



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

Action and Approved Minutes - Regular Meeting  
Tiburon Planning Commission  
December 14, 2011– 7:30 PM

## ACTION MINUTES

### TIBURON PLANNING COMMISSION

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

Chairman Corcoran, Vice Chair Tollini, Commissioner Kunzweiler, Commissioner Weller  
**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 HEARINGS

1. 1501 AND 1505 TIBURON BOULEVARD: RECOMMEND TO TOWN COUNCIL ADOPTION OF AN ORDINANCE ESTABLISHING AN EXEMPTION FROM THE ZONING ORDINANCE FOR THE BELVEDERE-TIBURON PUBLIC LIBRARY EXPANSION PROJECT; Belvedere-Tiburon Library Agency and Town of Tiburon, Owners; Belvedere-Tiburon Agency, Applicant; Assessor Parcel Nos., 058-171-92, 93, 94 and 058-171-62 (portion) [SA] **Recommended Approval to Town Council**
2. TRESTLE GLEN BOULEVARD BETWEEN TIBURON BOULEVARD AND UPPER JUNO ROAD; TRESTLE GLEN CIRCLE PRECISE DEVELOPMENT PLAN (PD #18A) PROPOSING TO CREATE THREE BUILDING SITES ON A 14.46 ACRE PARCEL; FILE NO. 31101; Trestle Glen Terrace, LLC, Owner; IPA, Inc., Applicant; Assessor's Parcel No. 039-061-91 [DW] **Recommended Approval to Town Council**

3. 1 BLACKFIELD DRIVE, SUITE A; CONDITIONAL USE PERMIT TO ESTABLISH A COFFEE SHOP USE (PEET’S CPFFEE & TEA) IN THE NEIGHBORHOOD COMMERCIAL ZONE; FILE NO. 11107; The Cove Shopping Center, Inc., Owner; Chris Konecny, Applicant; Assessor’s Parcel No. 034-212-18 [LT] Approved (4-0)

MINUTES

4. PLANNING COMMISSION MINUTES – Regular Meeting of September 14, 2011 Approved (4-0)

ADJOURNMENT At 11:30 PM

**PLANNING COMMISSION  
APPROVED MINUTES NO. 1014  
December 14, 2011  
Regular Meeting  
Town of Tiburon Council Chambers  
1505 Tiburon Boulevard, Tiburon, California**

---

**CALL TO ORDER AND ROLL CALL:**

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

**Present:** Chair Corcoran, Commissioners Kunzweiler, Tollini and Weller

**Absent:** None (one vacancy)

**Staff Present:** Planning Manager Watrous, Director of Community Development Anderson, Associate Planner Tyler and Minutes Clerk Levison

**ORAL COMMUNICATIONS:** None

**COMMISSION AND STAFF BRIEFING**

Planning Manager reported the December 28<sup>th</sup> Commission meeting would be cancelled. Agenda items are prepared for the first two meetings in January.

**PUBLIC HEARINGS**

1. **1501 AND 1505 TIBURON BOULEVARD: RECOMMEND TO TOWN COUNCIL ADOPTION OF AN ORDINANCE ESTABLISHING AN EXEMPTION FROM THE ZONING ORDINANCE FOR THE BELVEDERE-TIBURON PUBLIC LIBRARY EXPANSION PROJECT; Belvedere-Tiburon Library Agency and Town of Tiburon, Owners; Belvedere-Tiburon Agency, Applicant; Assessor Parcel Nos., 058-171-92, 93, 94 and 058-171-62 (portion)**

Community Development Director Anderson presented the staff report, stating that the Belvedere-Tiburon Public Library Agency is pursuing a major expansion of its facility located at 1501 Tiburon Boulevard. The Planning Commission has previously reviewed and made recommendations to the Town Council on the initial legislative applications for the expansion and upon the environmental impact report (EIR) prepared for the project. The Town Council certified the EIR in October 2011. On November 2, 2011, the Town Council approved General Plan amendments, rezonings, and amendments to the Point Tiburon Master and Precise Plan maps related to the Library Expansion project.

Mr. Anderson stated that the Town's practice in recent years is to adopt streamlined development review procedures for major quasi-judicial projects by exempting the project from all provisions of the Tiburon Zoning Ordinance and creating Town review and decision-making process vested solely with the Town Council. He noted that the streamlining for the Library Expansion project is set forth in a General Plan policy and implementing program, and would therefore be consistent with the General Plan.

Mr. Anderson recommended that the Commission hold a public hearing, consider all testimony, and adopt the attached resolution recommending adoption of the proposed ordinance to the Town Council.

Chair Corcoran opened the public hearing.

Riley Hurd, legal counsel for the applicant, said that the General Plan is very clear in its directive to employ a streamlined process and recommended that the Commission adopt the attached resolution.

