



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
October 14, 2009
Agenda Item: **1**

STAFF REPORT

To: **Members of the Planning Commission**

From: **Community Development Department**

Subject: **NOTICE OF CONTINUANCE**
End of Parente Road and End of Antonette Drive; File #30703; Precise Development Plan to Create Two Building Sites on a 10.2 Acre Parcel; Lionel Achuck, Owner; Tom Newton, Applicant; Assessor's Parcel No. 038-111-16 (Continued from August 26, 2009)

Reviewed By: _____

SUMMARY

On April 22, 2009, the Planning Commission held a public hearing on the Parente Vista Precise Development Plan to subdivide a vacant 10.2 acre parcel into two lots. After taking public testimony on the application, the Commission continued the application to the June 10, 2009 meeting, with direction given to the applicant to lessen the scale of the proposal and pull improvements away from the ridgeline on the site. The hearing was further continued to the July 22, 2009 meeting, the August 26, 2009 and then the October 14, 2009 meeting when the applicant had not yet submitted revised plans for the project.

At this time, the applicant has prepared a preliminary revised plan, but still has not yet submitted the plan or additional information necessary for a thorough review of the revised proposal. Therefore the application has been continued to the November 11, 2009 Planning Commission meeting.

Prepared By: Daniel M. Watrous, Planning Manager

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TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
October 14, 2009
Agenda Item: 2

STAFF REPORT

To: **Members of the Planning Commission**

From: **Associate Planner Tyler**

Subject: **193 Gilmartin Drive; File No. 30902: Amendment to the Agins Precise Plan (PD#26) to Amend a Building Envelope and Establish a Secondary Building Envelope; Jeff and Lori Runnfeltd, Owners; John Swain, Applicant; Assessor Parcel No. 039-161-29**

Reviewed By: _____

PROJECT DATA

Address:	193 Gilmartin Drive
Assessor's Parcel Number:	039-161-29
File Number:	30902
Lot Size:	38,461 square feet
General Plan:	Medium Low Density Residential
Zoning:	RPD (Agins, PD #26)
Subdivision:	Lot 2 of Agins Subdivision (PM 22-92)
Current Use:	Single-Family Residential
Owners:	Jeff and Lori Runnfeltd
Applicant:	John Swain
Date Complete:	September 3, 2009

ENVIRONMENTAL REVIEW

Staff has preliminarily determined that the project is categorically exempt from the requirements of CEQA per Section 15303 of the CEQA Guidelines.

PROJECT DESCRIPTION

The project is the proposed amendment to a precise plan (the Agins Precise Plan) for property located at 193 Gilmartin Drive. The applicant proposes to install a swimming pool and spa, in area outside of the building envelope established for this parcel by the Agins Precise Plan. The property is currently developed with a single-family dwelling and is bordered by public open space to the south and a vacant parcel to the east (down-slope).

The applicants propose to establish a 2,270 square foot secondary building envelope on the southern side of the property for the proposed improvements, adjacent to the open space. This area is currently a lawn and hardscape area, as well as area of introduced landscaping. In requesting the secondary building envelope, the applicant proposes to reduce the size of the main building envelope on the east side of the property by 2,270 square feet, for no net gain of building envelope area on the lot.

ANALYSIS

Project Design

The Agins Precise Plan was approved in 1981. The precise plan established building envelopes for each parcel and prohibited building improvements outside of these envelopes, except for driveways. Following a 1989 lawsuit, a settlement agreement between the Town and the property owner (Agins), perimeter fencing was permitted outside of the established building envelopes.

The applicants are requesting a 2,270 square foot secondary building envelope in order to install a swimming pool and spa on the south side of the parcel. Currently the home is sited towards the front of the established building envelope. A large portion of the envelope downhill from the house and to the east remains undeveloped.

The applicants contemplated proposing the swimming pool and spa in this undeveloped area; however, it was determined that the steepness of the terrain would require significant grading and large retaining walls, which would be visible from the neighborhood, as well as a potential for noise and privacy impacts on neighboring lots. The front yard of the property was also evaluated for the proposed project, but was found to be too close to Gilmartin Drive, which could create a potential for noise and view concerns for the adjacent neighbors, in addition to privacy issues for the applicants. Staff notes that the front yard abuts the Tiburon Ridge Trail alignment, whereas the side yard abuts little-used open space.

The area to the south of the home, outside of the building envelope, and adjacent to the open space, was determined to be the most suitable location for the proposed swimming pool and spa and overall landscape improvements. The dwelling could provide screening for noise and privacy from other residences. The existing Cypress trees to the south of the site on Town land would screen the improvements from the open space. In addition, the area is already terraced, which reduces the amount of grading for the project. Staff believes that none of the adjacent properties would be significantly affected by the proposed improvements in the proposed location.

In requesting the secondary building envelope, the applicants are willing to exchange the exact square footage (2,270 sq. ft.) from the eastern undeveloped portion of the existing building envelope for the proposed secondary building envelope. This would result in no net gain of building envelope area, main or secondary, on the site.

