

Town of Tiburon STAFF REPORT

AGENDA ITEM _____



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TO: **PLANNING COMMISSION**

FROM: **PLANNING MANAGER WATROUS**

SUBJECT: **GENERAL PLAN IMPLEMENTATION PROGRAM, INVOLVING AMENDMENTS TO THE LAND USE ELEMENT OF THE GENERAL PLAN AND ADOPTION OF AN UPDATED ZONING MAP AND PLANNED DEVELOPMENT MAP, ALONG WITH PRE-ZONING OF TWO UNINCORPORATED PROPERTIES WITHIN THE TIBURON PLANNING AREA; FILE NOS. GPA2006-01, Z2006-01 & R2006-01**

MEETING DATE: **JANUARY 25, 2006** _____

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BACKGROUND

The Town's recently-adopted General Plan, *Tiburon 2020*, includes a number of implementation programs which describe actions to be taken by the Town to implement the goals and policies of the General Plan. Substantial changes to the Tiburon Zoning Map and the Planned Development Map are required to maintain consistency with the Land Use Element of the General Plan. Further review of the General Plan has also revealed a number of minor mapping errors that need to be corrected. In addition, two unincorporated properties within the Tiburon Planning Area are required to be pre-zoned to implement Housing Element programs.

The State Department of Housing and Community Development (HCD) issued a letter on December 5, 2005 (Exhibit 2) finding the Tiburon Housing Element to be in compliance with state law, based on the condition that Programs H19A through H19D be implemented by April of this year. Several of the proposed amendments are intended to begin the process of complying with this HCD requirement.

ANALYSIS

Updated Zoning Map and Planned Development Map

The updated zoning map will include a number of changes to provide consistency with *Tiburon 2020*. Most of these changes are relatively minor and would not alter the allowable uses allowed on these parcels. For example, the zoning designation for the areas containing Shoreline Park, the Richardson Bay Lineal Park and Blackie's Pasture would be changed from P (Public/Quasi-Public) to the new Parks & Recreation (P & R) zone; the new designation would more accurately reflect the park uses of these properties, while the P zone is primarily intended for more intensive use by government or quasi-public facilities. Similarly, the zoning for the Richardson Bay Audubon Center property would change from OS (Open Space) to P & R to better reflect the existing development and recreational uses associated with that site.

A new Planned Development Map would also be adopted. This map would more accurately reflect the status of the parcels within the Tiburon town limits where development potential is or



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will be regulated by approved precise development plans. Amendments to this map reflect the bifurcated status of the former Cherry property along Trestle Glen Boulevard (previously PD #18, now PD's #18A [Tiburon Court] & 18B [Trestle Glen Lower]) and the annexation of the Cypress Hollow (PD #45) and the Swift/Sugarman (PD #46) developments to the Town of Tiburon.

Affordable Housing Overlay

The Housing Element listed four sites within the Tiburon town limits as key housing opportunity sites for future affordable housing projects. An Affordable Housing Overlay designation was placed on all of or portions of these four properties:

- 1601 Tiburon Boulevard (Marin County Assessor's Parcel No. 058-171-47; Bank of America site)
- 1535, 1555 & 1599 Tiburon Boulevard (Marin County Assessor's Parcel Nos. 058-171-43, 88 & 89; Bell Market and Washington Mutual bank sites)
- A portion of 1199 Tiburon Boulevard (Marin County Assessor's Parcel No. 058-151-33; Reed Elementary School site)
- A portion of One Blackfield Drive (Marin County Assessor's Parcel No. 034-212-18; Cove Shopping Center site)

The placement of the Affordable Housing Overlay zone onto these properties would bring their zoning into conformance with the designations contained within the Land Use and Housing Elements for these sites. This would also help implement Housing Program H-19C, as required by HCD.

Parks & Recreation Zone

A new zoning district that would be compatible with the Parks & Recreation designation contained within the new Land Use Element must be established. The following section is recommended to be added as Section 16-2.15.50 of the Tiburon Municipal Code (Section 2.15.50 of the zoning ordinance):

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Section 16-2.15.50. P & R Zone Regulations.