There being no one else desiring to speak, Chair Corcoran closed the public hearing.

Vice-Chair Tollini said that in general she supports a full process for items that generate such public interest. However, she said that a streamlined process is clearly contemplated by the General Plan and, as such, she could support the staff recommendation.

Commissioner Weller said that while he may not agree with a bypass concept in the abstract, this is clearly anticipated in the General Plan and he could see no reason not to offer his support.

Commissioner Kunzweiler voiced his support.

Chair Corcoran said that he was not involved in the General Plan process, but was confident that a thorough discussion on the merits of this process was entertained. He said that the Town has been cautious in applying a streamlined process only to projects that would receive a full vetting at the Town Council. In weighing the cost of a full process against the overall value to the community, he could support the staff recommendation.

|   |
|---|
| <p><b>ACTION:</b> It was M/S (Kunzweiler/Tollini) to adopt the resolution recommending adoption of the proposed ordinance to the Town Council. Vote: 4-0.</p> |
|---|

**2. TRESTLE GLEN BOULEVARD BETWEEN TIBURON BOULEVARD AND UPPER JUNO ROAD; TRESTLE GLEN CIRCLE PRECISE DEVELOPMENT PLAN (PD #18A) PROPOSING TO CREATE THREE BUILDING SITES ON A 14.46 ACRE PARCEL; FILE NO. 31101; Trestle Glen Terrace, LLC, Owner; IPA, Inc., Applicant; Assessor's Parcel No. 039-061-91**

Planning Manager Watrous presented the staff report, stating that the applicant has requested approval of a precise development plan, known as the Trestle Glen Circle, to develop a 14.46 acre parcel into three building sites. The most recent history for the project involved review of a conceptual master plan in 2010. The conceptual master plan proposed a project design of four homes, two with access from Trestle Glen Boulevard and two with access from Silverado Drive. At that time, the Commission heard from numerous neighbors objecting to the project design, particularly with relation to access from Silverado Drive, visual impacts, and the size of the proposed homes. The Commission shared many of these same concerns and advised the applicant to revise the project design to place three homes on the lower portion of the site, accessed only from Trestle Glen Boulevard.

Mr. Watrous described the development parameters proposed for each of the three lots. He explained that environmental review was conducted through the Initial Study/Draft Mitigated Negative (IS/MND) Declaration, which was prepared by a consultant hired by the Town, and summarized the areas focused upon by the Initial Study. He noted that the Town also received a letter from the State Department of Fish and Game that day that raised a number of questions. He stated that the Town's consultant reviewed the concerns raised and felt the Department had simply not investigated the project and associated reports thoroughly enough. He stated that the Initial Study identified mitigation measures for potential impacts that would reduce these impacts to less than significant levels and that the applicant had accepted these mitigation measures in writing.

Mr. Watrous stated that the staff report evaluated the proposed project for consistency with the pertinent goals, policies and principles of the Tiburon General Plan and Zoning Ordinance, the key finding of which relates to neighborhood compatibility. He said that the floor area of the proposed homes had been substantially reduced from those proposed by the previous Conceptual Master Plan but remained substantially larger than the residences in the Belveron neighborhood. He said that the proposed house sizes would be similar to the maximum house sizes approved for the adjacent Tiburon Court and nearby on Turtle Rock Court developments. As modified by conditions of approval, staff concluded that the project would be compatible with surrounding neighborhoods.

Mr. Watrous noted that numerous residents have expressed concerns about safety concerns resulting from the project at the Juno Road and Trestle Glen Boulevard intersection. He stated that during review of the Conceptual Master Plan, the consensus of the Planning Commission was that it would be preferable to have a single project access point from Trestle Glen Boulevard, aligned with the current 3-way intersection with Juno Road. He said that the Town's traffic consultant reviewed the proposal and found it to be adequate with some minor mitigation to increase line of sight.

Mr. Watrous stated that the other issue noted most frequently related to overall home size, particularly relating to Lot 3. He noted that that home had been reduced in size from the previous project, but remained relatively large. He said that the Commission should determine whether the

size and extent of the associated improvements for Lot 3 would make the amount of development on this lot incompatible with the surrounding neighborhoods.

Mr. Watrous summarized that staff felt that the project has successfully addressed many of the issues raised during the review of the Trestle Glen Circle Conceptual Master Plan and now appears to be generally consistent with the principles of the Tiburon General Plan and Zoning Ordinance. He recommended that the Planning Commission hold a public hearing, consider all testimony, and adopt the draft resolution recommending conditional approval of the Trestle Glen Circle Precise Development Plan and adoption of the Mitigated Negative Declaration to the Town Council.

Chair Corcoran requested clarification on the use of private versus common open space relative to this application. Planning Manager Watrous explained that the applicant proposed a joint maintenance agreement for the site rather than a homeowners association. Rather than creating a common maintenance agreement for all three properties, each owner would be responsible for maintenance of private open space on their individual parcel.

