



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

Action Minutes - Regular Meeting
Tiburon Planning Commission
May 13, 2009 – 7:30 PM

ACTION MINUTES

TIBURON PLANNING COMMISSION

CALL TO ORDER AND ROLL CALL **At 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.

COMMISSION AND STAFF BRIEFING **There Were None**

Commission and Committee Reports
Director's Report

PUBLIC HEARING

1. 1501 and 1505 TIBURON BOULEVARD: SCOPING SESSION FOR AN ENVIRONMENTAL IMPACT REPORT (EIR) TO BE PREPARED FOR THE BELVEDERE-TIBURON PUBLIC LIBRARY EXPANSION PROJECT; FILES # GPA 2008-02, MCA 2008-14, 30804 AND 40801; Belvedere-Tiburon Library Agency, Owner and Applicant; Assessor Parcel Numbers 058-171-62, 75, 92, 93 and 94 [SA] **Scoping Session Held**
2. 145 ROCK HILL ROAD: AMENDMENT TO A CONDITIONAL USE PERMIT TO EXPAND THE MAXIMUM ENROLLMENT AND OPERATING HOURS AT A NURSERY SCHOOL; FILE #10811; Community Congregational Church, Owner; Hawthorne Nursery School, Applicant; Assessor Parcel No. 039-111-21 [DW] **Approved (4-0)**

DISCUSSION ITEM

3. REVIEW OF CAPITAL IMPROVEMENT PLAN BUDGET FOR CONSISTENCY WITH THE TIBURON GENERAL PLAN [SA] **Review Conducted**

MINUTES

4. PLANNING COMMISSION MINUTES – Regular Meeting of April 22, 2009 **Approved as Amended (5-0)**

ADJOURNMENT **At 9:05 PM**

PLANNING COMMISSION
APPROVED MINUTES NO. 980
May 13, 2009
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, Commissioners Corcoran, Fraser, Frymier, and Kunzweiler

Absent: None

Staff Present: Director of Community Development Anderson, Planning Manager Watrous,
Environmental Consultant Hardt-Holoch and Minutes Clerk Levison

ORAL COMMUNICATIONS: None

COMMISSION AND STAFF BRIEFING:

Planning Manager Watrous provided the following preview of upcoming agenda items:

- Paradise Drive Pre-zoning and General Plan Amendments – May 27, 2009
- Zoning Ordinance Update – June 10, 2009
- Parente Vista Precise Development Plan – June 10, 2009
- Tiburon Peninsula Club Annual CUP Review – June 10, 2009

Chair O'Donnell noted that the Town Council/Planning Commission Workshop is scheduled for May 26, 2009 at 6:30 p.m.

SCOPING SESSION:

1. 1501 and 1505 TIBURON BOULEVARD: SCOPING SESSION FOR AN ENVIRONMENTAL IMPACT REPORT (EIR) TO BE PREPARED FOR THE BELVEDERE-TIBURON PUBLIC LIBRARY EXPANSION PROJECT; FILES # GPA 2008-02, MCA 2008-14, 30804 and 40801; Belvedere-Tiburon Library Agency and Town of Tiburon, Owner and Applicant; Assessor Parcel Numbers 058-171-62, 75, 92, 93 and 94

Community Development Director Anderson provided the staff report. The Town of Tiburon is processing applications for a general plan amendment, rezoning, master plan amendment and precise plan amendment for an approximately 18,000 square foot addition to the Belvedere-Tiburon Public Library. The Town has determined that an Environmental Impact Report (EIR) must be prepared for this project and has retained the consulting firm of Christopher A. Joseph & Associates.

Mr. Anderson explained that the scoping session is a part of the EIR process and helps to identify the reasonable range of actions, project alternatives, mitigation measures, and potentially significant effects to be analyzed in depth by the EIR. While all topical areas of potential impact must be addressed in the EIR, Town Staff anticipates that the most in-depth analysis in the EIR will be related to aesthetics, air quality, biology, hydrology, land use and planning, noise, transportation and traffic, and cumulative impacts.

Mr. Anderson provided an overview of the proposed project, stating that it calls for expansion of the existing library building with an 18,000 square foot, two-story addition. As currently presented, the expansion would be constructed in the parking area adjacent to the current library. All existing on-site parking, including parking located behind Tiburon Town Hall, would be eliminated and replaced by additional street parking with access from Mar West Street.

Vice-Chair Kunzweiler recused himself on advice from the Town Attorney but remained in the room to observe the hearing.

