



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

Action and Approved Minutes - Regular Meeting
Tiburon Planning Commission
March 23, 2011 – 7:30 PM

ACTION MINUTES

TIBURON PLANNING COMMISSION

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

Chairman Frymier, Vice Chair Corcoran, Commissioner Doyle, Commissioner Kunzweiler,
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

NEW BUSINESS

1. REVIEW AND COMMENT ON DRAFT CLIMATE ACTION PLAN [LT]
Forwarded to Town Council (5-0)

PUBLIC HEARING

2. 215 BLACKFIELD DRIVE: REVIEW OF CONDITIONAL USE PERMIT FOR KOL SHOFAR SYNAGOGUE AND APPURTENANT DAY SCHOOL; FILE #10404; Congregation Kol Shofar, Owner and Applicant; Assessor's Parcel No. 038-351-34 [DW] **Found in Substantial Compliance of Use Permit (5-0)**

MINUTES

3. PLANNING COMMISSION MINUTES – Regular Meeting of March 9, 2011
Approved 5-0

ADJOURNMENT 9:25 PM

PLANNING COMMISSION
APPROVED MINUTES NO. 1007
March 23, 2011
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 Corcoran, Doyle, Kunzweiler, and Tollini

Absent: None

Staff Present: Director of Community Development Anderson, Associate Planner Tyler, Planning Manager Watrous, MCEP Sustainability Coordinator O'Rourke and Minutes Clerk Levison

ORAL COMMUNICATIONS: None

COMMISSION AND STAFF BRIEFING:

Planning Manager Watrous provided a preview of upcoming agenda items:

- Alta Robles Precise Development Plan – April 13th meeting, not April 23rd as indicated under Future Agenda Items
- Alta Robles Field Trip – April 8th at 1 p.m.
- No items are scheduled for the April 27th meeting at this time

He noted that staff provided the Commission with a memo addressing some of the neighborhood consistency and ridgeline policies discussed at the last Alta Robles hearing.

NEW BUSINESS

1. REVIEW AND COMMENT ON DRAFT CLIMATE ACTION PLAN

Associate Planner Tyler presented the staff report, stating that Assembly Bill 32 (AB32) institutes a mandatory limit on and requires a reduction in greenhouse gas (GHGs) emissions in

California to 1990 levels by the year 2020. In December 2008, the California Air Resources Board (CARB) adopted a Climate Change Scoping Plan that encourages local entities to adopt climate action plans to compile existing and potential strategies that the Town and community can feasibly take to address climate change.

Associate Planner Tyler provided a brief overview of the draft climate action plan for Tiburon, which focuses on the following 4 sectors: 1) Land Use and Transportation, 2) Green Building, Energy Efficiency and Renewable Energy, 3) Waste Reduction, Recycling and Zero Waste, and 4) Water and Wastewater. She acknowledged the work of Christine O'Rourke, primary author, and detailed the status of other Marin jurisdictions in developing and adopting their own climate action plans. She stated that the Town's plan proposes an emissions reduction target of 15% below 2005 levels by 2020, which is consistent with the State's direction to local governments in the Scoping Plan. One noted difference is that AB32 requires reduction to 1990 levels, whereas the Town is requiring 15% below 2005 levels. She explained that year 1990 data is difficult to find, and so year 2005 is increasingly becoming the standard. She recommended that the Commission take public testimony and forward any comments or concerns to the Town Council.

Commissioner Kunzweiler acknowledged the lack of year 1990 data that AB32 implies and asked how staff reconciles the draft plan which uses 2005 standards with the requirements of AB32. MCEP Sustainability Coordinator O'Rourke explained that year 1990 data is available at the statewide but not local level. Using 2005 as a baseline with the assumption that a 15% decrease from there would achieve 1990 levels is both the State's direction and is included in the AB32 Scoping Plan. She stated that county-wide, GHG emissions increased roughly 6% between 1990 and 2005, so 15% would likely overshoot the 1990 levels.