Chair Corcoran requested clarification on the calculation of “basement” space. Planning Manager Watrous explained that the Zoning Ordinance definition for “basement” involves a measurement of the grade around the area relative to the floor above. Under this definition, a basement must truly be submerged and not directly accessible from an exterior door. He stated that the Town’s default floor area ratio exempts basement areas from the floor area ratio for the property, based on the principle that it may add to the utility of the residence but not the overall bulk.

Commissioner Kunzweiler requested clarification on the concept of secondary residential use areas. Planning Manager Watrous explained that the amenities permitted in a secondary residential use area are very limited and intended primarily for vegetation. He referred to Exhibit 1, Condition of Approval No. 6 for a full description.

Commissioner Kunzweiler noted a condition of approval that would require the project’s homes to “closely resemble conceptual design.” He asked what expectation comes from adding this sort of condition that relates to a project feature typically determined at a later date. Planning Manager Watrous explained that in the case of most Precise Development Plans, there is a very general reliance upon the design style of the proposed homes. In this instance, the conceptual design calls for homes that are 30 feet tall, Mediterranean in style, and not completely unobtrusive in and of themselves. He said that this is a fairly standard guideline in many Precise Development Plans.

Commissioner Kunzweiler disagreed, stating that guidelines in this context refer to dimensions, square footage, and visual interpretation. He asked if, in approving the application, the Commission would also be approving details such as the circular drive and approximate location of the pool. Planning Manager Watrous said that the intent was not to tie the hands of the Design Review Board, who will ultimately review the applications submitted and compare them to the conceptual designs.

Art Giovarra, property owner, thanked the Commission for its meaningful direction at the previous hearing. After more than four years of planning, he felt that the design team had put forward what he considered an environmentally superior project. He concurred with the findings

of the staff report and hoped that the Commission would recommend approval to the Town Council. He said that throughout the planning process, he had met with neighbors, mailed postcards, and come before the Commission. He noted that while eleven of the fifteen letters in opposition to the project stem from the adjacent Belveron neighborhood, the remaining 189 immediate neighbors seemed to be satisfied with the project as proposed.

Scott Hochstrasser, planning consultant, said that the design team endeavored to address key issues raised by the Commission at the August, 2010 hearing. He pointed out the design amendments on the site plan, stating that a single point of access to the site was most appropriate. He acknowledged concerns relating to traffic safety but suggested that in cutting back vegetation and opening the intersection at Juno Road, conditions on Trestle Glen Boulevard would actually improve. With regard to home size, he said that the design team used homes approved for the nearby Tiburon Court project as a metric, as directed to by the Commission. He noted that in total, including elimination of one lot, the total floor area for the project was reduced by 7,857 square feet. He also noted that homes at the nearby Turtle Rock development range in size from 3,700 to 6,900 square feet, with an average floor area of 5,361, and that the average floor area for the proposed project is 5,225. He said that the adjacent Belveron neighborhood is an inappropriate metric for comparison and that in looking to both Tiburon Court and Turtle Rock, a clear case for compatibility could be made.

Mr. Hochstrasser reviewed project concessions, including land dedications for landscaping and a proposed bike path as public open space. He acknowledged complaints regarding visual impacts, but asked the Commission to bear in mind the vertical and horizontal setbacks from Trestle Glen Boulevard. He noted that the proposed project would offer more than 65% of the site as protected open space, including the ridgeline, oak woodlands, riparian setbacks and native grasslands. He said that the project would also improve nine landslides, which would significantly improve the slope stability above Trestle Glen Boulevard, add to the local housing supply, and provide the Town with funding for affordable housing in the form of in-lieu fees.

He provided the Commission with a copy of the letter received from the Department of Fish and Game, including response and mitigations. He stated that throughout the letter, it was apparent that the Department did not have the baseline studies prepared by the applicant or independent consultant. He urged the Commission to adopt the draft resolution, as recommended by staff.

Miles Berger, project architect, said that the intent of conceptual designs was to prove that the site can accommodate the proposed number and general layout of homes and amenities and to introduce the basic provisions that encourage features such as basic bulk and site integration. He said that the proposed homes would be set on the flatter areas of the site, preserving major tree growth and other features of the natural environment. He illustrated views from adjacent neighborhoods and roadways, stressing that the design focused on views of the hillside rather than homes.

Vice Chair Tollini asked the applicant's opinion on including the condition of approval mentioned in the Herzog letter. Mr. Hochstrasser said the applicant had no objection to including that condition of approval.

