



TOWN OF TIBURON
Tiburon Town Hall
1505 Tiburon Boulevard
Tiburon, CA 94920

Action Minutes and Approved Minutes
Regular Meeting Tiburon Planning Commission
August 27, 2008 – 7:30 PM

ACTION MINUTES

TIBURON PLANNING COMMISSION

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

Chairman O'Donnell, Vice Chairman Kunzweiler, Commissioner Corcoran, Commissioner Fraser, Commissioner Frymier **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. Testimony regarding matters not on the agenda will not be considered part of the administrative record. **There Were None**

COMMISSION AND STAFF BRIEFING

Commission and Committee Reports
Director's Report

PUBLIC HEARING

1. 215 BLACKFIELD DRIVE: ANNUAL REVIEW OF CONDITIONAL USE PERMIT FOR KOL SHOFAR SYNAGOGUE AND APPURTENANT DAY SCHOOL; FILE #484040(C); Congregation Kol Shofar, Owner; Assessor's Parcel No. 034-291-31 [DW] **Use Found in Substantial Compliance with Conditional Use Permit**

MINUTES

2. PLANNING COMMISSION MINUTES – Regular Meeting of August 13, 2008
Approved as Amended (5-0)

ADJOURNMENT **7:50 PM**

**PLANNING COMMISSION
APPROVED MINUTES NO. 970
August 27, 2008
Regular Meeting
Town of Tiburon Council Chambers
1505 Tiburon Boulevard, Tiburon, California**

CALL TO ORDER AND ROLL CALL:

Chair O'Donnell called the meeting to order at 7:30 p.m.

Present: Chair O'Donnell, Vice-Chair Kunzweiler, Commissioners Corcoran, Fraser and Frymier

Staff Present: Community Development Director Anderson, Planning Manager Watrous and Minutes Clerk Levison

ORAL COMMUNICATIONS: None

COMMISSION AND STAFF BRIEFING:

Community Development Director Anderson noted that the newly created Parks, Open Space and Trails Commission held its inaugural meeting on August 26, 2008, which included the selection of officers and several items of business.

PUBLIC HEARING:

- 1. 215 BLACKFIELD DRIVE: ANNUAL REVIEW OF CONDITIONAL USE PERMIT FOR KOL SHOFAR SYNAGOGUE AND APPURTENANT DAY SCHOOL; FILE #48404(C); Congregation Kol Shofar, Owner; Assessor's Parcel No. 034-291-31**

Planning Manager Watrous presented the staff report, stating that in 1985, the Town of Tiburon approved a conditional use permit authorizing synagogue and day school uses on property located at 215 Blackfield Drive. He stated that an annual review of the use permit is required and that the most recent Planning Commission review of this use permit was conducted in 2004. He reviewed the status of the pertinent use permit conditions of approval, and corrected Item 10 in the staff report, noting that staff has received two letters of complaint since 2005 from a neighbor regarding the timing of the parking lot lights. He stated that the synagogue and day school uses are currently operating in overall substantial compliance with the conditions and parameters of the conditional use permit, as currently constituted.

Scott Hochstrasser, planning consultant to the applicant, gave staff and the Commission updates on the points of compliance that staff noted need to be monitored. He pointed out that the synagogue uses and pays for the Tiburon Police traffic control to manage traffic during the High Holy Days. He said that Kol Shofar has conducted a drainage test on the driveway leading to Reedland Woods Way and although the cause of the drainage issue is unknown at this time, they plan to conduct another test and resolve any problems either now or as part of the new construction. He agreed with the staff recommendations that the property continues to comply with all conditions of approval and asked that the Commission find there is no need for any additional conditions.

Commissioner Corcoran asked if the sinkhole has had any effect on parking or site circulation. Mr. Hochstrasser explained that the sinkhole is situated just behind the curb at the beginning of their driveway and that the pavement is showing slight signs of deterioration.

Vice-Chair Kunzweiler asked if the drainage and pavement improvements are contingent upon the remodel work planned or if Kol Shofar would be willing to repair the damage prior to construction. Mr. Hochstrasser explained that they are currently investigating the site for groundwater as that would have a significant impact on construction.

Chair O'Donnell opened the public hearing.

Samantha Winter said she has called the police once or twice in the past few years to complain about squealing tires or late activity in the synagogue's parking lot and that these complaints were not noted by staff. She asked if and how this information filters down to staff and if she should follow-up with them following a complaint to the police.

Planning Manager Watrous explained that if police respond and find nothing, there is often no report to forward to staff. He asked Ms. Winter to notify him via email following a complaint, especially any that pertain to a use permit.

Chair O'Donnell closed the public hearing.

Commissioner Fraser said he visited Kol Shofar, is satisfied with the staff report, and supported continuing with another review period as scheduled.

Commissioner Corcoran said that he visited Kol Shofar and found their operations to be in line with the conditional use permit. He expressed his desire to address the issue of parking lot noise should it become an ongoing concern. Planning Manager Watrous noted that requirements were implemented during the design review process to address the issue.

Commissioner Frymier concurred with Commissioners Fraser and Corcoran. She stated that she spoke in detail with Kol Shofar representatives regarding their plans to mitigate the drainage issues, even temporarily, and found everyone to be very cognizant of the problem and willing to address it.

Vice-Chair Kunzweiler stated that he agreed with the staff report's recommendations and felt that the conditional use permit should continue as it is.

Chair O'Donnell concurred with the other Commissioners.

ACTION: It was M/S (Fraser/Corcoran) to determine that Kol Shofar remains in substantial compliance with the applicable terms and conditions of the conditional use permit. Vote: 5-0.

MINUTES:

4. PLANNING COMMISSION MINUTES – Regular Meeting of August 13, 2008

Commissioners requested the following amendments to the Minutes:

- Page 3, 6th paragraph, amend the 2nd sentence to read “He spoke of the concerns...”
- Page 4, 4th paragraph, amend the 1st sentence to read; “Vice-Chair Kunzweiler stated that the sense of the subcommittee was that...”
- Page 7, 3rd paragraph, delete “on” and retain “upon” in the first sentence.
- Page 8, 4th paragraph, delete “one” following “100” in the last sentence.
- Page 10, 6th paragraph, delete “articulated” in the first sentence.
- Page 10, 6th paragraph, amend the 3rd sentence to read “...felt that the Planning Commission should request sound mitigation measures from the applicant...”
- Page 10, 6th paragraph, amend the 4th sentence to read “He said that he was sensitive to the Grace’s concerns over emissions on Shepherd Way but felt that is was up to the applicant to come up with any possible mitigation measures.”
- Page 11, 1st paragraph, amend the 2nd full sentence to read “He noted that is was not reasonable...”
- Page 13, 9th paragraph, change “would” to “could” in the last sentence.

MOTION: It was M/S (Corcoran/Kunzweiler) to approve the minutes of August 13, 2008, as amended. Vote: 5-0.

ADJOURNMENT:

The meeting was adjourned at 7:50 p.m.

EMMETT O’DONNELL, CHAIRMAN

ATTEST:

DANIEL M. WATROUS, SECRETARY