



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
September 12,
2007
Agenda Item: 1

STAFF REPORT

To: **Members of the Planning Commission**

From: **Community Development Department**

Subject: **Recommendation to Town Council Regarding Adoption of an Ordinance Establishing a Streamlined Development Review Procedure for the Belvedere-Tiburon Library Expansion Project; 1501 Tiburon Boulevard; Belvedere-Tiburon Library Agency and Town of Tiburon, owners; Assessor Parcel Nos. 058-171-62 (portion), 058-171-93 & 058-171-94**

BACKGROUND

The Town's practice in recent years is to adopt streamlined development review procedures for major public facilities. The streamlined approach was used for the original Belvedere-Tiburon Public Library project as well as the new Town Hall and new Police Station projects. At the request of the Belvedere-Tiburon Library Agency (see **Exhibit 1**), a similar streamlined processing approach is proposed for the expansion to the Belvedere-Tiburon Public Library. The Town has consented to consideration of the streamlined approach (**Exhibit 2**).

The Town anticipated this action when adopting its updated General Plan, *Tiburon 2020*, in 2005. The following policy and program from *Tiburon 2020* are relevant:

Downtown Element Policy DT-35: Support an appropriate expansion of the Belvedere-Tiburon Public Library adjacent to Zelinsky Park.

Downtown Element Program DT-u: Facilitate expansion of the Belvedere-Tiburon Public Library by employing a streamlined permit review process typically used for major public projects.

ANALYSIS

Under current zoning regulations, a conditional use permit and site plan and architectural review approval would be required prior to issuance of building permits for a library expansion project. The ordinance being considered would exempt the project from all provisions of the Tiburon Zoning Ordinance and create a review and decision-making process vested entirely in the Town Council. Courtesy referrals to any other reviewing body, such as the Planning Commission or Design Review Board, would be at the option of the Town Council. This procedure is essentially similar to that used by the Town on the above-named major public projects.

The Town is taking a conservative approach in adopting the streamlined review process by treating it as an amendment to the Zoning Ordinance, even though no actual text or maps of the Zoning Ordinance would be altered by the proposed streamlining ordinance. The proposed ordinance attempts to conserve scarce public monies and advance the extraordinary public interest associated with this project by focusing and shortening the review process, not by relaxing standards or criteria. To that end, the proposed ordinance states as follows:

In conducting its review and evaluation of the Project, the Town Council shall utilize those standards and criteria that the Planning Commission and Design Review Board would have normally applied absent the adoption of this streamlined processing procedure.

STAFF RECOMMENDATION

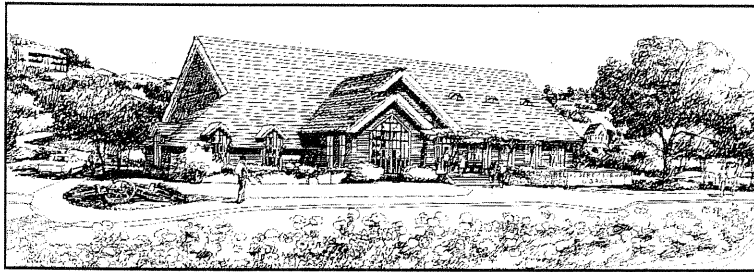
1. Hold a public hearing on the matter.
2. Adopt the resolution (**Exhibit 3**) recommending approval of the streamlining ordinance to the Town Council.

EXHIBITS

1. Letter from Belvedere-Tiburon Library Agency dated June 25, 2007.
2. Letter from Town Manager dated June 25, 2007.
3. Draft Resolution (with draft ordinance as an exhibit thereto).

Prepared by: Scott Anderson, Director of Community Development

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Belvedere - Tiburon Library
1501 Tiburon Boulevard
Tiburon, CA 94920
415-789-2665 415-789-2650 (fax)

June 25, 2007

Peggy Curran, Tiburon Town Manager
1505 Tiburon Blvd.
Tiburon, CA 94920

Dear Peggy,

The Town of Tiburon General Plan, approved on September 7, 2005, includes the following declarations in regard to the expansion of the Belvedere-Tiburon Library.

Public Facilities Policies

DT-35: Support an appropriate expansion of the Belvedere-Tiburon Public Library adjacent to Zelinsky Park.

Implementing Programs for Public Facilities

DT-u: Facilitate expansion of the Belvedere-Tiburon Public Library by employing streamlined permit review processes typically used for major public projects.

At this time, the Belvedere-Tiburon Library Agency respectfully requests that the Council direct Staff to draft the implementing ordinance for Program DT-u for consideration by the Town Council. The Library is moving forward with plans for expansion and renovation and would appreciate final determination of the public facility permit review process.

