



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

Action and Approved Minutes – Regular Meeting
Tiburon Planning Commission
May 26, 2010
7:30 PM

ACTION MINUTES TIBURON PLANNING COMMISSION

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

Chairman Kunzweiler, Vice Chair Frymier, Commissioner Corcoran, Commissioner Doyle, Commissioner Tollini ***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. 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. 1600 MAR WEST STREET: REVIEW OF CONDITIONAL USE PERMIT TO EXPAND A PRIVATE RECREATIONAL FACILITY (TIBURON PENINSULA CLUB); FILE #10406; Tiburon Peninsula Club, Owner/Applicant; Assessor's Parcel Nos. 058-171-17, 76 & 84, and 058-240-21 [DW] ***Found in Compliance with Conditional Use Permit (3-0)***
2. 41 MAIN STREET: REVIEW OF CONDITIONAL USE PERMIT GRANTED FOR THE CONSTRUCTION OF A NEW BUILDING FOR RETAIL AND RESIDENTIAL PURPOSES; FILE #10105; Doris and Ron Caceres, Owners/Applicants; Assessor Parcel Nos. 059-151-50, 51, 52 & 53 [DW] ***Found in Compliance with Conditional Use Permit (5-0)***

3. ANNUAL REVIEW OF CAPITAL IMPROVEMENT PLAN FOR GENERAL PLAN CONSISTENCY [SA] **Found in Compliance with General Plan (5-0)**

MINUTES

4. PLANNING COMMISSION MINUTES – Regular Meeting of April 28, 2010 **Approved as Amended (5-0)**

ADJOURNMENT **At 8:25 PM**

PLANNING COMMISSION
APPROVED MINUTES NO. 997
May 26, 2010
Regular Meeting
Town of Tiburon Council Chambers
1505 Tiburon Boulevard, Tiburon, California

CALL TO ORDER AND ROLL CALL:

Chair Kunzweiler called the meeting to order at 7:30 p.m.

Present: Chair Kunzweiler, Commissioners Corcoran, Doyle, Frymier, and Tollini
Absent: None
Staff Present: Director of Community Development Anderson, Planning Manager Watrous, Public Works Director Nguyen, and Minutes Clerk Levison

ORAL COMMUNICATIONS: None

COMMISSION AND STAFF BRIEFING:

Planning Manager Watrous reported that staff has agendized review of the Parente Vista Precise Development Plan for the June 23, 2010 Commission meeting and Commissioners should have recently received an addendum to the project EIR.

PUBLIC HEARING:

1. **1600 MAR WEST STREET: REVIEW OF CONDITIONAL USE PERMIT TO EXPAND A PRIVATE RECREATIONAL FACILITY (TIBURON PENINSULA CLUB); FILE #10406; Tiburon Peninsula Club, Owner/Applicant; Assessor's Parcel Nos. 058-171-17. 76 & 84, and 058-240-21**

Vice-Chair Frymier and Commissioner Doyle were identified as Tiburon Peninsula Club members and recused themselves from participating on the item and left the Chambers.

Planning Manager Watrous presented the staff report, stating this is an annual review of the Conditional Use Permit (CUP) for Tiburon Peninsula Club (TPC), as required by the 2005 Resolution adopting the CUP. The Planning Commission conducted the required review in 2008 and 2009 and at the latter meeting, concluded that TPC was in substantial compliance with the conditions of approval.

Mr. Watrous reviewed the issues identified at last year's review, noting that staff has received no complaints regarding noise emanating from special events held at TPC. He noted that while the Tiburon Police Department received four separate noise complaints since the last permit review, none stemmed from social events permitted under the conditions of approval.

Mr. Watrous indicated that the new surface of the main parking lot is in good condition, and the Town has received no complaints about parking issues since the installation. During the 2009 review, the Commission asked TPC to address possible pedestrian safety issues arising from two doors that do not properly latch. Mr. Watrous stated that he recently inspected the improvements with General Manager Jerry Pang, reviewed the doors' operation with the Building Inspector, and the doors were in compliance with Building Code requirements. He noted that a grate above the cement-lined ditch adjacent to the tennis courts has numerous gaps and will likely need repair or replacement. Mr. Watrous stated that staff received no letters of comments regarding the review of this permit. He said that TPC appears to be in substantial compliance with the conditions of approval, with the exception of the need for increased efforts with the grate above the drainage ditch.

