which is contrary to the general plan. He said that the impacts of locating the access road on the ridge should be balanced with the impacts of excavation, retaining walls, and other impacts if the road should be relocated. He requested that the EIR focus on the current entrance of the fire road, as there are no shoulders on the roadway of Paradise Drive at the intersection. He questioned the ability of heavy construction traffic to safely make turns at that intersection. He said that the number of driveways along Paradise Drive is encouraged to be minimized, and it was unclear why the existing driveway to the Rabin house would remain.

Commissioner Kunzweiler stated that view impacts are a big issue and the EIR should come up with good computer imaging from several different angles and viewpoints. He said that the issue of roadway lighting needs to be addressed. He asked whether the on-site spring would be a shared or exclusive water resource for the subject property. He said that the significant amount of hardscape raises concerns about hydrology issues, noting that water going down to Paradise Drive already causes water to seep up through cracks in the roadway in the winter. He stated that the EIR needs to address the compatibility of the project with the Paradise Drive Visioning Plan. He was concerned about large homes built in the hillside, noting that woodland areas are under attack by Sudden Oak Death and what is hidden by trees now may not be hidden in the future. He said that the size of the proposed homes is a concern for maintaining neighborhood character, because while there are some large County-approved homes, the immediate area also has many smaller homes.

Commissioner Kunzweiler said that the 10 acre area around the existing Rabin house designated as “private space” needed to be better defined, particularly in the overall spirit of open space. He requested a very specific outline of water and sewer needs, availability, and deficiencies, along with information on who would pay for these improvements. He stated that he was disappointed to see so much of the property potentially in violation of the ridgeline policy. He said that he had noticed a lot of invasive species in the last couple of years, and he asked the EIR to address how to deal with the invasive species in open space areas. He asked for specific excavation numbers, wall heights, and clear maps from understandable angles to identify impacts.

Commissioner Kunzweiler said that Mr. Hochstrasser had commented that a lot of the environmental analysis work had been done and that the EIR would be a peer review of what has been done. Commissioner Kunzweiler said that he was troubled by the concept of peer review, as this gives the sense that the project would have a less than rigorous evaluation. He noted there is an independent, professional EIR consultant who will go through the environmental issues and he felt the review process should not be characterized as a peer review but rather a full blown EIR.

Commissioner Fraser complimented the applicant on the detailed analysis, which he characterized as a good start. He felt the specificity of the public comments was very valuable. He stated that defining the prime open space areas was important and suggested that an overlay be done that would outline ridges, site constraints, prime open space and housing sites. He felt that the traffic issue is significant and he encouraged the Town to get an understanding from the County of their approach to looking after Paradise Drive. He said that Paradise Drive is becoming more of a multi-use path, with conflicts between vehicles, bicyclists and pedestrians. He felt this was a good opportunity to prevent further conflict as well as providing turn-out lanes, acceleration lanes, or improvements near the site access. He asked that the EIR be specific about geologic and landslide mitigation measures. He noted that the Commission had been frustrated by some previous EIR processes, which had described potential impacts in terms less clear than he would like. He wanted more specificity and clarity in terms of the consultant’s determination of the level of significance for potential project impacts.

Chairman Aguirre supported the concept of a public viewing, encouraged everyone to visit the website at Google Earth for a different aerial view of the property. He felt that the traffic issue was very important. He said that he would rather see real data from the surrounding area to determine how many residents would be in each household. He supported a visual study to determine how the homes are designed and located. He questioned the construction impacts and requested information on how many years the total project buildout would take, given the prior history of similar developments and the disruptive effect of construction on the neighborhood. He emphasized the value of open space and the importance of clustering homes on the site.

Community Development Director Anderson stated that staff would discuss the results of the scoping session with the EIR consultant and contract planner and said written comments would be accepted until the close of business on August 23, 2007.

2. 9 MIRAFLORES LANE: REQUEST TO AMEND THE MIRAFLORES PRECISE PLAN (PD #21) TO AMEND A BUILDING ENVELOPE; Seth and Meg Landefeld, Owners; Holscher Architects, Applicants; Assessor Parcel Number 039-271-16

Planning Manager Watrous presented the staff report, stating that the request is amendment of the building envelope of the property to reflect as-built conditions. He stated that during construction of the house many years ago, the dwelling was constructed outside the building envelope. He stated that the current property owner had requested to construct a small deck and stairway, but once staff realized the house was outside the building envelope, the homeowner was encouraged to submit an application to amend the building envelope to reflect the house location. He said the property is adjacent to an open space area, and although the building envelope would now come closer to the property line and the open space, the envelope would not come closer to open space than the existing house has been for 27 years.

Chairman Aguirre asked how the construction outside the building envelope came about. Planning Manager Watrous said he could not speculate on the responsibility or motivation for this mistake.

Commissioner Fraser suggested the resolution reflect the application was the result of an error made by someone some time ago.

The public hearing was opened.

David Holscher, Holscher Architects, said the process began in order to convert a second unit for the owner's elderly parents. He said the owners were as shocked as he was to discover that the house was outside the building envelope, and said that it was not a pleasant due diligence process. He noted that the building envelope would be moved 22 feet 8 inches to the south and that the applicant simply wanted to construct a small deck.

Commissioner Collins referred to a 24 inch tall retaining wall which intruded slightly beyond the building envelope. Planning Manager Watrous said such small structures were permitted outside of the envelope.

The Chairman closed the public hearing.

Commissioner Collins said he was in favor of the request, noting that the house had been in this location since the 1980's. He stated that the resolution should incorporate wording that the request is being granted because of an as-built condition since 1980.

<p>ACTION: M/S (Kunzweiler/Fraser) to approve the draft resolution, as amended to indicate in Section D that the amendment is the result of an as-built condition existing since 1980. Vote: 4-0</p>
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3. 1501 TIBURON BOULEVARD: CONDITIONAL USE PERMIT TO INSTALL A TEMPORARY OFFICE TRAILER; Belvedere-Tiburon Library, Owners and Applicants; Assessor Parcel Numbers 058-171-93 and 058-171-94 (CONTINUED TO AUGUST 22, 2007)

Planning Manager Watrous reported that staff has held discussions with Library officials who were unsure whether or not they would proceed with this application until options were further evaluated.

MINUTES

4. PLANNING COMMISSION MINUTES – Regular Meeting of June 27, 2007

Commissioner Collins had the following amendments to the minutes of June 27th:

- Page 5, 4th line, requested the word “below” be added after the word “street”.
- Page 5, 5th line, “He felt the application was consistent with the Town’s Zoning Ordinance”.
- Page 5, next sentence should read, “...but he felt those issues should be taken up during the design review process...”
- Page 5, next sentence; “He said that he did not believe that the Planning Commission had any discretion to deny the application.”
- The last sentence should read, “He said he did not have enough information to support considering the placing of a limit on a future home’s floor area.”

ACTION: M/S (Kunzweiler/Fraser) to approve the Planning Commission Minutes of June 13, 2007, as amended. Vote: 4-0

Commissioner Collins thanked former Chairman Fraser for his good service over the last year.

Commissioner Kunzweiler said former Chairman Fraser was not only efficient but he brought a unique level of compassion, was very gracious, and was mindful of people working together in the community.

Chairman Aguirre agreed and also thanked former Chairman Fraser.

ADJOURNMENT

The meeting was adjourned at 9:05 P.M.

AL AGUIRRE, CHAIRMAN

ATTEST:

DANIEL WATROUS, SECRETARY