



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

Action and Approved Minutes - Regular Meeting  
Tiburon Planning Commission  
January 11, 2012– 7:30 PM

## ACTION MINUTES

### TIBURON PLANNING COMMISSION

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

Present: Chairman Corcoran, Vice Chair Tollini, Commissioner Kunzweiler  
Absent: Commissioner Weller

#### 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. HOUSING ELEMENT UPDATE: REVIEW AND CONSIDER RECOMMENDING TO THE TOWN COUNCIL ADOPTION OF AN UPDATED HOUSING ELEMENT OF THE TIBURON GENERAL PLAN [SA] **Recommended Approval 3-0**
2. 14 CECILIA COURT: REQUEST TO AMEND THE TIBURON HIGHLANDS PRECISE PLAN (PD #15) TO INCREASE THE MAXIMUM FLOOR AREA FOR LOT 7; FILE #31003; David and Dipanwita Reis, Owners; Greg LeDoux, Applicant; Assessor's Parcel No. 034-360-30 [DW] **Denied 3-0**

## MINUTES

3. **PLANNING COMMISSION MINUTES – Regular Meeting of December 14, 2011**  
**Approved as Amended 3-0**

## ADJOURNMENT At 8:10 PM

PLANNING COMMISSION  
APPROVED MINUTES NO. 1015  
January 11, 2012  
Regular Meeting  
Town of Tiburon Council Chambers  
1505 Tiburon Boulevard, Tiburon, California

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### **CALL TO ORDER AND ROLL CALL:**

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

**Present:** Chair Corcoran, Vice-Chair Tollini, Commissioner Kunzweiler

**Absent:** Commissioner Weller

**Staff Present:** Director of Community Development Anderson, Planning Manager Watrous,  
Planning Consultant Jeff Baird and Minutes Clerk Levison

**ORAL COMMUNICATIONS:** None

### **COMMISSION AND STAFF BRIEFING**

Planning Manager reported that the Kol Shofar use permit annual review is scheduled for January 25<sup>th</sup>. The Town Council is scheduled to hold continued interviews for the open Commission seat on January 18<sup>th</sup>. Review of the Trestle Glen Circle Precise Development Plan is scheduled for February 1<sup>st</sup> and the Alta Robles project tentatively scheduled for February 15<sup>th</sup>.

### **PUBLIC HEARINGS**

1. **HOUSING ELEMENT UPDATE: REVIEW AND CONSIDER  
RECOMMENDING TO THE TOWN COUNCIL ADOPTION OF AN UPDATED  
HOUSING ELEMENT OF THE TIBURON GENERAL PLAN**

Community Development Director Anderson presented the staff report, stating that in January 2011, the Planning Commission reviewed the Preliminary Draft Housing Element and forwarded its comments and recommendations to the Town Council. Following the incorporation of changes made by the Commission and Council, the Element was submitted to the State Department of Housing and Community Development (HCD) for preliminary review. In October, the Town received written confirmation from HCD that the revised draft element would meet the statutory requirements for housing elements and would be certified as “in compliance.”

Several HCD comments focused on the Town's affordable housing and inventory of available sites, while others sought clarification on the removal of government constraints and provision of incentives to promote affordable housing construction.

An Initial Study was prepared for the Housing Element update, concluding that no adverse environmental impacts would result from the update project and that it would be eligible for a mitigated negative declaration. The number of housing units necessary to accommodate the Town's regional fair share housing need has dropped since the prior housing element cycle. Staff recommended that the Commission hold a public hearing, discuss and make any recommended revisions, and adopt the resolution recommending adoption of the updated Housing Element to the Town Council.

Mr. Anderson introduced Planning Consultant Jeff Baird.

Chair Corcoran opened the public hearing and, there being no comment, closed the public hearing.

Vice-Chair Tollini provided the following minor corrections/clarifications:

- Page 59, 3<sup>rd</sup> line – “**Hence**, the Marin Housing Authority...”
- Page 65 – clarification on the table referenced
- Page 68 – update occupancy status of several retail locations
- Page 83, 3<sup>rd</sup> paragraph – “...information required for application to be deemed complete...”

Vice-Chair Tollini requested clarification on a cross-reference on Page 85, which Mr. Anderson advised should be deleted.

Commissioner Kunzweiler remarked on the narrative and flow of the document, which provides a comprehensive set of guidelines. He called out interesting data such as projected growth and demographics, though he questioned what seemed to be a high number of persons with disabilities (1,488). He found the decrease in regional housing needs assessment numbers, which have always been controversial and frustrating, particularly interesting. He complimented Mr. Baird on crafting such a transparent review of the Town's planning process and fees and noted that the latter are not out at all out of line with those of other communities, despite what some residents may assert. He referred to Page 106, which notes the severe lack of water pressure on the southern unincorporated portion of Paradise Drive. He could not recall any dialogue on this during the recent coverage of the Alta Robles project.

Chair Corcoran said he would submit his minor comments in writing to staff.