Chair Kunzweiler opened the public hearing.

David Holscher, member of the TPC Board of Governors, said that the grate has been fixed and was inspected by Vice-Chair Frymier earlier that day. Regarding the doors, he outlined the difficulties with the existing doors and assured the Commission that the Club is in the process of ordering new doors that will close completely. He clarified that TPC does not use amplified sound but does have outdoor speakers that play low-level music.

Chair Kunzweiler closed the public hearing.

Commissioner Tollini said that noise has clearly been a contentious issue that the TPC has worked hard to eliminate. She said that the site is in a unique acoustical situation and their efforts to satisfy the concerns of neighbors are commendable. With repair of the drainage ditch grate pending, she saw no further issues.

Commissioner Corcoran seconded Commissioner Tollini's comments. He said there were definite concerns with noise in the past and, given the site's unique location those problems are difficult to avoid. He was impressed to see no noise complaints were

received. He recommended eliminating the portion of Conditional of Approval No. 23 pertaining to the fence along open space property and found TPC to be in substantial compliance with its conditions of approval.

Chair Kunzweiler complimented TPC on its ability to bring home such a complicated and somewhat controversial project. He said the Commission was in agreement in finding the Club to be in substantial compliance with the CUP. He asked if the Commission would like the applicant to continue to carry the burden of annual review, or if they should be subject to reviews on an as-needed basis.

Commissioner Corcoran recalled that the Commission recently voted to extend the review of St. Hilary's CUP to a two-year review and contemplated at that time that subsequent large projects, the second of which would be TPC, might also go to a two-year review period.

Chair Kunzweiler supported a two-year review cycle, with a request that staff return to the Commission with recommendations on how future permit cycles are granted for similar projects. He recommended against directing staff to return with a resolution amending the language of Condition of Approval No. 23.

ACTION: It was M/S (Tollini/Corcoran) to find that TPC is operating in substantial compliance with the requirements of the conditional use permit, and direct staff to schedule an additional review of the permit in approximately two years. Motion carried: 3-0-2 (Frymier and Doyle recused).

Vice-Chair Frymier and Commissioner Doyle returned to the Chambers.

2. 41 MAIN STREET: REVIEW OF CONDITIONAL USE PERMIT GRANTED FOR THE CONSTRUCTION OF A NEW BUILDING FOR RETAIL AND RESIDENTIAL PURPOSES; FILE #10105; Doris and Ron Caceres, Owners/Applicants; Assessor Parcel Nos. 059-151-50, 51, 52, &53

Planning Manager Watrous presented the staff report, stating this is a review of a conditional use permit approved in 2001 for the construction of a 6,740 square foot mixed-use retail and residential building at 41 Main Street. The building is currently occupied by a ground floor restaurant and three residential units on the upper floor. A 2002 amendment to the CUP provided for review every three years, the first of which was held in November 2007. Mr. Watrous noted that many of the conditions of approval pertained to requirements to be completed during construction of the project and reviewed the two remaining conditions. The CUP required the building owner to secure a minimum of six parking spaces for the three residential uses. The owners does have ten year leases for the necessary spaces, but those are due to expire January 1, 2013. Condition of Approval No. 10 requires additional review of the permit three years from today's date. However, staff recommends that an earlier review be held in November 2012 prior to the expiration of the parking leases in January 2013.

Chair Kunzweiler opened the public hearing.

Ron Caceres, representing Doris Caceres, said his ability to fulfill the parking requirements of the CUP is at the mercy of those who own the parking lots. He said the cost of providing these spaces increases each year. He had concerns that he may one day be unable to fulfill this requirement and said he would like the lease requirement reduced to five spaces at some point.

Commissioner Corcoran asked how the spaces are currently used. Mr. Caceres explained that two spaces are assigned to each residential unit. He said that he and his mother have one unit each, both of which are used infrequently. He stated that the third unit utilizes both of its assigned spaces and the remaining spaces are for use by the ground floor restaurant. Mr. Watrous noted the applicant could apply for a parking variance to reduce the parking requirement.