Vice-Chair Corcoran requested more Tiburon-specific information with respect to sea level rise. He referred to the photo on Page 4 which illustrates the Town's appearance in year 2050, and said information indicates that Tiburon's downtown, including Town Hall, would actually be under water. Ms. O'Rourke explained that the plan started as a template for all Marin cities in order to limit costs. The map referred to illustrates 16-inch sea level rise and not 55-inch, and said she would speak with the Bay Conservation and Development Commission to see what additional detail could be obtained.

Vice-Chair Corcoran asked how it was decided that Tiburon would adopt the goal of a 15% reduction over 2005 levels. Ms. Tyler stated that the Town Council was provided with the GHG Inventory Report as a digest item in 2009 and no direction was given at that time. She said that staff has chosen to adopt this approach because it would be consistent with that of most other jurisdictions.

Vice-Chair Corcoran noted that both the City of San Rafael and County of Marin have adopted more aggressive goals. Taking into account that those two jurisdictions contain the majority of the county's population, he said that one could argue that adopting the more aggressive goal would be more consistent. Mr. Watrous stated that both the City of San Rafael and County of Marin have philosophically chosen to lead the charge, whereas Tiburon and other jurisdictions have chosen to keep consistent with their neighbors without being out there on the leading edge.

Commissioner Kunzweiler acknowledged that the intent of the Town Council on issues like this has been to take a supportive position, rather than a lead position.

Chair Frymier asked Ms. O'Rourke what stood out for her in crafting the report. Ms. O'Rourke stated that the Town has already made some aggressive accomplishments in addressing GHGs and climate change. She stated that Tiburon has an average residential solar installation rate of 3%, which is well over the 1% county average. She suggested that the Town could benefit from additional opportunities, such as the purchase of deep green energy from Marin Clean Energy and adoption of a green building ordinance that exceeds CALGreen standards.

There was no public comment.

Commissioner Doyle said that he supported the document and appreciated what the Town has already accomplished.

Vice-Chair Corcoran voiced appreciation for the MCEP partnership. He reiterated his request to see the sea level rise section strengthened and said that the threat there feels very real to him. He requested the Town Council consider his comments regarding the majority of the population and movement towards a more aggressive goal.

Commissioner Kunzweiler said that he supported the document and proposed reduction standard. He said that his experience was that Tiburon is a town that wants to do the right thing and not necessarily to be the trailblazer.

Commissioner Tollini said that the report was comprehensive and recommended forwarding it to the Town Council.

Chair Frymier concurred.

<p>ACTION: It was M/S (Kunzweiler/Doyle) to recommend that Staff forward the Draft Climate Action Plan to the Town Council, with comments. Motion carried: 5-0.</p>
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PUBLIC HEARING

2. 215 BLACKFIELD DRIVE: REVIEW OF CONDITIONAL USE PERMIT FOR KOL SHOFAR SYNAGOGUE AND APPURTENANT DAY SCHOOL; FILE #10404; Congregation Kol Shofar, Owner and Applicant; Assessor's Parcel No. 038-351-34

Mr. Watrous presented the staff report, giving an overview of the permit history. He referred to the staff report for a full discussion on the conditions of approval and highlighted those where concerns were raised:

- *Landscape* – The Town received several complaints from neighboring property owners regarding the maintenance of landscaping on the site, including concerns about dead or dying plants and stumps on the property.
- *Lighting* –The Town has received complaints from several neighboring residents that the light for the lighted sign to direct vehicular traffic to the Via Los Altos parking lot entrance has been left on throughout the night. The Southern Marin Fire District has

required that the sign be illuminated and visible from the street during all nighttime hours for emergency vehicle access.

