

Town of Tiburon

STAFF REPORT



AGENDA ITEM _____

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TO: **PLANNING COMMISSION**

FROM: **SCOTT ANDERSON, DIRECTOR OF COMMUNITY DEVELOPMENT**

SUBJECT: **CONDITIONAL USE PERMIT #10603**
REVIEW OF CONDITIONAL USE PERMIT TO OPERATE A TEMPORARY CONSTRUCTION STAGING AREA ON A VACANT LOT; 2240 CENTRO EAST STREET; ROLF EISELIN, OWNER; MAGGIORA & GHILOTTI, INC., APPLICANT; ASSESSOR'S PARCEL NO. 059-142-02 (continued from October 25, 2006)

MEETING DATE: **NOVEMBER 8, 2006** _____

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SUMMARY

At its meeting on October 25, 2006, the Planning Commission reviewed this conditional use permit and received considerable testimony from concerned residents. Minutes summarizing the proceedings of that meeting are contained elsewhere within this packet. The direction of the Commission was that the Director of Public Works meet with the contractor and concerned neighbors to resolve ongoing issues with the staging area use.

ANALYSIS

The Director of Public Works has submitted a memorandum (**Exhibit 1**) dated November 2, 2006 summarizing the actions taken since the October 25th meeting, and will be present at the Commission meeting. It appears that the staging area lot will be vacated by the contractor no later than December 15, 2006.

RECOMMENDATION

Staff recommends that the Planning Commission take public testimony on this item, close the public hearing and give direction to Staff regarding any potential amendments or other action to be taken regarding the subject conditional use permit.

EXHIBITS

1. Memo from Director of Public Works Nguyen dated November 2, 2006

TO: Dan Watrous, Planning Department



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FROM: Nicholas Nguyen, Public Works

CC: Peggy Curran, Town Manager
Al Petrie, Public Works
Tony Iacopi, Public Works
Isaac Dee, Harris & Associates, Fax: (925) 827-4982
Matt Odetto, Chief of Police
Richard Pearce, Tiburon Fire District
Glenn Ghilotti, Maggiora & Ghilotti, Fax: (415) 459-4884

SUBJECT: Action Plan For the Use of the 2240 Centro East Lot
Lyford Cove Utility Undergrounding project

DATE: November 2, 2006

Since the last Planning Commission meeting on October 25th Public Works has formulated an overall process to manage the use of the lot at 2240 Centro East as per the Planning Commission's direction. The following steps include involvement from staff, the contractor (Maggiora & Ghilotti), and delegates of the adjacent residents:

- To build a spirit of partnering among the stakeholders and establish a direct dialogue, Public Works has established a bi-weekly meeting to include two (2) delegates of the adjacent residents to discuss and resolve complaints. The two delegates are Dolores Davis and Milton Diaz. The first meeting occurred on November 1st. Mr. Diaz did not attend as he was out of town. If the Town must use additional funds to mitigate valid issues, it will do so.
- Dust control, being one of the key concerns, will be improved through education of the contractor's operators. Use of water before brooming operations will be emphasized. Contractor will also coordinate the use of their own street-sweeper. The Town will also engage the services of a street-sweeper at its own expense when appropriate. Damp fall and winter conditions will resolve remaining dust.
- Noise from equipment, e.g. idling equipment, will be minimized through education of the contractor's operators. The contractor indicated that it is not to his benefit to leave equipment idling for long periods of time as it wastes fuel and damages the equipment. If equipment is on, it is on for a reason or because it makes less sense to shut them down and re-start them. The staff cannot dictate how the contractor will manage his equipment, but will partner with them to monitor the idling issue.
- Odor from material, e.g. cold mix, will be continually managed through the use of a tarp. The contractor is entitled to have access to material in an efficient manner. If the tarp is not used in an effective or efficient manner, staff will direct contractor to do so.



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- Traffic safety, parking and postal delivery will be monitored by the Police Department and/or Public Works. The Police Department and Fire District have no particular negative comments about the situation on Centro East. In fact, the Fire Chief has petitioned the Town Manager and Chief of Police to continue the use of lot as this use provides clear roadways for the area and his emergency services. Coincidentally, the Fire Chief lives 50 feet diagonally from the site and next to Mr. Diaz. It has come to the forefront that the Postal delivery person has not delivered some mail because he/she would have to get out of their vehicle to do so. The Town will discuss this situation with the Postal Service.
- Lastly, the contractor will vacate and stop using the lot by December 15th, 2006. Based on the complaints received from the adjacent residents, they will cease the use and store some of their equipment and stockpiles along the side of the roads wherever limited spaces are available. The contractor will park other non-essential equipment at off-site locations, such as Blackie's Pasture or wherever they have gained private access. However, it is anticipated that the Town staff will now address new issues and complaints arising from this approach.

If you have any questions, please feel free to contact me.