Commissioner Kunzweiler requested more information on the traffic study, particularly with respect to traffic volume, speed assumption, and recommended sight lines. He conceded that the study likely made the appropriate recommendations, but expressed concern for the future

cumulative impacts of this project and others that have been or may be approved by the Town or County. Mr. Hochstrasser stated that the Town's General Plan calculates major arterial traffic volumes and set thresholds for level of service under the build-out scenario. He estimated that the traffic study recommended a line of sight of 120 feet in either direction.

Planning Manager Watrous clarified that sight distance was measured at 280 feet in one direction and 380 feet in the other. He said that a 300-foot minimum criteria was used which would accommodate speeds up to 40 mph. The study demonstrated that 85% of traffic travelled at 40 mph and acknowledged that the majority of traffic exceeds the posted limit of 35 mph. The recommendation was made to remove certain vegetation in order to meet the 300 foot sight distance requirement.

Commissioner Kunzweiler asked the applicant to present a case for compatibility with regard to the home on Lot 3. Mr. Hochstrasser stated the home, proposed at 5,885 square feet, looked large because of its position but would actually only be one room deep. He questioned whether the Commission desired the density that would come with true neighborhood compatibility and noted the Commission's own direction to present a project with fewer, larger homes rather than a larger number of smaller homes. He said that Lot 3 would be the largest of the lots and yet the home would be smaller than the largest home in the Turtle Rock development.

Commissioner Kunzweiler asked and Mr. Hochstrasser confirmed that the applicant is specifically requesting approval of the tennis court as part of this application. He requested a basis for compatibility on this point as well. Mr. Hochstrasser said that such an argument was unnecessary, as this type of amenity is appropriate for an estate type lot. Mr. Berger added that the tennis court would be set back 35 to 40 feet from Trestle Glen Boulevard, making it virtually invisible from the roadway.

Chair Corcoran requested clarification on the "agricultural basement." Mr. Hochstrasser explained that the landscape element on Lot 3 presented the potential for a private orchard or vineyard. He said that it was the applicant's intent to store related equipment in the agricultural basement.

Chair Corcoran asked whether the applicant gave any consideration to stepping Lot 3 down the hillside in order to achieve the same size. Mr. Hochstrasser said that it would step down and meets all Hillside Design Guidelines.

Chair Corcoran opened the public hearing.

Daniel Amir introduced himself as a board member of the Belveron East Neighborhood Association. He stated that the applicant ignored a majority of the concerns expressed by the public in August, 2010. He stated that the Belveron East neighborhood believed that the proposed project would directly and negatively affect the surrounding area. He said that the project was inconsistent with the Town's General Plan and recommendations of the Planning Commission. He read several excerpts from the minutes of August, 2010, which took exception with the size of the proposed homes and rejected the Tiburon Court project as an appropriate comparison. He provided the Commission with photosimulations of amenities and views not provided by the applicants. He said that he did not necessarily object to hillside development at this location, but believed that there are many outstanding issues that have yet to be addressed.

Susan Geraghty read from the Design Review guidelines as related to lighting. She said that the design of the home on Lot 3 would create a wall of lights that spill out onto an otherwise dark neighborhood. She said that while the applicant assured neighbors there would be no lighting of the tennis court or pool, she would like such a guarantee in writing. She cited concerns related to sound pollution and requested that the landscape plan include mitigations to minimize light and sound impacts. On a larger level, she asked the Commission to consider whether an estate home was truly appropriate.

Jane Zabielskis said the rear yard of her home abuts Trestle Glen Boulevard. She strongly disagreed with staff's conclusions, particularly the conclusion that the project would not substantially interfere with views from surrounding homes. She referred to the composite photos presented by Mr. Amir, which were prepared based on story poles erected by the applicant. She stated that while Lots 1 and 2 would be set back in such a way that they would not intrude upon adjacent rear yards, Lot 3 was sized and situated such that it would dwarf everything else and bear down on the privacy of at least seven homes on Juno Road. She invited the Commission and staff to visit her home to view these impacts firsthand. She asked that the Commission direct the applicant to bring the design of Lot 3 more in line with the other two homes.

Andrew Wisner said that when he and his family moved into their home in September he was struck by the views of Trestle Glen Boulevard from his home and questioned staff's determination that the project would not substantially impact views from neighboring residences. He said that although he generally favors owner's rights, he was startled and dismayed to see the extent to which Lot 3 would fill his view of the hillside. He noted that in the applicant's own words, Lot 3 was designed to span the hillside. He described the house as garish and in poor taste.

Sam Peck said that he supported development of the subject site but not at the expense of so many homeowners. He supported the comments made by the public but said that his concerns related primarily to traffic and safety. He disagreed with the average speed cited by the traffic study and said that the intersection of Juno Road and Trestle Glen Boulevard is dangerous even under the best circumstances. He doubted whether a 4-way stop would serve to slow traffic but was confident that it would create a host of other issues. He suggested that the project combine access with the upper Tiburon Court project, creating one road to serve both developments. He urged the Commission not to approve the project as currently proposed.