- *Red “No Parking” curbs* – The owner at 201 Blackfield Drive has requested that the red curbs adjacent to his home along Via Los Altos be eliminated. Kol Shofar has also requested the elimination of certain sections along Via Los Altos, Blackfield Drive, and Reedland Woods Way.
- *Traffic Management* – Since occupancy of the multi-purpose building, the only events or activities that have been held that trigger this requirement have been the grand opening in August 2010 and High Holy Days services in September 2010. During the September 17 Yom Kippur Eve services, a Town-hired consultant found that temporary signs and monitors were in place as required, however monitors were not actively directing traffic. The consultant also found that while the use of off-site parking lots was appropriate, neither parking permits nor the shuttle service were utilized as intended and numerous hazardous vehicular and pedestrian movements were witnessed.
- *Neighborhood Advisory Committee* – The NAC has met only twice since approval of the use permit and there appears to be difficulty with the requirement that representatives are to be officially selected by the surrounding neighborhood.

Mr. Watrous stated that it appears that Kol Shofar is operating in substantial compliance with the conditions of the use permit. However, staff believes that there is room for improvement in the following areas: 1) refined implementation of parking and traffic controls, 2) composition of the Neighborhood Advisory Committee, 3) further evaluation of the location and extent of red curbs, and 4) more timely submission of the required reports on trees and events by the applicant.

Mr. Watrous noted that Condition of Approval No. 8 (A) of the use permit grants the Commission the authority to modify the restrictions of the use permit. However, it clearly states that “the effectiveness of the project design, mitigations, conditions, and restrictions of the use permit should be tested over a substantial period of time before the Planning Commission entertains any proposal to relax conditions or restrictions.”

Mr. Watrous stated that Kol Shofar has made good faith efforts thus far to comply with the complex requirements of the use permit and believed that additional observation is warranted before making changes to the conditions of approval. He stated that the next review of the use permit is tentatively scheduled to occur after the next High Holy Days services which would allow for additional unannounced monitoring along with continuing staff observations of the ongoing operations.

Karen Hirsch, CKS Board President, said that Kol Shofar looks forward to working with the Town and their neighbors in the future. She acknowledged that there were a few bugs to work out, but felt that these were minor and easily remedied. She said that since reoccupying the facility, compliance with the conditions of the use permit has been at the forefront of everyone’s mind. She stated that CKS contracted with a landscape and maintenance contractor in November 2010 for the purpose of removing and replanting dead and failing plants. She said that the replacement planting had been delayed due to inclement weather and also because certain replacement species had yet to be released from the nursery. She said that while the original

intent was to replace all failing plants at once, CKS is sensitive to the complaints of the neighbors and has requested immediate replacement of perimeter plantings where the landscape is most visible to neighbors. She added that CKS has also requested a proposal for cleanup of fallen debris and weed management along Via Los Altos, to occur roughly once monthly as needed.

Ms. Hirsch discussed parking and traffic concerns, noting that the required guidelines were still very new to congregants and guests. She said that while CKS cannot always anticipate attendance at its religious services, they had made every effort to contact neighbors as a courtesy when it was anticipated. She said that they had and will continue to hire off-duty police officers to assist on site as needed, will provide more no parking signs, and will begin to work on assigning attendees to offsite lots during High Holy Days services. She said that CKS would explore drop-off and pick-up procedures, but felt that it should be understood that many attendees need the ability to drop-off handicapped, elderly, and young family members before parking their vehicles offsite.

Ms. Hirsch requested that the Town begin to immediately repaint certain red curbs along Via Los Altos and Blackfield Drive back to the original gray, which would add approximately 40 spaces near CKS and reduce overflow into the surrounding neighborhood. She said that CKS had complied with the Town's requirement to form an advisory committee but as noted, identifying representatives has been difficult. She also requested that Steve Sockolov, a neighbor and CKS member, assemble an email list of all neighbors for notification purposes.

Commissioner Tollini asked if the traffic control monitors received training, noting that the monitoring report indicated that they were merely standing with signs rather than actually directing traffic. Ms. Hirsch said that the monitors were trained, but that holding the signage typically requires both hands.

Commissioner Tollini asked whether the lighted directional sign could be adjusted to illuminate only the address. Ms. Hirsch said that they asked that question themselves and will continue to look into it. She said that the lighting in place, which the Design Review Board and Fire District both approved, is low-voltage and currently set at the lowest possible level.