Chair O'Donnell stated that there had been considerable discussion on three possible designs for the expansion and asked for the current positions of staff, the Town Council, and the Library Board with respect to the proposed location. Community Development Director Anderson declined to speak for others but explained that the Town Council was presented with two conceptual design options some time ago and a majority appeared to prefer the current proposal, known as the "civic connection" scheme, in concept.

Commissioner Frymier asked what projects were considered in the discussions of cumulative impacts of this project. Mr. Anderson explained that there are no other projects planned in the immediate vicinity but, in accordance with CEQA requirements, the potential impacts of other projects on the peninsula are evaluated for the cumulative impacts on traffic or other environmental indicators.

There was no public comment.

Commissioner Corcoran said that his only question was whether the EIR would include analysis of project alternatives and this was answered by Mr. Anderson. He said the staff report was thorough and adequately recommends areas to be addressed in the EIR.

Commissioner Fraser said that the objective of expanding the library makes excellent sense for the community, but there is a need to be cognizant of possible traffic impacts. He cited current traffic safety concerns at the intersection of Tiburon Boulevard and Mar West Street and the need to analyze both traffic impacts from both construction and the expanded use. He asked that the EIR carefully consider alternatives that have not yet brought to the table, including the use of currently existing and underutilized adjacent space in town Hall and the business park across the street on Mar West Street. He said that there is a need to understand the potential encroachment into the marsh and suggested that story poles for the project would help. He suggested that the EIR measure the carbon footprint of the existing library against that of the proposed project.

Commissioner Frymier echoed Commissioner Fraser's statements and stated that her primary concern lies with the land use and planning of the project. She was concerned that the required General Plan and zoning amendments could create an uncomfortable precedent for the use of open space. She also shared concerns over the impacts of the parking area and asked that the EIR consider alternatives in terms of the possible parking surfaces, scale of the parking lot and possible parking across the street at the business park.

Chair O'Donnell stated his support for the project but added that he has concerns with the "civic connection" option because of its divergence from the General Plan goals to preserve parks, open space and views. He suggested that the current project alternative be redesigned to allow for greater visibility of Zelinsky Park from Tiburon Boulevard and the EIR should look at more design options. He described his concerns about the traffic impacts at the intersection of Tiburon Boulevard and Mar West Street, particularly how the new parking access only from Mar West Street would create confusion at this intersection. He said that there is a need to protect views of open space and noted that the previous project design would leave other design options open. He echoed Commissioner Frymier's concerns over the impact of the appearance of the parking lot and its possible encroachment on the marsh. He asked that the EIR consider the possibility of undergrounding at least a portion of the new parking, accessed from Mar West Street, under a potential addition location, possibly to serve Town Hall and Library staff.

Commissioner Frymier asked how the number of required parking spaces was calculated. Community Development Director Anderson clarified that for unusual uses such as a town hall or a public library, an appropriate parking standard is typically determined through the EIR processor by special studies specific to the use and location.

PUBLIC HEARING:

- 2. 145 ROCK HILL ROAD: AMENDMENT TO A CONDITIONAL USE PERMIT TO EXPAND THE MAXIMUM ENROLLMENT AND OPERATING HOURS AT A NURSERY SCHOOL; FILE #10811; Community Congregational Church, Owner; Hawthorne Nursery School, Applicant; Assessor Parcel No. 039-111-21**

Vice-Chair Kunzweiler returned to the meeting. Commissioner Frymier stated that she is a voting member of the Belvedere-Hawthorne Nursery School Board and recused herself from this hearing.

Planning Manager Watrous provided the staff report, stating that Community Congregational Church (CCC) currently occupies the property located at 145 Rock Hill Drive. A tenant nursery school (Hawthorne Nursery School, applicant) currently operates a preschool serving 38 children on this property, operating from 9:00 a.m. to 12:30 p.m. on Mondays, Wednesdays, and Fridays and from 9:00 to 3:00 p.m. on Tuesdays and Thursdays. The conditional use permit for the pre-school, dating from 1968, authorizes a maximum of twenty (20) children. The application for that use permit describes the hours for the pre-school as 9:00 a.m. to 12:00 noon, Monday through Friday. The applicant wishes to amend the existing conditional use permit for the nursery school to reflect the current and longstanding enrollment and operating hours of the school. The nursery school does not propose any expansion of its existing operations at this time.

Mr. Watrous described the permit history for the church and nursery school. He said that for the last 25 years, the school has had an enrollment of approximately 38 children. The school has now submitted an application to amend the use permit to reflect its long-standing enrollment and operating hours. He noted that the Town has received periodic complaints over the years regarding other events and activities on the CCC site, but these complaints have centered on parking and noise impacts from church-related events and not the nursery school.