Commissioner Weller requested specificity on the issues to the Juno Road intersection that would result from the project. Mr. Peck said that the project would create an additional hazard to watch for as well as increase traffic travelling up and down Trestle Glen Boulevard.

Chair Corcoran asked and Mr. Peck confirmed that it is a sight distance issue, which Mr. Peck did not feel would be resolved with the proposed landscape mitigation.

Charles Zabielskis said that the applicant's renderings failed to depict the true impacts of the project when viewed from Juno Road looking up. He noted discrepancies related to placement of the story poles, particularly relating to Lot 3. He asked the Commission not to discount the relevance of the Belveron neighborhood simply because of its age.

Kim Weindorf said that she lives across from the subject site and expressed concern that storm water runoff would overwhelm existing drainage systems and flood her property. She noted that

the project site watershed map incorrectly identified the capacity of the drainage ditch north of Trestle Glen Boulevard. She requested that either these corrections be made or that the applicant redirect runoff to enter the drainage ditch west of Juno Road. She echoed concerns related to traffic safety and suggested that the speed limit on Trestle Glenn should be lowered.

Bob Atkinson, Old Landing Road, said that all project approvals should be withheld until Trestle Glen Boulevard is widened.

Scott Durkee concurred with comments regarding traffic, though he conceded that the project may actually improve upon the current situation. He acknowledged that the proposal for Lot 3 was substantial, but felt that speeding traffic was likely of greater concern than the overall development potential of the site.

Andy Hunt requested clarification on the restrictions associated with the open space easement. Planning Manager Watrous said the private open space would be controlled in the form of an easement granted to the Town and the land would be maintained by individual property owners. He said that the easement would be permanent and essentially mandate that the land be kept in its natural condition.

David Stadlin asked the Commission to consider restrictions pertaining to preservation of the existing wildlife corridor. He said that he had no issue with the size of the proposed homes and did not consider them out of line with what exists in his own Turtle Rock development. He felt that the traffic study failed to address the real issues and that the Commission acquiesced to the demands of a few residents on Silverado Court in recommending the current access proposal. As proposed, he felt that the project would inconvenience 1,500 to 2,000 residents during construction. He recommended that the site be accessed from one driveway off Trestle Glen Terrace. He suggested that if approved as proposed, the Commission should give strong consideration to a stop sign or some other means to slow traffic on Trestle Glen Boulevard.

Tim Geraghty said that the facts demonstrate that the proposed project would generate upwards of 5,000 additional vehicle trips on Trestle Glen Boulevard. He questioned the applicant's logic in determining that the project would improve safety conditions. He also questioned the applicant's calculations in determining average home size for the Turtle Rock neighborhood.

Peter Brooks concurred with the issues already stated and said that he would like to see the cypress tree near the riparian creek preserved.

Ed Hirsh questioned the mitigation measures related to storm water runoff.

Doris Coughlin said that she initially agreed with the Commission's recommendation that the Tiburon Court development serve as a comparison to the proposed project. She said that the visual expanse of Lot 3 presented a significant concern as nearly all views from her home look straight at the story poles. She said that she would appreciate any landscaping mitigations along the eastern frontage that would lessen this impact.

Al Kirschbaum requested clarification on what appeared on the photosimulation to be a divided road with median. Mr. Berger explained that what Mr. Kirschbaum interpreted as roadway was actually a retaining wall.

Chair Corcoran closed the public hearing.

Mr. Hochstrasser said that the public raised many of the same issues heard over the last four years. With regard to lighting, he stated that no lighting was proposed for the tennis court. He estimated that the proposed project would result in an additional 29 vehicle trips per day. He noted that roads are only as safe as those who drive them and stated that if people are traveling 40 mph in a 35 mph zone, perhaps they should slow down. He felt that the size of the home on Lot 3 was reasonable, for the reasons already stated. With regard to drainage, he explained that the current code prohibits any increase in storm water runoff as a result of the project. To that end, all water generated on site must be retained. With regard to average home size at Turtle Rock Court, he said that he used a simple average of the largest and smallest homes.

Vice-Chair Tollini asked and Mr. Hochstrasser confirmed that the cypress tree referred to by Mr. Brooks would remain.

Kevin Maas, civil engineer with Adobe Associates, stated that local governance allows for no net increase in runoff from the project site and that exceeding this would trigger improvements offsite including a drainage analysis extending to the bay. He explained that the intent was to avoid this through on-site retention. He explained that while the volume of runoff would increase, the rate of runoff would actually decrease through a variety of measures, including landscape, rainwater collection and reuse, and discharge controls.