The purpose of the **Parks & Recreation Zone** is to recognize those lands within the Town used or intended for parks and recreational use. While most of the parks and recreational land in Tiburon is publicly owned, some portions are privately held with use restrictions limiting the property to parks and/or recreational use.

16-2.15.51. Permitted Uses (P & R).

1. Public parks and the activities allowed therein by rules and regulations adopted by the Town Council.
2. Conservation of natural resources
3. Restoration of native habitats
4. Wildlife sanctuaries.
5. Passive and active recreational uses such as hiking, picnicking, playing of organized and individual games, and the enjoyment of nature.
6. Construction of minor structures and ancillary facilities and improvements consistent with parks and recreational uses, as determined in the reasonable discretion of the Director of Community Development.
7. Improvement or installation of trails, playgrounds, paths or other similar improvements intended to enhance the enjoyment of nature while minimizing impacts on the natural qualities of the land.

16-2.15.52. Conditional Uses Permitted (P & R).

The uses listed below shall be permitted only when a Conditional Use Permit is granted, as provided in Section 16-4.04.00 herein.

1. Construction of, or additions to, buildings that support parks or recreational activities.
2. Organized educational facilities, activities or programs intended to promote knowledge and enjoyment of natural resources.
2. Public utility and communication equipment buildings or facilities.
3. Other uses which, in the opinion of the Commission, are similar to that listed above.

16-2.15.53. Land and Structure Regulations (P & R).

1. Building height limits: 30 feet for main building and 15 feet for accessory building.



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2. Lot coverage limit: 10 percent.
3. Floor area ratio limit: 0.10.
4. Setbacks: As determined through Conditional Use Permit and/or Site Plan and Architectural Review approval.
5. Site Plan and Architectural Review as provided in Section 16-4.02.00.

The following change would also be made to Section 16-2.01.00 to reflect the establishment of this new zone:

Section 16-2.01.00. Zones Established.

The names of zones into which land in the Town is classified are as follows:

R-1	Single Family Residential Zone
R-1-B-A	Bel Aire Single Family Residential Zone
R-1-B-2	Modified Single Family Residential Zone
RO	Residential Open Zone
R-2	Two-Family Residential Zone
R-3	Multi-Family Residential Zone
RPD	Residential Planned Development Zone
RMP	Residential Multiple Planned Zone
M	Marine Zone
O	Office Zone
NC	Neighborhood Commercial Zone
VC	Village Commercial Zone
P	Public/Quasi-Public Zone
OS	Open Space Zone
F	Flood Hazard Overlay Zone
<u>P & R</u>	<u>Parks & Recreation Zone</u>

General Plan Error Corrections

As noted above, after further reviewing the details and maps of *Tiburon 2020*, a number of minor errors were discovered that need to be corrected. The Land Use Diagram (Diagram 2.2-1) included in the Land Use Element incorrectly designates the land use for several properties. The properties at 210 & 220 Blackfield Drive and 121 Barn Road were incorrectly designated for Medium Density Residential use; the Medium High Density Residential use designation is consistent with the existing underlying zoning for these developed properties.



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Two privately held properties created for “Park” use were inadvertently designated for Open Space use in the Land Use Element. One parcel is in the midst of other properties on Geldert Drive, Malvino Court, Harn Court and Mark Terrace, and is owned by the owner of the adjoining lot at 130 Geldert Drive. The other parcel is adjacent to 20 & 30 Pine Terrace and is owned by the Pine Terrace Homeowners Association. The Parks & Recreation zoning designation would be consistent with the use specified on the subdivision maps that created the parcels. These two properties would also be rezoned to the new Parks & Recreation zone classification.

Properties that extend beyond the mean high tide line into Richardson Bay, Raccoon Strait and San Francisco Bay have been zoned M (Marine), which limits use of these areas to docks and water recreation-related uses. The Land Use Diagram does not specify any use designation for these water areas. A new Marine land use designation should therefore be included in the Land Use Element and designated for all M Zoned property.

In order to create the Marine land use designation, the following language would be added to the top of Page 2-12 of the Land Use Element:

“**Marine** designations allow water-related activities subject to specific regulations contained within the M (Marine) zone classification of the zoning ordinance.”

