



**TOWN OF TIBURON
PLANNING COMMISSION
1505 Tiburon Boulevard
Tiburon, CA 94920
Action and Approved Minutes
Regular Meeting
September 12, 2007 – 7:30 PM**

ACTION MINUTES

CALL TO ORDER AND ROLL CALL *At 7:30 PM*

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

ORAL COMMUNICATIONS *There Were None*

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

PUBLIC HEARING

1. 1501 TIBURON BOULEVARD: RECOMMENDATION TO TOWN COUNCIL ON A ZONING ORDINANCE AMENDMENT IN THE FORM OF ADOPTION OF AN ORDINANCE ESTABLISHING A STREAMLINED DEVELOPMENT REVIEW PROCEDURE FOR THE BELVEDERE-TIBURON LIBRARY EXPANSION PROJECT; Belvedere-Tiburon Library Agency and Town of Tiburon, Owners and Applicants; Assessor's Parcel Nos. 058-171-62 (portion), and 058-171-93 and 058-171-94 ***Recommended***
Adoption to Town Council 5-0

MINUTES

2. PLANNING COMMISSION MINUTES – Regular Meeting of August 22, 2007 ***Approved***
as Corrected 5-0

ADJOURNMENT *At 7:50 PM*

**APPROVED MINUTES NO. 952
PLANNING COMMISSION
September 12, 2007
Regular Meeting
Town of Tiburon Council Chambers
1505 Tiburon Boulevard, Tiburon, California**

CALL TO ORDER AND ROLL CALL

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

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

Absent: None

Staff Present: Community Development Director Anderson

ORAL COMMUNICATIONS

None

COMMISSION AND STAFF BRIEFING

Staff Update – Community Development Director Anderson gave the following report:

- The Ling project has been re-submitted and the addendum to the EIR has been sent out to the EIR consultant and they are underway on it;
- The Parente project has returned with a scaled back design, and this project is also out with the consultant for an EIR addendum;
- The Alta Robles project, for which a scoping meeting was held in August, will have story poles up in early October as well as the staking of the roadway. Staff is anticipating the scheduling of a field trip for sometime in mid-October. Staff will also receive a mock-up of the EIR format for the project which will be made available to Planning Commissioners to review;
- The public pathway improvement plans for the Ho lot split project, located between Mar West Street and Esperanza Street, have been received. A condition of approval required the applicant to return with details of the path improvements, which will be coming before the Commission on September 26 or October 10, 2007, prior to the parcel map proceeding onto the Town Council;
- Staff has received the Design Review application, which is still incomplete, for the Kol Shofar synagogue expansion project. That application will most likely will be heard by the Board sometime in late October or early November.

Commission Information Items – None

PUBLIC HEARING

1. 1501 TIBURON BOULEVARD: RECOMMENDATION TO TOWN COUNCIL ON A ZONING ORDINANCE AMENDMENT IN THE FORM OF ADOPTION OF AN ORDINANCE ESTABLISHING A STREAMLINED DEVELOPMENT REVIEW PROCEDURE FOR THE BELVEDERE-TIBURON LIBRARY EXPANSION PROJECT;

Belvedere-Tiburon Library Agency and Town of Tiburon, Owners and Applicants; Assessor's
Parcel Nos. 058-171-62 (portion), and 058-171-93 and 058-171-94

Community Development Director Anderson said it has been the Town's practice to adopt streamlined processing procedures for major public projects, based on the fact that time and scarce public resources will be saved by having such streamlined procedures. Similar procedures were adopted for the Town Hall project, the Police Station and for the original Belvedere-Tiburon Library construction. The streamlined process for the library expansion was placed into the General Plan when it was adopted in 2005, and the program and policy that discuss the streamlining process are included in the written staff report.

Director Anderson said under current regulations, the library addition would be required to go through a conditional use permit process by the Planning Commission, and a site plan architectural review process by the Design Review Board before proceeding to building permits. Under the proposed streamlining ordinance, all of those powers and authority for review of the project would be vested with the Town Council, which would be required to hold at least one public meeting and review plans for the project. The Council has the ability to refer the project to any of its commissions or boards for comment. Anderson emphasized that in conducting its review and evaluation of the project, the Council shall utilize the standards and criteria that the Planning Commission and Design Review Board would have normally applied absent the adoption of the streamlined procedures.