Mr. Giovarra stated that the renderings questioned by Mr. Kirschbaum were representative of improvements to be made by the Town, utilizing the 10 foot easement and a \$20,000 contribution required as a condition of project approval. He agreed that current traffic conditions on Trestle Glen Boulevard are unfortunate, but said that a considerable portion of the blame lies with the outlet from the Belveron neighborhood. He noted that this outlet does not provide the sight distance required of and provided by his project. He questioned claims that the project would markedly affect current traffic patterns, even using an assumption that each new home had five cars. He said that the public continues to transfer its frustration with existing conditions onto him and the proposed project, but that he failed to see how it was his problem. He acknowledged that the homes on the neighboring Tiburon Court property would only be 4,300 square feet but noted that this did not include a 500 square foot cabana on each lot.

Chair Corcoran asked whether the applicant considered access from either Trestle Glen Terrace or Tiburon Court. Mr. Hochstrasser and Mr. Berger stated that access is not available from either location.

Chair Corcoran asked whether consideration was given to situating the tennis court elsewhere on the site, perhaps pushed back from Trestle Glen Boulevard. Mr. Hochstrasser explained that other locations would require significant grading.

Commissioner Weller inquired about the possibility of installing a permanent or semi-permanent electronic speed monitor on Trestle Glen Boulevard to encourage adherence to the posted speed limit. Community Development Director Anderson said that it is a locally controlled street and this would be possible.

Chair Corcoran inquired about the possibility of requiring a wider easement for the purpose of widening Trestle Glen Boulevard. Community Development Director Anderson said that a

significant amount of Trestle Glen Boulevard right-of-way is not utilized; this, along with the additional space provided by the project, would allow for the widening or shifting of Trestle Glen Boulevard if needed. Planning Manager Watrous added that widening streets for improved visibility is one thing but noted that from a general traffic standpoint, wider roads encourage higher speeds.

Chair Corcoran referred to the statewide policy to encourage second dwelling units and asked whether the applicant could hypothetically apply for such at a future date. Community Development Director Anderson confirmed that state policy encourages secondary dwelling units, though it would depend upon how the applicant managed the allowable square footage in the primary residence.

### **BREAK**

Chair Corcoran called a brief break at 9:42 p.m. and reconvened the meeting at 9:48 p.m.

Commissioner Kunzweiler said that the applicant made considerable progress, particularly with respect to Lots 1 and 2. Regarding incremental traffic, he felt that the applicant also made a valid point that the issues are preexisting. However, he said that the project would now present traffic crossing Trestle Glen Boulevard and additional analysis on traffic numbers, impacts, and mitigations were warranted. He said that he could accept the conceptual design and dimensions of Lots 1 and 2, but that Lot 3 still lacked any level of consistency with the surrounding area. He noted that the applicant identified Lot 3 as an estate lot, but this is not an estate area. He recognized the trend in scale for newer homes and as well as the development potential of the site, but said that he would be challenged to make the findings for neighborhood consistency given the current proposal for Lot 3. He said that the neighborhood clearly includes smaller homes along Trestle Glen Boulevard and in Belveron. He described the home on Lot 3 as a non-starter as currently proposed.

Commissioner Weller concurred on both counts, though he felt that additional traffic analysis might not indicate the additional impacts that so many are concerned about. He said that the traffic problem stems from the opposite side of Juno Road, which is not of the applicant's doing, but he did not think that the Commission possessed sufficient information to rebut those who believe the project would significantly affect traffic conditions. He agreed that this is not an area of estate homes and felt that even Turtle Rock did not provide grounds for neighborhood consistency relative to Lot 3. He said that he could ultimately support a project with three homes that were more similar in size.

Chair Corcoran requested clarification on the Town's policy regarding construction of tennis courts. Planning Manager Watrous explained that approval of the Precise Development Plan, as proposed, would allow for future development of the tennis court on the site. If done separately and after construction of the primary residence, a tennis court would require staff-level Design Review approval. Should the Commission desire, he said that additional restrictions and modifications to the plan can be added to Condition of Approval No. 2.

Vice-Chair Tollini agreed with the issues raised by Commissioners Kunzweiler and Weller. She acknowledged the impacts associated with views, light and sound pollution but said that the applicant had a right to responsible development. She saw no issues related to the late letter from the Department of Fish and Game, and was satisfied with the consultant's response. She felt that

traffic was a clear issue and despite agreeing that the project would have a fairly de minimis impact, felt that additional mitigations were clearly warranted. She suggested that regular positioning of a patrol car on Trestle Glen Boulevard could have a positive effect on vehicle speed. She noted that the applicant responded favorably to the Commission's direction regarding home size, as evidenced by Lots 1 and 2. She said she was not particularly uncomfortable with the home size on Lot 3, but felt that the cumulative impacts of the design and amenities were excessive.