<p><b>ACTION:</b> It was M/S (Kunzweiler/Tollini) to adopt the resolution recommending adoption of the updated Housing Element to the Town Council. Vote: 3-0.</p>
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**2. 14 CECILIA COURT: REQUEST TO AMEND THE TIBURON HIGHLANDS PRECISE PLAN (PD #15) TO INCREASE THE MAXIMUM FLOOR AREA FOR LOT 7; FILE #31003; David and Dipanwita Reis, Owners; Greg LeDoux, Applicant; Assessor's Parcel No. 034-360-30**

Planning Manager Watrous presented the staff report. The applicants propose to amend the Tiburon highlands Precise Plan for property located at 14 Cecilia Court to increase the maximum allowable floor area for the home from 3,500 square feet to 3,884 square feet. The new floor area would result from the conversion of an existing garage space to living area and the enclosure of an existing courtyard into living space.

Planning Manager Watrous summarized the history of the Tiburon Highlands Subdivision and Precise Plan, noting that the project was approved by the Town Council following seven years of intense review, controversial debate, development moratoria, and a lawsuit. He stated that the probable goal of the floor area limitation was to address concerns by Reedlands residents below the proposed lots that overly large homes would loom over their own homes, result in privacy concerns and drainage and soil instability problems, and be out of character with their older and smaller homes.

Planning Manager Watrous described the proposed additions and noted that the default floor area ratio for the subject property would be 3,054 square feet, with an additional allowance for up to 600 square feet of garage space, while the subject application requests 3,884 square feet of floor area and 723 square feet of garage space, which would be 830 square feet over the default floor area ratio limit for this lot. He said that if the Tiburon Highlands Precise Plan did not include a specific floor area limitation for this lot, the applicants could have requested a floor area exception for the proposed additions. He believed that there would be sufficient evidence to support the findings for such a request if the Precise Plan limitation did not exist, but also noted that floor area exceptions as large as 830 square feet are becoming less common, as the Design Review Board and Town Council have increasingly discouraged the granting of sizable floor area exceptions in recent years.

Planning Manager Watrous recommended that the Commission hold a public hearing, consider all testimony and either adopt the draft resolution amending the Precise Plan or direct staff to prepare a draft resolution denying the amendment.

Dipanwita Reis said she and her husband were married in this home as renters several years before and were very excited to finally have the opportunity to purchase the home for their family. She explained that the proposed amendment would seek to accommodate their family of 6 by creating an additional bedroom and bathroom as well as enclosing the internal courtyard to house their daughter's piano. She said that the project would simply enclose internal space and would have no affect on the surrounding neighborhood. She felt that a specific and unique project such as this, which would not alter the envelope of the home in any way, would not likely set a precedent for other homes within the Precise Plan area.

Greg Ledoux, architect, briefly described the external changes proposed to the house, which would consist of two windows and a low slope roof the follows an existing overhead trellis. He said that the amendment was clearly specific to this lot and any future applications for surrounding property owners would have to demonstrate the same lack of impacts to surrounding neighbors.

Chair Corcoran opened the public hearing and, there being no comment, closed the public hearing.

Vice-Chair Tollini requested staff's opinion on the mail item requesting additional time because of late notice. Mr. Watrous stated that staff mailed out notices to all property owners within 300 feet in December 2011 and that additional courtesy notices were mailed to an expanded area along Warren's Way and Reed Ranch Road in early January. It was the consensus of the Commission that all notice requirements were sufficiently met and that it could proceed with the hearing.

Commissioner Kunzweiler said that the matter was very clear and straightforward. He recalled that the Town has received occasional but regular requests for similar projects that are inconsistent with the intent of the Precise Plan. He acknowledged that property owner's needs and uses change but said that there is clear disclosure on the limitations attached to these properties. He believed that it is the Commission's responsibility to respect the decisions of its predecessors who spent a lot of time making their decision, and said that he could make no findings to support the project.

Vice-Chair Tollini said she felt for the applicant and, in absence of the Precise Plan, would likely have no issue making the findings for a floor area exception. While she did not see the rationale for perpetuity of every Precise Plan, she felt that the Commission should adhere to the history of the project and the work that came before.

Chair Corcoran said that the applicant made a compelling presentation and had a sympathetic story, but the decisions of the Commission are separate from personal feelings. He said that the Commission's obligation is to honor and uphold the decisions that have been made and simple passage of time is not an adequate argument to change such hard won compromises. He acknowledged he was a bit torn with regards to the interior nature of the space, but ultimately concurred with Commissioner Kunzweiler that there were no grounds to approve the amendment. He felt that the only reason that there was room for discussion was that the project was approved 23 years ago.

<p><b>ACTION:</b> It was M/S (Kunzweiler/Tollini) to direct staff to prepare a resolution denying the application, for review and consideration at the next meeting. Motion carried: 3-0.</p>
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**MINUTES:**

3. PLANNING COMMISSION MINUTES – Regular Meeting of December 14, 2011

Chair Corcoran requested the following clarification:

- Page 10, 4<sup>th</sup> paragraph – “Community Development Director Anderson confirmed ~~this~~ **that state policy encourages second dwelling units, ...**”

ACTION: It was M/S (Tollini/Kunzweiler) to approve the Minutes of December 14, 2011, as amended. Motion carried: 3-0.
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**ADJOURNMENT:**

The Planning Commission adjourned the meeting at 8:10 p.m.

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JOHN CORCORAN, CHAIRMAN

ATTEST:

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SCOTT ANDERSON, SECRETARY (ACTING)