Staff has prepared a resolution and a draft ordinance attachment, which is the proposed streamlining ordinance. The Town Council is scheduled to consider the matter next week at its meeting on September 19, 2007. Staff's recommendation is that the Commission hold the public hearing, take public comments, and then move to adopt the resolution recommending approval of the streamlining ordinance to the Council.

Director Anderson noted the receipt of a late correspondence from Stephan Volker opposing the adoption of the ordinance. He said the letter raises legal issues that will be considered by the Town's legal counsel and by the Town Council at its hearing.

Public Comments:

Mary Falk, Chair of the Library Agency Board, thanked the Commission for considering the request for the streamlining permit process for the expansion project. They are grateful to the Town staff and officials for everything they have done in its quest to provide the best possible services for its residents.

Alan Fenster expressed opposition to the streamlining ordinance and asked that the letter from his attorney, Mr. Volker, be made part of the record.

Vice-Chairman O'Donnell asked Mr. Fenster if he was a party to the earlier lawsuit against the library. Mr. Fenster confirmed that he was a litigant in that case.

Commissioner Collins referred to the letter of opposition dated July 25, 2007, noted it had been made part of the record, said he had not reviewed it and felt the Town's legal counsel would review it prior to the Council meeting. Regarding staff's recommendation, he felt it conformed to the general plan and he supported its approval.

Commissioner Kunzweiler echoed Commissioner Collins comments, said he was in favor of the streamlining process, noted some of the Planning Commissioners were the author of the general plan,

agrees the library is an essential project and the process should be done as fiscally soundly as possible. He said this does not mean steps will be ignored. He expressed confidence in the ability of the Town Council to review this project and noted that most if not all of the Councilmembers had served on Planning Commission and/or Design Review Board at one time. He voiced his support for adoption of the resolution.

Commissioner Fraser said he had also not reviewed the letter of opposition and echoed fellow Commissioners' comments in support of approval of the resolution. He said the Library expansion project was previously heard and there was overwhelming community support as well as Planning Commission support for it. He noted that the general plan incorporated the streamlining process for the library expansion and he supported it.

Vice Chairman O'Donnell said it was hard for him to justify the letter going into the record when it was received at 4:57 p.m. today. He agreed the library was an overwhelmingly valuable asset and its expansion is important. He said the groundwork for development of this ordinance is well-documented and he supported the streamlining process.

Chairman Aguirre said he was also supportive of recommending that the Council adopt the ordinance. He would suggest that anyone in opposition would be involved in the Council's hearings on the project. He reiterated that the project would be reviewed using the standards of the Design Review Board and Planning Commission. He echoed Commissioner Kunzweiler's point that the Councilmembers are highly qualified to perform the review and he supported the staff recommendation.

Commissioners agreed the letter was received too late to be considered by the Planning Commission, confirmed with Director Anderson that it would be made part of the record and would be reviewed and considered by the Town Council prior to its decision.

ACTION: It was M/S (Kunzweiler/O'Donnell) to adopt the resolution as submitted, recommending approval of the streamlining ordinance to the Town Council. Vote: 5-0.
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MINUTES

2. PLANNING COMMISSION MINUTES – Regular Meeting of August 22, 2007

Commissioner Kunzweiler referred to minor changes in the minutes as follows:

Change two references on Page 2, "...business, Fitness in Tiburon..."

Commissioner Collins requested adding to the minutes:

Change Page 2, 2nd paragraph to, "Commissioner Collins inquired as to what percentage of the applicant's clients were local residents and she responded there were approximately 90% residents, that the source of the business was limited to therapeutic massage through her licensing, the business was presently referral-based, and there will typically be two therapists at any one time."

ACTION: It was M/S (Collins/O'Donnell) to approve the Planning Commission Minutes of August 22, 2007, as amended. Vote: 5-0.

ADJOURNMENT

The Planning Commission voted unanimously to cancel its next regular meeting of September 26, 2007. The meeting was adjourned at 7:50 PM.

AL AGUIRRE, CHAIRMAN

ATTEST:

SCOTT ANDERSON, SECRETARY (ACTING)