Chair O'Donnell asked and confirmed that the matter being voted on is the CUP for Hawthorne Nursery School, and not CCC.

Commissioner Corcoran noted that the mail received from Pilgrim Heights HOA cites traffic concerns resulting from the activities of both the church and the school and asked if the concerns could be separated. Planning Manager Watrous shared several conversations he had with Mr. Pearson of the HOA on the matter. He stated that parking concerns associated with the school do not result in substantial safety issues and he reminded the Commission and public to address issues solely related to the school.

Chair O'Donnell asked if staff has any plans to update the Conditional Use Permit for CCC. Mr. Watrous said no and explained that historically the Town staff traditionally works informally with the permit holder to address any issues with neighbors. He acknowledged recent CUP reviews for St. Hilary's and Kol Shofar and explained that both resulted from major expansions that would alter the intensity of use.

Chair O'Donnell noted that an entire neighborhood association has formally expressed concerns with the activities of CCC, said that things have changed since the CUP was issued in 1961. Mr. Watrous explained that the Zoning Ordinance is fairly restrictive as to when a use permit may be modified or revoked. Community Development Director Anderson advised the Planning Commission that the matter is inappropriate for discussion at this hearing and stated that the Commission may request to place it on a future agenda.

Pamela Bonnie, Belvedere-Hawthorne Nursery School Board President, stated that in July 2008 it came to the school's attention that the 1968 CUP was inconsistent with the school's current hours of operation and enrollment levels. She explained that for the last 25 years, the school has enrolled 38 students and maintained operating hours of 9 a.m. to 12:30 p.m. on Monday,

Wednesday, and Fridays and 9 a.m. to 3 p.m. on Tuesdays and Thursdays. They are asking for a CUP amendment to reflect those conditions. Ms. Bonnie noted that the school is in full compliance with all State requirements that would allow up to 45 students.

Ms. Bonnie stressed the school's commitment to co-exist peacefully with its neighbors and explained that representatives met with the Pilgrim Heights HOA to listen to concerns over the use of space. At that meeting, the School Board agreed to act on several issues including stepping up efforts to encourage parents to behave courteously and in accordance with current traffic laws and parking restrictions. She stated that the Board also agreed to enlist volunteers at the start of each school year to monitor drop-off and pick-up procedures as well as work with Town staff on traffic solutions. They also agreed to pursue a more appropriate sign for the parking lot. Ms. Bonnie also noted that HOA representatives were informed of 4 special events per year at which the school may use more than the 34 spaces currently available.

Commissioner Fraser asked for an estimate of traffic increases during those 4 events. Ms. Bonnie explained that during those events, families would park and remain at the school for approximately one hour as opposed to circulating through the lot for drop-off or pick-up.

Donna Loersch, Belvedere-Hawthorne Nursery School Operating Committee, reviewed the history of the school, its importance in the Tiburon/Belvedere area, and the general need for preschool opportunities in the whole of Marin. She said that if the school is forced to reduce enrollment, the Board will have to make the difficult decision to reduce staff and contribute to the economic downturn.

Amanda Honigman, Secretary of the Belvedere-Hawthorne Nursery School, stressed the school's value to the community as many families come to Tiburon specifically for its educational opportunities. She cited the school's contributions to the community and reiterated that the original use permit granted in 1968 is separate from the Use Permit of CCC. She said the school fully intends to remain steady and courteous neighbors with the HOA.

Alan Littman spoke on behalf of the nursery school, stated that he has been a member of the church since it was founded and noted that at that time, there were few homes in the area. He acknowledged that there can be minor traffic difficulties associated with school commutes but felt that a minute or two is too much to sacrifice in the name of children's education.

Chair O'Donnell opened the public hearing.

Ian Pearson, Pilgrim Heights HOA representative, expressed support for the school and assurance that the HOA has no issue with the school's activities. He stated that this hearing is on a use permit which is held by the church and has been violated for years. He stated that neither the application or CUP clearly state what is being requested nor has the church submitted a letter authorizing the permit application. He asked that the new permit include annual review and not be granted until CCC has submitted the required letter. He stated that the initiatives posed by the school seem sufficient and are much appreciated.

Vice-Chair Kunzweiler asked if a letter from the church is required for this application. Mr. Watrous stated that while that is the general requirement, in circumstances where the applicant has a long-standing operating lease, staff considers a letter from the applicant to be sufficient.