Chair Corcoran concurred that traffic and Lot 3 were the most significant issues. While not entirely the responsibility of the applicant, he hoped that the project would serve as the vehicle to bring the necessary safety improvements to Trestle Glen Boulevard to fruition. He credited the applicant for changing the project dramatically from what was presented in 2010. He noted that another development with the density of the Belveron neighborhood would be a far worse alternative. Having said that, he felt that there was still room for improvement, particularly with relation to the amenities on Lot 3. He said that he would like to see the tennis court eliminated or moved elsewhere on the site, the residential use area on Lot 3 reduced in size, and at least some private open space offered as common open space.

Planning Manager Watrous noted that the Commission's packet did not include all background studies related to the traffic report and suggested that they might want to review those studies for the level of information that seemed to be desirable.

Community Development Director Anderson stated that the Town Engineer reviewed the study and the recommendation for a 4-way stop sign. He did not believe that the Town Engineer was of the mind to agree with that recommendation, given that the project would create only three new homes. He cautioned against holding the applicant responsible for more than their incremental share of an already undesirable situation but said that it could be the direction of the Commission to take a much closer look at the issue in general.

Mr. Hochstrasser said that the applicant would like a decision tonight, and was prepared to make immediate concessions regarding the ancillary amenities, including the tennis court, secondary residence, and residential use area, on Lot 3.

The Commission held further discussion and reached consensus on the following additional conditions of approval:

- *Condition of Approval 2b* - The tennis court and studio building for Lot 3 are not approved;
- *Condition of Approval 2c* – The residential use area for Lot 3 shall be reduced to 1.8 acres, with a the additional space added to private open space;
- *Condition of Approval 9* - The house design for Lot 3 shall be stepped better into the hillside and shortened horizontally from the conceptual design, consistent with the conceptual designs for Lots 1 and 2. Such changes shall be achieved with a change to the building design and/or a reduction in the floor area of the house.
- Include the additional condition of approval recommended by the Herzog letter.

|   |
|---|
| <p><b>ACTION:</b> M/S (Kunzweiler/Weller) to adopt the resolution recommending conditional approval of the Trestle Glen Circle Precise Development Plan, as amended, and adoption of the Mitigated Negative Declaration to the Town Council. Vote: 4-0.</p> |
|---|

**3. 1 BLACKFIELD DRIVE, SUITE A; CONDITIONAL USE PERMIT TO ESTABLISH A COFFEE SHOP USE (PEET'S COFFEE & TEA) IN THE NEIGHBORHOOD COMMERCIAL ZONE; FILE NO. 11107; The Cove Shopping Center, Inc., Owner; Chris Konecny, Applicant; Assessor's Parcel No. 034-212-18**

Given the late hour, the Commission elected to waive the oral staff report and moved directly to the applicant's presentation.

Carol Mazetti, Peet's Coffee, provided history on the Bay Area business, which focuses primarily on bean sales. She stated that Peet's looks carefully at demographics and co-tenancy when selecting a site and prefers locations with compatible businesses. She said that Peet's is currently proposing a 2,035 square foot store in the Cove Shopping Center and was determined to construct as green a location as possible. She said that the proposal called for additional interior seating and the installation of a patio around the existing treescape. She stated that Peet's has long-term relationships with many local community organizations and is dedicated to becoming a strong and positive member of the community.

Vice-Chair Tollini requested clarification on the site plans and whether any changes were proposed along the Tiburon Boulevard frontage. Ms. Mazetti stated that no structural changes were proposed and that all landscaping along the frontage would remain.

Commissioner Weller asked how sales of coffee and beans compare to food items. Ms. Mazetti stated that 90% of Peet's sales stems from coffee and beans.

Chair Corcoran noted that the staff report calls for no exterior modifications but that project renderings depict a westerly wall of new windows as well as operable windows to the north. Chris Konecny, construction manager, explained that further exploration was required but that they would like to create as much natural light as possible.

Commissioner Kunzweiler asked if modifications were proposed to the existing wall where the dumpsters are currently position. Mr. Konecny said "no."

Chair Corcoran asked whether there was any discussion on creating seating along the store frontage under the existing overhang. Ms. Mazetti said "no" and explained that a portion of that space would belong to another tenant.

Pam McLaughlin, property manager, said that the center was excited at the opportunity to reinstall an anchor tenant at this location. She stated that seven of the ten existing tenants supported the proposal and one was neutral. She acknowledged the concerns of those who opposed the project but felt that the use would ultimately add to, rather than detract from, their own businesses. She noted receipt of a number of emails from adjacent residents regarding visibility concerns and said that management was happy to do whatever was prudent to increase safety at the Tiburon Boulevard intersection.

Chair Corcoran said that he was surprised to see wraparound windows on the renderings as he felt this entire end of the center was a bit neglected and fairly unattractive, particularly to the right of the enclosed equipment area. Ms. Laughlin conceded that the utility and deliveries area did not provide the most attractive view but could not present any remedies at present.