Sincerely,

Deborah Mazzolini, Director
Belvedere-Tiburon Library

EXHIBIT



June 25, 2007

Deborah Mazzolini, Director
Belvedere-Tiburon Library
1501 Tiburon Boulevard
Tiburon, CA 94920

Dear Debbie:

I am in receipt of your letter requesting that the Town employ streamlined permit review processes for the planned library expansion. To accomplish this, the Town Council will need to pass an implementing ordinance to set forth streamlined rules to govern the process.

Please be assured that Town staff intends to bring such an ordinance to the Town Council for its consideration. We anticipate this occurring in August or September of this year. We will advise you of the timing as it draws near.

The Town looks forward to working with you and the Library Board to see this expansion through to a successful conclusion.

Best wishes,

Margaret A. Curran
Town Manager

cc: Tiburon Town Council
Scott Anderson, Director of Community Development

Tom Gram
Mayor

Jeff Slavitz
Vice Mayor

Miles Berger
Councilmember

Alice Fredericks
Councilmember

Paul Smith
Councilmember

Margaret A. Curran
Town Manager

EXHIBIT

2

RESOLUTION NO. 2007-XX

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE TOWN OF TIBURON RECOMMENDING TO THE TOWN COUNCIL ADOPTION
OF AMENDMENTS TO THE TIBURON MUNICIPAL CODE (CHAPTER 16, ZONING) IN
THE FORM OF AN ORDINANCE ADOPTING STREAMLINED REVIEW AND
DECISION-MAKING PROCEDURES FOR THE
BELVEDERE-TIBURON PUBLIC LIBRARY EXPANSION PROJECT**

WHEREAS, the Town of Tiburon, at the request of the Belvedere-Tiburon Public Library Agency, has initiated zoning ordinance amendment procedures to the Town's Zoning Ordinance, codified as Chapter 16 of the Tiburon Municipal Code, in order to adopt streamlined review and decision-making procedures for the Belvedere-Tiburon Public Library Expansion Project; and

WHEREAS, the Planning Commission finds that the adoption of the processing procedures has no potential to result in adverse impacts on the environment and is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15061 [b(3)] of the CEQA Guidelines; and

WHEREAS, notice of the public hearing on this matter was published in the Ark newspaper on August 29, 2007, and other noticing was provided as required by law; and

WHEREAS, the Planning Commission held a duly noticed and advertised public hearing on September 12, 2007, at which testimony was received from the public; and

WHEREAS, the Planning Commission finds that the proposed ordinance would be consistent with the goals, policies, and programs of the Tiburon General Plan, as set forth in the Staff Report dated September 12, 2007; and

WHEREAS, THE Planning Commission finds that the proposed ordinance is consistent with the objectives set forth in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends that the Town Council adopt the ordinance establishing streamlined review and decision-making procedures for the Belvedere-Tiburon Public Library Expansion Project, said ordinance being set forth as attached Exhibit A, and incorporated herein.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the Town of Tiburon held on September 12, 2007, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

AL AGUIRRE, CHAIRMAN
Tiburon Planning Commission

ATTEST:

SCOTT ANDERSON, SECRETARY

Attachments: Exhibit A

ORDINANCE NO. ____ N.S.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF TIBURON AMENDING THE ZONING ORDINANCE (CHAPTER 16 OF
THE TIBURON MUNICIPAL CODE) BY ADOPTING AN ORDINANCE
ESTABLISHING STREAMLINED TOWN REVIEW AND DECISION-MAKING
PROCEDURES FOR THE BELVEDERE-TIBURON
PUBLIC LIBRARY EXPANSION PROJECT**

The Town Council of the Town of Tiburon does ordain as follows:

SECTION 1. PURPOSE AND INTENT

The Belvedere-Tiburon Library Agency (BTLA) owns and operates a public library at the corner of Tiburon Boulevard and Mar West Street, on property commonly known as 1501 Tiburon Boulevard and further identified as Marin County Assessor Parcels 058-171-93, 94 and a portion of 058-171-62. In 2004, the Tiburon Town Council approved a general plan amendment, rezoning, master plan amendment, and precise plan amendment for the construction of additions to the existing Library building. The Town Council also adopted a mitigated negative declaration of environmental impact for the additions to the Library (hereinafter “Project”), as set forth in those approvals.

In September 2005, the Town Council adopted an updated general plan known as *Tiburon 2020*, which set forth the following policy and program regarding the Library:

- Downtown Element Policy DT-35: Support an appropriate expansion of the Belvedere-Tiburon Public Library adjacent to Zelinsky Park.
- Downtown Element Program DT-u: Facilitate expansion of the Belvedere-Tiburon Public Library by employing streamlined permit review processes typically used for major public projects.

