



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

Action Minutes - Regular Meeting
Tiburon Planning Commission
September 8, 2010 – 7:30 PM

ACTION MINUTES

TIBURON PLANNING COMMISSION

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

Present: Chairman Frymier, Commissioner Doyle, Commissioner Kunzweiler,
Commissioner Tollini

Absent: Vice Chair Corcoran

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

NEW BUSINESS

1. 1501 AND 1505 TIBURON BOULEVARD: DETERMINE WHETHER RECIRCULATION IS REQUIRED FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE BELVEDERE-TIBURON PUBLIC LIBRARY EXPANSION PROJECT; FILE #S GPA 2008-02, MCA 2008-14, 40801, AND 30804; Belvedere-Tiburon Library Agency and Town of Tiburon, Owners; Belvedere-Tiburon Library Agency, Applicant; Assessor Parcel Numbers 058-171-92, 93, 94 and a portion of 058-171-62 [SA] *No Recirculation Required 4-0*

MINUTES

2. PLANNING COMMISSION MINUTES – Regular Meeting of August 11, 2010
Approved as Amended 3-0-1 (Commissioner Kunzweiler Abstained)

ADJOURNMENT *At 7:47 PM*

PLANNING COMMISSION
APPROVED MINUTES NO. 1002
September 8, 2010
Regular Meeting
Town of Tiburon Council Chambers
1505 Tiburon Boulevard, Tiburon, California

CALL TO ORDER AND ROLL CALL:

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

Present: Chair Frymier, Commissioners Doyle, Kunzweiler, and Tollini

Absent: Vice-Chair Corcoran

Staff Present: Director of Community Development Anderson and Minutes Clerk Levison

ORAL COMMUNICATIONS: None

COMMISSION AND STAFF BRIEFING: None

Director of Community Development Anderson stated that pending the outcome of tonight's meeting the next Planning Commission meeting scheduled for September 22 would likely be cancelled. As a follow up to the August 11, 2010 Commission meeting, he reported staff has met with the owner and development team on the Lower Trestle Glen Master Plan application to review a three lot plan, with all lots taking access from Trestle Glen Boulevard. Staff believes this to be a promising sign and very much in concert with the direction of the Planning Commission, although no new application has been filed to date.

He reported the Draft Open Space Resource Management Plan was just released for public review. The document identifies the Town's 250 plus acres of open space land scattered throughout the peninsula and specifies ways in which to maintain biological resource values, reduce invasive and non-invasive species, reduce fire prone vegetation, address passive recreational use, and repair erosion damaged areas. The Plan is scheduled for review by the Parks, Open Space, and Trails Commission later this month, and the Commission is welcome to either submit comments or place the item on a future agenda.

The Town, in conjunction with the City of Belvedere and the Belvedere-Tiburon Recreation Department, is well underway with the Recreation Needs Assessment.

The Alta Robles project, which proposes thirteen new homes along Paradise Drive, is winding its way back to the Commission following completion of vegetation studies. The Final EIR and project merits are expected to come before the Commission later this year.

The Martha Company project is still in the draft environmental impact report stage with the County of Marin. Town staff will alert the Commission as soon as it becomes aware that the DEIR for the project has been released.

The Ned's Way Joint Recreation project is moving forward with its feasibility stage, with the Town Council expected to take up whether to move forward with the project on September 16th.

PUBLIC HEARING

- 1. 1501 AND 1505 TIBURON BOULEVARD: DETERMINE WHETHER RECIRCULATION IS REQUIRED FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE BELVEDERE-TIBURON PUBLIC LIBRARY EXPANSION PROJECT; FILE #S GPA 2008-02, MCA 2008-14, 40801, and 30804; Belvedere-Tiburon Library Agency and Town of Tiburon, Owners; Belvedere-Tiburon Library Agency, Applicant; Assessor Parcel Numbers 058-171-92, 93, 94 and a portion of 058-171-62**

Director of Community Development Anderson presented the staff report, stating the Draft Environmental Impact Report (DEIR) came before the Planning Commission in July 2010. The Commission took public testimony, and the 45-day public comment period closed on July 26, 2010. Shortly after the close of the public comment period, the firm contracted to prepare the DEIR went out of business and staff set about retaining the replacement firm of Leonard Charles & Associates to complete the EIR.