Chair Corcoran opened the public hearing.

Michael Lasky, representing Sweet Things, said that this business would be most affected by the proposal. He questioned the basis for staff's conclusions regarding primary and secondary uses. He said that approximately 95% of Peet's offerings are also sold by Sweet Things. He disagreed with staff's conclusion that this provided healthy competition and diversity in offerings. With regard to zoning consistency, he disagreed with staff's basis for "primary purpose," for which he could find no definition. He also noted that despite claims of a unique offering, consumers had not complained about being inadequately served by existing businesses. He estimated the material impact of the proposal to equal roughly 20% of Sweet Thing's current sales.

Eleanor Block said that what the Cove Center truly needed was a local market, not another place to purchase coffee.

Tiffany Dunn said that she lives behind the Cove and supported the project, provided that property management trims the shrubs where Tiburon Boulevard meets Blackfield Drive, which would improve visibility and overall safety at the intersection. She said that the presence of Peet's would not change her purchasing habits in any way but thought it would likely provide positive benefits to neighboring retailers.

Planning Manager Watrous said that management has already indicated a willingness to trim the shrubs as suggested.

Candace Washing said that she lives directly behind the Cove as well. She said that many local families support Peet's at this location. She thought that the retailer would be an excellent complement to its neighbors and encourage more revitalizing uses of the entire site. She also supported the landscape improvements requested by Ms. Dunn.

Peter Brooks said that in addition to landscape improvements, the center needs better disabled access. He lamented the current condition of the site and the landlord for allowing the center to fall so far behind the times.

Murray Dunn concurred with neighbors' landscaping requests and urged the Commission to support the application.

Chair Corcoran closed the public hearing.

Ms. Mazetti stated that 50% of Peet's daily sales occur before 11 a.m.

Chair Corcoran reopened the public hearing.

Marcia Lasky noted that Peet's and Starbucks require that property management sign a non-competition clause, which demonstrates the fact that similar uses within the same area can be detrimental to business. She said she was disappointed that Peet's was selected as the preferred tenant, particularly when there were so many other potential and more compatible uses of the site.

Chair Corcoran closed the public hearing.

Ms. Mazetti stated that Peet's does request that property owners agree to exclusive use against a business such as Starbucks. Commissioner Weller asked if the same clause would apply to retailers like a market. Ms. Mazetti said "no," that Peet's is happy to share retail centers with markets, particularly because they tend to benefit from one another's presence.

Chair Corcoran closed the public hearing.

Vice-Chair Tollini said that local businesses and the community feel are in part what attracted her to Tiburon. She noted that considerable research has been done on commercial clusters and that in many instances similar uses are complimentary rather than cannibalizing. She felt and hoped that that would be the case here. She said that she would like to see the oleander trimmed significantly as well as improvements to handicapped access and the rather unattractive Tiburon Boulevard frontage.

Commissioner Weller said that he treasured current tenants at the Cove and wished them every success. He felt that the proposed project would attract a different demographic than currently frequents Sweet Things and Hearts & Flowers, and would perhaps even increase foot traffic for each. He said that the revitalization of the center, through this anchor tenant, would likely encourage interest from a food purveyor. He said that the landscaping issues cited by the public and Commission were certainly important but not relevant to the application, and that he could support the application as proposed.

Commissioner Kunzweiler echoed the Commission's comments of support. He said that he fully supported healthy traffic and revitalization, as well as the proposed use.

Chair Corcoran said that he lived above and visited the Cove frequently. He stated that shops such as Sweet Things and Hearts & Flowers are part of what make Tiburon so wonderful. He said that the Cove has been neglected for some time and current tenants are displeased with the current conditions. He conceded that it would be nice to hand select tenants but in the current economic environment, it would be a dangerous thing to turn a willing tenant away in hopes for another. He hoped that Peet's would ultimately be the catalyst that leads to a vibrant and revitalized center. He said that he would love to see tree plantings in the parking lot, something done with the vacant nursery, and windows wrapping around the end of the center onto Tiburon Boulevard.

|  |
|--|
| ACTION: M/S (Kunzweiler/Tollini) to adopt the resolution approving the Conditional Use Permit. Motion carried: 4-0 |
|--|

**MINUTES:**

**4. PLANNING COMMISSION MINUTES – Regular Meeting of September 14, 2011**

|  |
|--|
| ACTION: M/S (Weller/Tollini) to approve the Minutes of September 14, 2011, as submitted. Motion carried: 4-0 |
|--|

**ADJOURNMENT:**

The Planning Commission adjourned the meeting at 11:30 p.m.

---

JOHN CORCORAN, CHAIR  
TIBURON PLANNING COMMISSION

ATTEST:

---

SCOTT ANDERSON, SECRETARY