Mr. Caceres questioned the term of lease he would have to provide once the initial ten year lease expired. Mr. Anderson said that the Zoning Ordinance requires a long-term lease and ten years is on the short end of that and would be considered the minimum acceptable duration.

Mr. Caceres reiterated that he is at the mercy of those who own the parking lots and it is his understanding that they no longer wish to extend long-term leases. Mr. Watrous said staff is recommending the November 2012 review to give the Commission the opportunity to determine if another long-term lease is necessary or if the current lease is sufficient to fulfill the requirements of the original CUP. The applicant would need to submit a variance application before that time only if they would like to reduce the requirement before the time of review. Otherwise, the Commission may consider a range of options for parking.

Chair Kunzweiler said that he expected the applicant to make their best efforts to comply with these requirements. He cautioned that parking is an issue for all other development in town, and it is incumbent on the Commission to review future parking requirements carefully.

Chair Kunzweiler closed the public hearing.

Commissioner Doyle hoped that a solution to the parking situation can be worked out and found the property to be in compliance with the conditions of the use permit at this time.

Vice-Chair Frymier concurred, and supported the staff recommendation for a November 2012 review.

Commissioner Corcoran found the property owner to be compliant with the terms of the permit and encouraged them to contact Staff to see what could be worked out in terms of parking.

Commissioner Tollini also found the applicant in substantial compliance with the conditions of approval. She noted that the CUP resolution requires all leases contain a provision that any amendment, alteration, or termination shall be approved in writing by the Town, whereas the actual lease has an exception to that. She recommended that the next review address the discrepancy and provide some sort of proviso that allows for an adjustment in rent so that the lease technically complies with the resolution.

ACTION: It was M/S (Corcoran/Tollini) to find the uses are in substantial compliance with the use permit, support the staff recommendation, and direct staff to schedule an additional review of the permit for November, 2012. Motion carried: 5-0.

3. ANNUAL REVIEW OF CAPITAL IMPROVEMENT PLAN FOR GENERAL PLAN CONSISTENCY

The Director of Community Development presented the staff report, stating that the Commission has been provided with the Draft Capital Improvement Plan (CIP) budget for the next fiscal year. He noted the budget has declined somewhat from previous years and is a reflection of the current economy and the essential completion of the Failed Streets Elimination Program. He also noted that Community & Miscellaneous Projects category is somewhat inflated by the Del Mar Utility Undergrounding Project, which he hopes will move forward, and the bulk of the remaining funds in this category are associated with the Tiburon Boulevard/Lyford Drive parking area improvements.

There was no public comment.

Vice-Chair Frymier asked Public Works Director Nguyen to review several line items, including the Blackie's Pasture Town sign improvements, median rehabilitation and maintenance, Ned's Way recreation facility, multi-use path maintenance, and Blackie's Pasture parking area improvements.

Mr. Nguyen reviewed each, stating that usage of Blackie's Pasture has increased since the inception of the park. This is an opportunity to manage that usage better through improved signage programs as well as to perform much needed resurfacing on the heavily used parking lot there. He said that the median rehabilitation and maintenance project is targeted at improving the concrete median sections on Tiburon Boulevard between Cecilia Way and either Bay Vista Drive or Strawberry.

Mr. Nguyen explained that the Ned's Way recreation facility is a last minute budget insertion that would provide facility space for the Belvedere-Tiburon Joint Recreation District, which is being asked to leave its space at Reed Elementary School. The Town, as well as the City of Belvedere, is looking to develop out a new facility for them here directly above Chandler's Gate. He noted that the \$250,000 budgeted amount is to begin looking into the project and the actual cost would likely be double that.

Regarding the \$20,000 allocation for the multi-use pathway, Mr. Nguyen said it is intended to maintain the decomposed granite path installed there two years ago and

would likely take place along the main bicycle pedestrian pathway along the shoreline, between San Rafael and Rock Hill Road.

Commissioner Doyle said the recreation facility provides a lot of good services for this community and is a great project.

Commissioner Tollini noted that the \$610,000 Lyford parking lot line item has a question mark next to it. Mr. Nguyen said this amount is an indication of where the Town Council would like staff to draw the line if and when the project is actually adopted. The entire parking area project has been broken down into two parts (construction and utility undergrounding) and this portion directly relates to the undergrounding of utilities. He said the Town Council has asked Staff to look into the opportunities for undergrounding the distribution line that runs along and through the parking site, design it, get an engineering estimate, and potentially bid the project. If the bids seem affordable, undergrounding can be tackled; if not, staff may abandon that part of the project and simply relocate the lines outside the parking lot.

Commissioner Corcoran said that the failed streets elimination efforts have been noticeable and commended the Public Works Department on their work. He supported Councilmember O'Donnell's efforts to complete the landscaping along Tiburon Boulevard. He suggested Staff consider alternatives to asphalt at Blackie's Pasture if at all possible. He said the multi-use path is a great facility that is well-used and a real credit to the Town. However, he noted it was built only two years ago and \$20,000 seemed to be costly at this point and asked what could be done to reduce that amount.

Mr. Nguyen said that amount was actually reduced from the \$40,000 he initially proposed, just as most other items have been reduced 25%-50%. He acknowledged Commissioner Corcoran's concerns but assured him this amount is only an allocation, not an expenditure. He said that Staff will walk the site, see what areas are in need of maintenance, and cost the project out. He noted that decomposed granite is more specialized than asphalt and typically carries a higher cost.

Referring to the \$150,000 allocation for the Drainage Improvement Program, Chair Kunzweiler recalled the program was considered a fairly large project at one point in time, noted it had not been touched in a number of years, and asked if this allocation is sufficient to keep the rate of failure from exceeding the rate of investment.

Mr. Nguyen said that a Storm Drain Master Plan was prepared several years ago that identified about \$11 million in needed improvements. Staff asked consultants to parcel that amount out on an increasing scale over a number of years. He said that \$250,000 was budgeted for the program last fiscal year, but economic times have necessitated a significant reduction in most line items, including this one. He believed he could still accomplish the goals of the program with this allocation, although the level of perceived importance has not yet been defined and the kind of monies he believed needed have not been programmed. He noted there have not been any particular areas of immediate need and that in addition to tackling the core areas of need with this allocation, local drains and

lines will be tackled with the larger streets allocations.

Chair Kunzweiler asked if the Town is catching up or falling behind in the storm drain program. Mr. Nguyen said neither and that he was perfectly comfortable with the progress being made. He said most residential area pipes are generally reinforced concrete and in fine repair while areas like Lyford Drive have older, corrugated metal pipes that are most likely eroded. However, he did not believe them to necessarily require immediate action.

Chair Kunzweiler said millions of dollars worth of work was identified, which he assumes to be a valid estimate, yet the Town is now investing a very small amount. He said he would defer to Mr. Nguyen's expertise but in terms of the topography of most residential areas, any miscalculation would represent significant damage. He acknowledged the limited funds available but asked whether drainage improvements in the Town's hills or beautifying Tiburon Boulevard would have greater impact.

Chair Kunzweiler inquired about the Town's policy as it relates to building reserves for the ultimate ownership of local roads, referring specifically to the portion of Paradise Drive currently under Marin County jurisdiction. Mr. Anderson stated that negotiations with the County regarding shared funding of Paradise Drive have essentially ended for the time being. He said the Town is not looking at this time to make additional commitments beyond those already made with respect to annexing properties, particularly if assuming the cost of maintaining Paradise Drive would be part of any new commitments.

ACTION: It was M/S (Corcoran/Doyle) to find the draft CIP budget consistent with the General Plan. Motion carried: 5-0.

MINUTES:

2. PLANNING COMMISSION MINUTES – Regular Meeting of April 28, 2010

Commissioner Doyle requested the following amendments to the minutes:

- Page 4, 2nd paragraph - Commissioner Doyle clarified that he has not served on the board at St. Hilary.

ACTION: It was M/S (Frymier/Doyle) to approve the minutes of April 28, 2010, as amended. Motion carried: 5-0.

ADJOURNMENT:

The Planning Commission adjourned the meeting at 8:25 p.m.

CHAIRMAN

COMMISSION

ATTEST:

JOHN KUNZWEILER,

TIBURON PLANNING

DANIEL M. WATROUS, SECRETARY