Commissioner Corcoran asked if the applicant would object to Mr. Pearson's request for an annual review. Ms. Bonnie said that it seems unnecessary and reminded the Commission that the school has taken substantial initiative on its own to resolve any issues.

Chair O'Donnell closed the public hearing.

Vice-Chair Kunzweiler stated that he was very impressed with the presentation and commitment offered by the school and he applauded their initiative to update the CUP. He felt that the school should be allowed to continue as they have been operating.

Commissioner Fraser concurred and stated that the community has a clear need for additional preschool opportunities and, having visited the school, he was warmed by what he saw. He appreciated the school's attempts to resolve issues with neighbors and stated that he supports the requested amendment. He asked staff to work with CCC and the homeowners association to resolve any outstanding issues with the church.

Commissioner Corcoran concurred and seconded the request that staff engage in a dialogue with the church regarding traffic and parking. He thanked the school for working to update the use permit to reflect the reality of their operations and for their efforts to be good neighbors.

Chair O'Donnell seconded the comments of the Commissioners as well as his support for the draft resolution. He noted that all parties share common goals and asked staff to work with CCC and neighbors to get a handle on church events, especially during evening hours.

ACTION: It was M/S (Kunzweiler/Fraser) to adopt the resolution as drafted. Motion carried: 4-0 (Frymier recused).

DISCUSSION ITEM:

3. ANNUAL REVIEW OF DRAFT FY 2009-2010 CAPITAL IMPROVEMENT PLAN BUDGET FOR CONSISTENCY WITH THE TIBURON GENERAL PLAN [SA]

Commissioner Frymier returned to the meeting.

Community Development Director Anderson presented the staff report, stating that the Planning Commission is required to review the Town's proposed Capital Improvement Program (CIP) budget for fiscal year 2009-2010 for consistency with the Tiburon General Plan. He reviewed the proposed projects and noted that the bulk of the expense is for street maintenance and drainage improvements.

Chair O'Donnell confirmed with staff that the parking improvements at Lyford Drive would circulate like the lot in front of Frank's Ice Cream. Commissioner Corcoran questioned and confirmed that Caltrans approval has been a historic issue with this location. Mr. Anderson stated that the current concept seems to meet with their preliminary approval.

Vice-Chair Kunzweiler asked for an update on the Town's storm drain system and whether it was true that a substantial amount of deferred maintenance existed in that area. Mr. Anderson explained that during the preparation of its Drainage Master Plan, the Town assessed all pipes and drains over the last few years. That draft plan has been received by staff and identifies

significant work that will be required over time. Mr. Anderson said the current lack of funding in that area is most likely a reflection of tightened economic conditions.

Vice-Chair Kunzweiler acknowledged the limited financial resources but noted that it is also a key element of the General Plan that the Town remain in good repair. He suggested that it may be necessary to trade off other line items in favor of these improvements.

Commissioner Frymier asked when the completion of the Lyford Drive lot is anticipated. Mr. Anderson explained that this budget reflects the estimate for completion and that the project could be conceivably be completed by June 2010, pending Caltrans approval. Commissioner Corcoran said this has been a long-standing issue for residents and thanked the Town Council for working on the project.

Chair O'Donnell asked what the impetus was for the Recreation Master Plan. Mr. Anderson stated that this was spelled out in a General Plan program and that there have long been concerns about a perceived lack of recreational opportunities in the community and that this plan would cover a variety of issues including facilities and programs. He stated that the Council periodically receives funding requests for recreation-related entities and the Plan could create a framework for how to prioritize and respond to such requests.

MINUTES:

4. PLANNING COMMISSION MINUTES – Regular meeting of April 22, 2009

Commissioners requested the following amendments to the minutes:

- Page 6, 1st full paragraph – "...could allow for repositioning of the site's amenities ~~to so~~ **as not to...**"
- Page 6, 2nd full paragraph – "He said that the issues ~~on~~ **were...**"
- Page 8, 3rd full paragraph – "Vice-Chair Kunzweiler concurred that the scale and~~of~~ inventory of improvements ~~is~~ **are** the principal concern."

ACTION: It was M/S (Kunzweiler/Fraser) to approve the minutes of the April 22, 2009 meeting, as amended. Motion carried: 5-0.

ADJOURNMENT:

The Planning Commission adjourned the meeting at 9:05 p.m.

EMMETT O'DONNELL, CHAIRMAN

ATTEST:

SCOTT ANDERSON, SECRETARY