Commissioner Tollini acknowledged the complexity of the CUP and asked how the requirements were managed internally within Kol Shofar. Ms. Hirsch said that the former building committee continues to track compliance with the conditions of approval.

Commissioner Kunzweiler noted that the number of member-sponsored events over the last 6 months was relatively low and asked if that is expected to change in the future. Ms. Hirsch clarified that there were no member-sponsored events in that time and said there are none scheduled as of yet.

Vice-Chair Corcoran asked if CKS had any suggestions on how to address the issue of the Neighborhood Advisory Committee. Ms. Hirsch did not. Vice-Chair Corcoran said that one possibility would be to simply have open meetings, although that would raise the fear that it could turn into a much larger event.

Vice-Chair Corcoran asked how CKS planned to handle the shuttle and offsite parking process during the next High Holy Days services. Ms. Hirsch said that they would certainly tighten up traffic control. She noted that last year's services were held only two weeks after moving back in to the facility, which was not sufficient time to rehabilitate congregants to the new plan. She stated that this year's ticket packet would contain detailed instructions regarding parking, pickup and delivery. She reiterated her concern that some attendees be allowed to drop their passengers off at the main lot.

Steve Sockolov, CKS member, said that he is also a neighbor on Reedland Woods Way and had unsuccessfully attempted to get some neighbors onboard with the committee. He said that he could not offer any suggestions on how to increase participation, but encouraged anyone interested in representing the neighborhood to do so.

Chair Frymier opened the public hearing.

Samantha Winter stated that she lives directly across from the lower entrance and parking lot and the light from the sign shines directly into her living room. She acknowledged the Fire Code requirements but said that the light is not centered on the sign as indicated in the original Design Review application. She acknowledged Ms. Hirsch's comments regarding landscaping but said that the weeds and haphazardly spread woodchips could be dealt with even in the rain. She stated that she raised the issue with landscaping the Town in October 2010 and had received no response. Regarding red curbs, she said that reverting them to grey would primarily seem to benefit only CKS and she agreed with the staff recommendation that proper evaluation would require more time.

Daniel LaCoss requested that the red curbs in front of his home be repainted grey. He explained that street parking on the other side of his driveway is somewhat hindered by the intersection and fire hydrant and said that the three spaces currently painted red are needed for his family and guests. He requested that at the least, this stretch be returned to grey curbing with "no parking" posted during high usage times. Alternatively, he did not see any significant issue with CKS attendees using this or the spaces across the street when needed.

Jerry Thayer stated that the vehicular and pedestrian violations noted in the monitoring report do not support staff's finding of compliance with the conditions of the use permit. He said that the traffic impacts identified seriously affect the residential neighborhood which was designed long before CKS. He stated that CKS could stand to significantly improve enforcement of all parking and traffic requirements. He said that he is currently acting as the Bel Air neighborhood representative, though he noted that that was only because no one seemed to object to his doing so and not because he was formally elected. He said that the use permit puts the burden of enforcement on the neighborhood associations and suggested that any neighbor interested in attending a committee meeting be allowed to do so in good faith, rather than limiting attendance to officially selected representatives.

Logan Boles said that he felt that the Town Council placed a tremendous burden on residents around CKS. However, he said that the Council wisely applied a number of provisions intended to protect neighbors and asked the Commission to refrain from any capricious changes to the conditions of approval. He agreed that the red curbs in front of 201 Blackfield Drive should be

repainted grey, but he supported leaving the remainder in place. He said that the landscaping could certainly use some improvement and he was pleased to hear of Kol Shofar's plans. He said that the illuminated directional sign also shines brightly into his home throughout the evening, and he acknowledged the Fire District's requirement, but suggested that alternative methods of illumination be pursued.

David Ngo said that his home is constantly inundated with traffic and noise as a result of CKS events.

Margaret Kirby cited safety concerns related to several parking spaces in front of her home. She said that both she and CKS need the spaces and she does not wish for the curbs to be painted red, but that these spaces seem to be a magnet for those wishing to perform illegal u-turns. She said that this behavior, coupled with the tendency for pedestrians to walk down the middle of the street or cross inappropriately, is an accident waiting to happen. She requested increased police presence and traffic enforcement during the High Holy Days services.