In July 2007, the Town Council entered into an agreement with BTLA to transfer property adjacent to the public improvements known as Zelinsky Park for the purpose of expanding the library as contemplated by the general plan and zoning ordinance. The Agreement provided that the Project would be subject to the Town’s normally applicable laws and regulations, except as may be waived or modified by ordinance of the Town Council. The Town retains its discretion to process and approve, conditionally approve or deny all land use applications as provided by law.

Pursuant to the provisions of Tiburon's zoning ordinance (Tiburon Municipal Code Chapter 16), the Project would be required to secure conditional use permit approval by the Planning Commission, and site plan and architectural approval by the Design Review Board

(DRB) prior to the issuance of a building permit. However, the Town Council finds it appropriate to adopt this ordinance to establish a streamlined planning process and decision-making procedure for the Project, because of (1) the extraordinary public interest served by the Project (2) the above general plan policy and program regarding the Project; and (3) the need to preserve scarce public monies by minimizing the expense required to comply with the Town's laws and regulations while still meeting the intent thereof.

SECTION 2. EXEMPTION FROM ZONING ORDINANCE

The Project shall be exempt from all provisions of the Tiburon Zoning Ordinance, codified as Chapter 16 of the Tiburon Municipal Code.

SECTION 3. ENVIRONMENTAL DETERMINATION

Adoption of this ordinance has no potential to result in a significant impact on the environment pursuant to Section 15061(b)(3) of the CEQA Guidelines and is therefore exempt from the requirements of the California Environmental Quality Act.

SECTION 4. FINDINGS

The Town Council finds as follows:

- (A) Notice of the public hearings on this matter was published in the Ark newspaper on August 29, 2007, and other noticing was provided as required by law.
- (B) The Planning Commission held a duly noticed and advertised public hearing on September 12, 2007, at which testimony was received from the public; and recommended adoption of the ordinance to the Town Council.
- (C) The Town Council has held public hearings on September 19 and October 3, 2007 and has heard and considered public testimony on this item.
- (D) The Town Council finds that the proposed ordinance would be consistent with the goals, policies, and programs of the Tiburon General Plan, as set forth in the Staff Report dated September 19, 2007.
- (E) The Town Council finds that the proposed ordinance is consistent with the objectives set forth in the Zoning Ordinance.

SECTION 5. REVIEW AND DECISION-MAKING PROCEDURES ESTABLISHED

Development applications for the Project shall be reviewed pursuant to the following procedures:

- (A) The Town Council shall hold one or more public meetings to review and, if appropriate, approve or conditionally approve the site plan and architectural drawings for the project. This review shall include the building additions, landscaping, parking and other ancillary improvements, and shall constitute "plan review and approval by the Town Council". In conducting its review and evaluation of the Project, the Town

Council shall utilize those standards and criteria that the Planning Commission and Design Review Board would have normally applied absent the adoption of this streamlined processing procedure.

(B) At any time during the process, the Town Council may, as deemed appropriate, refer the Project to the Planning Commission, Design Review Board, or any other Council-appointed Committee for that body's expeditious input, recommendations, or analysis. Such referrals shall be advisory and not binding on the Town Council.

(C) The Town Council approved a Mitigation Monitoring Program (MMP) for the Project on May 19, 2004 by Resolution 22-2004. For the purposes of implementing any and all mitigation measures for the Project, all references to "time of building design", "Conditional Use Permit", "Design Review", and "Conditional Use Permit and/or Design Review" in the adopted MMP shall be substituted with the phrase "plan review and approval by the Town Council".

(D) Prior to any work on the site, the BTLA must apply for and the Town Building Official must review and issue any building permits required by law for the Project.

(E) Prior to any work on the site, the BTLA must apply for and the Town Engineer must review and approve an encroachment permit for any work proposed on Town land or street right-of-way.

(F) The Project shall be exempt from all Town planning and permit fees except that BLTA shall pay any costs the Town incurs from outside vendors or consultants, where the Town Manager has determined that such costs are necessary or appropriate to process the Project.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect and be in force thirty (30) days after the date of passage and before the expiration of fifteen (15) days after its passage a copy of the ordinance shall be published, with the names of the members voting for and against it, at least once in a newspaper of general circulation in the Town of Tiburon.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Tiburon on _____, 2007 and was adopted at a regular meeting of the Town Council of the Town of Tiburon on _____, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

TOM GRAM, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK