



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

Action and Approved Minutes - Regular Meeting
Tiburon Planning Commission
April 28, 2010 – 7:30 PM

ACTION MINUTES

TIBURON PLANNING COMMISSION

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

Present: Vice Chair Frymier, Commissioner Corcoran, Commissioner Doyle, Commissioner
Absent: Chairman Kunzweiler, Commissioner Tollini

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. Testimony regarding matters not on the agenda will not be considered part of the administrative record.

COMMISSION AND STAFF BRIEFING

Commission and Committee Reports
Director's Report

PUBLIC HEARING

1. 761 HILARY DRIVE: REVIEW OF CONDITIONAL USE PERMIT FILE #19908 GRANTED TO EXPAND THE FACILITIES FOR AN EXISTING CHURCH (ST. HILARY CATHOLIC CHURCH) AND SCHOOL; Assessor Parcel Nos. 055-253-20 & 055-221-06 [DW] **Review Conducted; Adopted Resolution Modifying Conditional Use Permit; Approved 3-0**

2. 90 VIA LOS ALTOS: REQUEST TO AMEND THE LA CRESTA PRECISE PLAN (PD#11) TO CREATE A NEW LANDSCAPE ENVELOPE ON LOT 23; FILE #31001; Mitch and Pamela McCullough, Owners; David Schwartz, Applicant; Assessor's Parcel Nos. 034-330-43 & 44 [DW] **Recommended Approval to Town Council 3-0**

MINUTES

3. PLANNING COMMISSION MINUTES – Regular Meeting of March 24, 2010
Approved 3-0

ADJOURNMENT At 8:15 PM

PLANNING COMMISSION
APPROVED MINUTES NO. 996
April 28, 2010
Regular Meeting
Town of Tiburon Council Chambers
1505 Tiburon Boulevard, Tiburon, California

CALL TO ORDER AND ROLL CALL:

Vice-Chair Frymier called the meeting to order at 7:30 p.m.

Present: Vice-Chair Frymier, Commissioners Corcoran and Doyle

Absent: Chair Kunzweiler, Commissioner Tollini

Staff Present: Planning Manager Watrous and Minutes Clerk Levison

ORAL COMMUNICATIONS: None

COMMISSION AND STAFF BRIEFING:

Vice-Chair Frymier commended Staff on the Town's updated Zoning Ordinance, stating she recently had occasion to use it and found it very straightforward and user-friendly.

PUBLIC HEARING:

1. **761 HILARY DRIVE: REVIEW OF CONDITIONAL USE PERMIT FILE #19908 GRANTED TO EXPAND THE FACILITES FOR AN EXISTING CHURCH (ST. HILARY CATHOLIC CHURCH) AND SCHOOL; Assessor Parcel Nos. 055-253-20 & 055-221-06**

Vice-Chair Frymier disclosed that although she is a member of St. Hilary Church, she would not be recusing herself from the item.

Planning Manager Watrous presented the staff report, stating this is an annual review of the conditional use permit (CUP) as required by Town Council Resolution No. 3463. This is the seventh in a series of annual review since the CUP was approved by the Town Council on December 6, 2000. Staff believes that the St. Hilary Church and School have generally demonstrated good faith efforts to comply with the conditions of the use permit and to resolve past issues, as evidenced by the lack of public comment during previous reviews.

Mr. Watrous reviewed the proposed changes, which include a request by Church representatives to extend the weekday hours for CYO use of the gymnasium from 7:30 to 8:00 p.m. The Town has received no complaints about the CYO use of the gymnasium since its opening and this amendment could be allowed under the Planning Commission's jurisdiction if it is determined that such modification would be consistent with the spirit and intent of the resolution and would not result in additional impacts on the surrounding neighborhood. He noted the request was received after the notice of this review hearing was distributed, but the notice did include generalized statements regarding the Commission's ability to relax the restrictions within the CUP. Additionally, staff believes the Church to be in continuing substantial compliance with the requirements of the use permit and recommends a modification to the permit to require review every two years instead of annually.

Vice-Chair Frymier opened the public hearing.

Bill McLaughlin, representing St. Hilary Church, asked what would be required for either the church or a neighbor to bring an issue with the church before the Planning Commission. Mr. Watrous stated that if a neighbor filed a complaint, it would be at the discretion of Town staff, or the Commission if the issue were raised at a Planning Commission meeting, to schedule a hearing on the matter. St. Hilary can request an amendment to the conditions of the use permit at any time or during a regularly scheduled review.

Mr. McLaughlin said that an annual review seems counterintuitive, convoluted, and wasteful in light of the church and school's continued compliance and the lack of public attendance at these hearings. He said that it would seem to be a simpler process to wait until an issue is brought forward and suggested regular reviews should be eliminated altogether.

Commissioner Corcoran noted that the school has an allowed enrollment of 335 students, yet a current enrollment of only 268 students, and that the same condition of approval provides that there be no program for pre-school aged children. He said the lack of opportunities for pre-school aged children is an ongoing and primary concern in Tiburon and asked how St. Hilary would feel about changing this requirement.

Mr. McLaughlin said that the condition of approval stemmed from concern over the noise the initial project would generate. He said St. Hilary is in the business of educating children, has always wanted a pre-school program, and would be interested in seeing what neighbors have to say on the matter.

Commissioner Corcoran asked if it would be within the purview of the Commission to modify that condition at this time. Mr. Watrous explained that adding a pre-school use that was not previously discussed would not necessarily be consistent with the intent of the use permit, and said he did not believe it to be within the Commission's jurisdiction as part of this review.

Commissioner Corcoran said that there seems to be a different atmosphere surrounding the school than at the time of the use permit's approval and encouraged St. Hilary to explore the concept further.

Vice-Chair Frymier noted there is still potential for the church to apply for construction of Phase II improvements at the site and asked if the Commission could revert to a biannual review at that time. Mr. Watrous confirmed that that was possible.

Commissioner Doyle asked if any regular review is necessary or if Mr. McLaughlin's suggestion would be possible. Mr. Watrous said the Commission could choose to eliminate the review, although it would be contrary to the practice for nearly all other major use permits in Town. He explained that most use permits of this sort are reviewed annually. He stated that St. Hilary has undergone one of the longest periods of review, has been consistent throughout that time, and would be the first use permit review extended to two years in the Town.

Steve Bendinelli said that he and his wife live on Hilary Drive below the church parking lot and initially struggled with many of the issues related to development at this site. He said they are quite pleased with the overall outcome of the project and now feel they have a good relationship with the church. He said he has no specific objection to increased CYO use at the site but there are several noise and safety issues that warrant attention. He stated that speeding down Hilary Drive is a regular issue and he recommended the installation of speed bumps, which he has seen to be very effective in other cities. He also asked that more school and church traffic be routed up Rock Hill Road, which is the main thoroughfare and entrance to the church. He cited complaints with noise coming from the parking lot after school hours, particularly bouncing basketballs. He stressed that he does not want to limit use of the facility and asked for some sort of noise enforcement in the evening hours.

Commissioner Corcoran asked for Mr. Bendinelli's thoughts on the extended review period and pre-school program. Mr. Bendinelli said that he did not have an issue with these changes, provided it works within the existing enrollment limits and other hours of operation. He was also supportive of a two-year review period, provided both the school and staff are responsive to resolving any issues in a timely and sensitive manner.

Mr. McLaughlin said that St. Hilary also believes traffic on Hilary Drive to be an issue. He said that their representatives have had multiple conversations with the Chief of Police and the Traffic Safety Committee, the former of which initially wanted to eliminate the school's volunteer traffic monitors for liability reasons. He said the church installed five speed bumps on its own property in an effort to address speeding and is in favor of the same on Hilary Drive. Regarding rerouting traffic to Rock Hill Road, he said the idea seems sound and he said that he would discuss it with Father Tarantino. He also promised to work with both the parish and school on limiting after school hour noise towards the church, but noted that behavior modification of individuals can be very difficult.

Vice-Chair Frymier closed the public hearing.