Ron Brown, resident and CKS member, said that he is the former Board President and Co-Chair of the Building Committee and was involved in all negotiations that took place as part of the use permit. He acknowledged the intent of the red curbs but said that they largely create many of the issues highlighted by neighbors. He asked that any issues related to High Holy Days events be set aside in the discussion as they are the same problems created by any Christian institution during Christmas. He clarified that his concern relates more to the occasional special events where more guests attend than were anticipated. While he did not see this occurring often, he said that it could easily result in an addition of 40 or 50 cars. He suggested repainting the curbs between the Reedland Woods Way exit and Via Los Altos entrance, which would give vehicles leaving the parking lot when it is full a place to park without creating any particular hazard.

Chair Frymier requested clarification on the High Holy Days calendar. Mr. Brown explained that it begins with a modestly attended service on the first evening of Rosh Hoshanah. He said that services on the first full day are very busy, with roughly 1,500 attendees, and the second day is again a much more modestly attended service. He explained that Yom Kippur also begins at sunset, with that evening and the following day into sunset being very heavily attended.

Phil Walters said that he heads the CKS Grounds Committee and has 32 years experience in landscape design and contracting. He said that he did not see the weed issue that neighbors have claimed exists, but noted that CKS's usual practice of chemical weed management is difficult during winter months. He confirmed that replanting delays are related to the inclement weather and failure of the growers to release certain plantings. He also confirmed that CKS is awaiting a bid for ongoing cleanup of eucalyptus debris.

Commissioner Kunzweiler requested clarification on whether or not CKS currently has a monthly landscape maintenance plan. Mr. Walters confirmed and clarified that there is no existing maintenance plan for the areas around the perimeter of the site. He said that those areas, such as the sidewalk along Reedland Woods Way, are not planted areas and he had not considered their maintenance applicable under the conditions of the use permit. He stated that CKS has a collaborative relationship with Brooks Landscaping and Trees, who spreads their chip mulch in those areas to help suppress weeds and feed the soil. He noted that CKS is not required to install expensive bark in those areas and that shredded mulch is prohibited by ordinance.

Ms. Kirby added to her comments, stating that she has lived at her present address since 2002 and that the traffic concerns she spoke about existed both then and now.

Chair Frymier closed the public hearing.

Commissioner Tollini stated that the CKS use permit is indeed voluminous, though she understood that this was necessary in order for the Town Council to be comfortable with such a significant expansion of use within a residential area. She suggested that CKS consider assigning specific members of its team to specific conditions of approval in order to facilitate compliance monitoring. She said that the Council was very clear in its intent that the Commission make no sweeping changes to the use permit at this time and, while she would support removing the red curbs in front of 201 Blackfield Drive, she believed that staff should perform additional monitoring before any other changes are recommended.

She said that CKS should make every effort to follow the required event and parking protocols to the letter. She said that she did not see a particular need for children to be dropped off at the main entrance, and suggested that parking be provided near the front door for those who are truly of limited mobility and the rest ride the provided shuttles. She also recommended that CKS make it a practice to overestimate attendance and allow for offsite parking and shuttles whenever possible. She concurred with Ms. Kirby that increased police presence could help to deter unsafe traffic activities.

Commissioner Tollini acknowledged the comments of both CKS and neighbors, and said that she would like to see more progress made concerning landscape maintenance. Regarding the Neighborhood Advisory Committee, she suggested that the condition be amended to allow public participation in addition to any appointed representatives. She suggested that the light for the directional sign be focused solely on the address and that additional landscaping on the rear side of the sign could help to shield any light overspill. She voiced support for the staff recommendation that the use permit be kept on file with the Tiburon Police Department. She commended Kol Shofar for being in substantial compliance with the numerous conditions of approval.

Commissioner Kunzweiler concurred with the majority of Commissioner Tollini's comments. He said that pockets of the landscaping looked abandoned to him and he encouraged Kol Shofar to pursue a plan that would improve the appearance for neighbors. He said that the solution to the lighting of the directional sign was simple. He supported Commissioner Tollini's suggestion regarding the Neighborhood Advisory Committee and said that it is in the neighborhoods' interest to participate, but that it was also important to distinguish between public attendance and voting abilities. He said that he did not want to explore changing many of the red curbs right now, noting that there were a lot of controversy and CEQA mitigations for this project and the process needs more time. He said that the CKS website is very clear regarding parking expectations and that it is more an enforcement issue. He supported the recommendation to increase police presence at large events as a way to accelerate the needed behavioral changes. He thought that something could be worked out regarding the parking situation at 201 Blackfield Drive.

Vice-Chair Corcoran said that CKS has made a lot of progress and compliance will be even better in the future. He said that the Council's language was very clear in requesting that any

changes be made carefully and thoughtfully. He did not feel that 6 months was sufficient time to warrant such changes, but said the use permit is quite burdensome and would hopefully be relaxed some in the future. He recommended that no changes be made to the Neighborhood Advisory Committee at this time, supported repainting the red curbs in front of 201 Blackfield Drive back to grey, and suggested that the proposal to paint the red curbs grey between Reedland Woods Way and Via Los Altos be closely studied for future reconsideration. He encouraged the applicant to make the landscaping improvements as soon as possible. He thought that it was a good idea to collect e-mail addresses for neighbors and to focus the light on the sign. He thought that having the next CUP review after the High Holy Days was also a good idea. He thought that it was great to see the neighbors and Kol Shofar working together.

Commissioner Doyle supported the comments of the Commission. He suggested that Kol Shofar appoint one person as a point of contact regarding the use permit's conditions. He did not see the neighborhood parking issues to be any different from those created by events at Bel Aire, Del Mar, or Reed Schools but suggested that some sort of colored curb and/or permit program could alleviate the issue for neighbors. He suggested that CKS look to its congregants to help with weed abatement and management. He supported the recommendations of the Commission regarding the lighted signage and the next review period.

Chair Frymier said that she believed the applicant to be in substantial compliance with what is a very complex use permit. She said that the Town Council spent an excruciating amount of time constructing the conditions of approval and she wholeheartedly concurred that the Commission should make no changes except regarding the red curbs at 201 Blackfield Drive. She said that she has visited the site on several occasions and found the landscaping to be subpar when compared to other developments in the area. She acknowledged that the plantings have yet to mature, but said that other new facilities in town do not seem to receive the same criticism from neighbors. She shared the impression that grounds maintenance and presentation could stand to be improved all around. She said that while she would prefer to see a different design for directional sign, in the short term, the applicant should consider down lighting the existing sign. She said that she considered the kind of occasional noise generated by High Holy Days or other services and events to be part of being part of a community.

Mr. Watrous stated the intent was never for the Neighborhood Advisory Committee to be tasked with anything, despite the provision for election of co-chairs. He summarized the Commission's direction to encourage more informal participation for the committee. He said that email and direct mail communications from the applicants could be very helpful in encouraging residents to do so.

ACTION: It was M/S (Kunzweiler/Tollini) to find that CKS is in substantial compliance with its conditional use permit, to make no changes to the conditions of approval at this time, but to direct staff to work with the owner of 210 Blackfield Drive to relieve the red curb situation at that property; to encourage CKS to move ahead with the required landscaping management as soon as is reasonable possible; and, to request the applicant redirect lighting of the directional sign at the corner of Blackfield Drive and Via Los Altos. Motion carried: 5-0.

MINUTES

3. PLANNING COMMISSION MINUTES – Regular Meeting of March 9, 2011

ACTION: It was M/S (Corcoran/Tollini) to approve the minutes of the March 9, 2011 meeting as submitted. Motion carried: 5-0.

ADJOURNMENT:

The Planning Commission adjourned the meeting at 9:25 p.m.

CATHY FRYMIER, CHAIR
TIBURON PLANNING COMMISSION

ATTEST:

SCOTT ANDERSON, SECRETARY