Due to this change in consultant, the project was delayed in returning to the Commission for determination on whether any of the comments received constitute significant new information that would require immediate recirculation of the DEIR, or whether they could be addressed in the response to comments. If the Commission feels that no significant information requiring recirculation has been brought forth, the consultant should be directed to prepare additional analysis and begin the response to comments. He noted it is still possible that as work progresses on the additional analysis and the response to comments, a recirculation requirement could be triggered or deemed advisable.

Mr. Anderson referred to the staff report for a brief summary of the comments received, which focused primarily on impacts to biological resources, transportation and parking, hazards, visual quality, and consistency with respect to Town policies. Staff and the environmental consultants do not see any comments as clearly triggering CEQA thresholds for recirculation at this time. The Environmental Coordinator therefore recommends the Commission find that no significant information clearly requiring recirculation has been received at this time.

Chair Frymier opened the hearing to public comment.

Deborah Mazzolini, Tiburon Library Director, said she met with Town staff and the environmental consultant, who indicated he could take over the project without increasing the original budget. She voiced support for moving forward, as recommended by staff.

Martin Griffin requested more information on the original EIR consultant and who ultimately prepared the report circulated for public review. Mr. Anderson explained that the firm originally retained to prepare the EIR, which had several offices throughout California, was forced to close its doors due to the poor economy, and has gone out of business. He stated the original consultants prepared the DEIR and the new firm has been hired to complete the job. The new firm is tasked with preparing the response to comments and the final EIR, not to pass judgment upon work that came before.

Mr. Griffin questioned the quality of the EIR, stating it seemed sloppy and deceptive, particularly in terms of the 25-foot setback from the marsh. Mr. Anderson said those issues were raised during the public comment period and will be addressed in the response to comments.

Chair Frymier closed the public hearing.

Commissioner Doyle said he did not believe any new significant information had been presented. He said he was anxious to hear the response to some of the issues raised, especially the proximity to the marsh, and said he would base his ultimate decision on those comments.

Commissioner Tollini concurred with the staff recommendation. She said she did not believe the CEQA threshold had been triggered and that she would support moving forward at this time.

Commissioner Kunzweiler echoed their comments, stating the standards of recirculation have not yet been met. He concurred with staff and said he looks forward to the next step.

Chair Frymier concurred. She called out particular appreciation for the staff report's explanation of CEQA guidelines regarding thresholds and how those thresholds protect the Town. She commended staff on their work and the emphasis placed on public comments. She stressed that CEQA calls for recirculation of the EIR if warranted, read from the staff report to support the statement, and said staff highlighted the issues well.

<p>ACTION: It was M/S (Frymier/Kunzweiler) to find that no significant new information that would require recirculation of the DEIR has been received, and direct the consultant to begin the responses to comments and an additional analysis required. Motion carried: 4-0.</p>
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MINUTES:

2. PLANNING COMMISSION MINUTES – Regular Meeting of August 11, 2010

Commissioner Tollini requested the following correction to the Minutes:

- Page 2, line 6 of the last paragraph - change “form” to “from”
- Page 8, 2nd paragraph, 5th line – “surrounding neighborhood ~~and~~...”

<p>ACTION: It was M/S (Tollini/Doyle) to adopt the minutes of August 11, 2010, as amended. Motion carried: 4-0-1 (Corcoran absent).</p>
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ADJOURNMENT:

The Planning Commission adjourned the meeting at 7:45 p.m.

CATHY FRYMIER, CHAIR
TIBURON PLANNING COMMISSION

ATTEST:

SCOTT ANDERSON, SECRETARY (ACTING)