Commissioner Corcoran commended St. Hilary and its neighbors on communicating and working well together. He encouraged staff to ask the Town Engineer to investigate the use of speed bumps on Hilary Drive. He also supported the idea of routing more traffic onto Rock Hill Road and suggested that during evening meetings, the Church could encourage half of the

attendants to use Rock Hill Road and half to use Hilary Drive. He thought a sandwich board sign reminding people to exhibit courtesy and not bounce basketballs in the parking lot after 6 p.m. could go a long way towards controlling noise. He found the two-year review period appropriate, stating that it provides a good balance and is something the Commission has discussed before. He also supported the modification of hours for CYO use. He reiterated the Town's need for pre-school opportunities and again encouraged St. Hilary to work with staff on developing a pre-school program.

Commissioner Doyle said he has both coached CYO and served on the CYO board of St. Hilary and that generally, kids do not bounce balls outside the gym. He said the coaches and parents put in great effort to that effect and said a sandwich board sign should be sufficient to keep the problem in check. He said speed is an issue throughout Town, and he would support anything that can be done to slow traffic on Hilary Drive and also to reroute some traffic to the Rock Hill Road entrance. He said that St. Hilary is a tremendous asset to the Town and he strongly supports the two-year review. He also supported the modification to CYO hours and encouraged revisiting the limitation on pre-school programs.

Vice-Chair Frymier concurred with the comments of both Commissioners. She emphasized that she would like to see the church take a proactive approach to routing traffic through the Rock Hill Road entrance through notification to parents, members, and users. She said the school is a phenomenal and beautiful facility that has become the standard for what others are doing in the community and that she supports the recommendations of staff.

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| <p>ACTION: It was M/S (Corcoran/Doyle) to adopt the draft resolution modifying the conditions of approval. Motion carried: 3-0.</p> |
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2. 90 VIA LOS ALTOS: REQUEST TO AMEND THE LA CRESTA PRECISE PLAN (PD#11) TO CREATE A NEW LANDSCAPE ENVELOPE ON LOT 23; FILE #31001; Mitch and Pamela McCullough, Owners; David Schwartz, Applicant; Assessor's Parcel Nos. 034-330-43 & 44

Planning Manager Watrous presented the staff report, stating the applicant has requested to amend the La Cresta Precise Plan to create a new landscape envelope beyond the existing building envelope on the site. The applicant has requested the amendment to accommodate an existing and proposed swimming pool, spa, fencing, and walls for the property, including improvements that have been constructed outside of the approved building envelope. Staff believes the proposed changes to be consistent with adjacent properties and the heavily wooded nature of the lower portion of the lot that would remain outside the landscape envelope would screen the proposed improvements from any downhill residences. The applicant has submitted letters from the adjacent property owners at 88 & 92 Via Los Altos supporting the application. Staff has reviewed and found the request to be consistent with the Tiburon General Plan, Zoning Ordinance, and the La Cresta Precise Plan.

Vice-Chair Frymier opened the public hearing.

David Schwartz, applicant and landscape architect, said he worked with both Town staff and neighbors to create a plan that would create a much more organized landscape setting that is consistent with other homes in the neighborhood.

Vice-Chair Frymier closed the public hearing.

Commissioner Doyle found the request to be consistent with the character of the neighborhood and he had no objection.

Commissioner Corcoran said that the request was consistent with what others in the neighborhood have done, would pull the pool in closer to the existing residence, and generally makes sense.

Vice-Chair Frymier concurred and commended the applicant's efforts.

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| ACTION: It was M/S (Doyle/Corcoran) adopt the draft resolution recommending conditional approval of the amendment to the Town Council. Motion carried: 3-0. |
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MINUTES:

4. PLANNING COMMISSION MINUTES – Regular Meeting of March 24, 2010

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| ACTION: It was M/S (Frymier/Corcoran) to approve the minutes of March 24, 2010, as drafted. Motion carried: 3-0. |
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ADJOURNMENT:

The Planning Commission adjourned the meeting at 8:15 p.m.