Table 2.2-3 (Commercial and Other Land Use Designations) of the same element would be modified to read as follows:

Table 2.2-3 Commercial and Other Land Use Designations

LAND USE DESIGNATION	INTENSITY	TYPICAL ZONING DISTRICT
NC Neighborhood Commercial	Up to 0.37 FAR	NC Neighborhood Commercial
NC/AHO Neighborhood Commercial/Affordable Housing	Up to 0.31 FAR (commercial component only)	
VC Village Commercial	Up to 0.28 FAR	VC Village Commercial
SC Shopping Commercial	Up to 0.5 FAR	
O Office	Up to 1.0 FAR	O Office
P Public/Quasi-Public	Up to 1.0 FAR	P Public/Quasi-Public
Park Parks & Recreation	Up to 0.1 FAR	P Public/Quasi-Public
M Marine	0.0 FAR; No buildings permitted; only water-related uses	M Marine
OS Open Space	Up to 0.1 FAR for existing buildings; No new buildings permitted	OS Open Space

Table 2.2-4 (Land Use Distribution) would also be modified to read as shown in Exhibit 3.



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Pre-Zoning

Program H-19A included in the Housing Element of *Tiburon 2020* states that the Town shall initiate the appropriate actions to eliminate obvious governmental constraints to the construction of affordable housing sites identified in Tiburon's Housing Plan 1999-2006. The two sites identified as key housing opportunity sites that are within the Tiburon Planning Area but outside the Town limits are the Oloumi and Pan Pacific properties, vacant parcels located in the western end of the Tiburon Peninsula above Bay Vista Drive and Knoll Road. Pre-zoning of these two parcels would establish the zoning designation for these properties if these sites are ever annexed into the Town of Tiburon, thus eliminating one governmental hurdle needed prior to their development. As previously noted, HCD has required the Town to complete Program H-19A by April 2006.

The Land Use Element describes the two sites as follows:

"Pan Pacific: This 17-acre parcel is steeply sloping and is west-facing, consisting mostly of grassland. It is recommended that approximately one acre of the property be designated with an Affordable Housing Overlay (AHO). An application for a 3-lot subdivision has been filed with the County of Marin. Maximum allowable density (non-AHO): 0.2 d.u./acre; approximate maximum units (non-AHO): 3."

"Oloumi: This property is approximately 6.1 acres and consists mostly of grasslands. The average slope of the property is approximately 33%. It is recommended that approximately $\frac{3}{4}$ of an acre of the property be designated with an Affordable Housing Overlay (AHO). Maximum allowable density (non-AHO): 0.4 d.u./acre; approximate maximum units (non-AHO): 2."

Each of these two sites would be pre-zoned RPD (Residential Planned Development), with an RMP (Residential Multiple Planned) zoning and an Affordable Housing Overlay placed on a small portion of the southwest corner of each parcel, matching the Land Use Diagram designation. Due to serious obstacles to annexation raised by Marin LAFCo in recent months, the Town is not contemplating initiating annexation of either property at this time.

ENVIRONMENTAL REVIEW

An EIR for the *Tiburon 2020* General Plan update was certified by the Town Council on September 7, 2005. All of the proposed amendments considered herein are either exempt from CEQA pursuant to Section 15061 [b(3)] or are within the scope of the previously certified EIR, wherein no additional review is required.

FUTURE ACTIONS REQUIRED

The Planning Commission will make a recommendation to the Town Council regarding the proposed amendments. A subsequent public hearing will be scheduled for the Town Council to consider the proposed amendments.

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RECOMMENDATION

It is recommended that the Planning Commission:

1. Hold a public hearing and discuss the proposed amendments to the Tiburon General Plan, Tiburon Zoning Map, Planned Development Map and Tiburon Zoning Ordinance; and
2. Adopt the attached resolution recommending approval of these amendments to the Town Council.

EXHIBITS

1. Draft resolution
2. Letter from State Department of Housing and Community Development, dated December 5, 2005
3. Draft Table 2.2-4 – Land Use Distribution