It should be noted that improvements in addition to the swimming pool and spa are shown on the drawings; however, these improvements will be reviewed at a later date through the Design Review process. The issue before the Commission is the envelope adjustment.

Compliance with the Agins Precise Plan

The building envelopes established by the Agins Precise Plan were designed to allow adequate space between residences on adjoining lots. The subject home was built at the front of the approved building envelope, where the topography is relatively flat. As the existing usable building envelope area to the east is on a steep slope, the practical area for a swimming pool and spa would be on the south side of the parcel, where the topography is relatively flat and sloping downward as the improvements are proposed, and are screened by the dwelling and natural landscaping for noise and privacy.

The proposed reduction in the main building envelope and establishment of a new secondary building envelope would not appear to substantially impact adjacent properties or the open space, and would therefore be consistent with the Agins Precise Plan.

General Plan Consistency

The proposed project has been reviewed for consistency with the Tiburon General Plan and with the requirements of the Tiburon Zoning Ordinance regarding precise plan amendments. Land Use Element Policy LU-5 states that "new development shall be in harmony with adjacent neighborhoods and open spaces." As noted previously, establishing a secondary building envelope along the southern side of the property would not materially impact surrounding properties or the existing open space to the south of the site.

PUBLIC COMMENT

As of the date of this report, no letters have been received regarding the subject application.

FUTURE ACTIONS REQUIRED

Any affirmative action by the Planning Commission on this project would be in the form of a recommendation to the Town Council. Should the Commission vote to deny the project, that decision would be final, unless appealed to the Town Council. If the amendment to the precise plan is approved by the Town Council, subsequent Town permits would include Site Plan and Architectural Review and building permits for elements requiring such permits.

CONCLUSION

The proposed secondary building envelope would allow the residents to continue to utilize the existing landscape areas with the addition of a swimming pool and spa, without resulting in material visual or noise impacts on the adjacent neighbors. The secondary building envelope would also prohibit the construction of structures closer to the property line and therefore closer to the adjacent open space. Hikers in the open space area adjacent to the subject home would not likely see the proposed improvements. The project would be consistent with the overall intent of the Agins Precise Plan.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Hold a public hearing on this application:
2. Consider the draft resolution recommending approval to the Town Council of the amendment to the Agins Precise Plan for the property at 193 Gilmartin Drive.

- Exhibits:
1. **Application and Supplemental Materials**
 2. **Draft Resolution**
 3. **Letter dated September 29, 2009 from Swain Design Associates, Inc Re: Project Proposal Explanation to Neighbors**
 4. **Email dated October 6, 2009 from John Swain Re: Access to Subject Property for Planning Commissioners**
 5. **Submitted Plans**

Prepared By: Laurie Tyler, Associate Planner

RESOLUTION NO. 2009-(DRAFT)

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON
RECOMMENDING TO THE TOWN COUNCIL APPROVAL OF
AN AMENDMENT TO THE AGINS PRECISE PLAN (PD #26) TO
ADJUST A BUILDING ENVELOPE AND CREATE A SECONDARY BUILDING
ENVELOPE ON PROPERTY AT 193 GILMARTIN DRIVE
ASSESSOR PARCEL NO. 039-161-29

WHEREAS, the Planning Commission of the Town of Tiburon does resolve as follows:

Section 1. Findings.

- A. The Town has received and considered an application filed by Jeff and Lori Runnfeldt for an amendment to the Agins Precise Plan (PD #26) to adjust the building envelope and create a secondary building envelope at 193 Gilmartin Drive. The application consists of the following:
 - 1. Application form and supplemental materials, dated August 20, 2009
 - 2. Site Plan and Building Envelope Plans, dated September 15, 2009
- B. The Planning Commission held a duly-noticed public hearing on October 14, 2009, and heard and considered testimony from interested persons.
- C. The Planning Commission finds that the project is exempt from the requirements of the California Environmental Quality Act per Section 15303 of the CEQA Guidelines.
- D. The Planning Commission finds based upon application materials and analysis presented in the October 14, 2009 Staff Report, as well as visits to the site and testimony received from the applicant, that the project is consistent with the intent of the Agins Precise Plan.
- E. The Planning Commission finds the project to be consistent with the goals and policies of the Tiburon General Plan. Land Use Element Policy LU-5 states that "new development shall be in harmony with adjacent neighborhoods and open spaces." The proposed adjustment of the building envelope and creation of a secondary building envelope would not result in any substantial impacts on nearby residential properties or on the adjacent open space area.

Section 2. Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the precise plan amendment adjusting the building envelope and creating the secondary building envelope at 193 Gilmartin Drive to the Town Council, subject to the following conditions:

1. The adjusted building envelope and new secondary building envelope for the property at 193 Gilmartin Drive shall be amended as reflected on the drawing labeled Site Improvement Plan – Sheet L1.0DR, prepared by Scott Lewis Landscape Architecture, dated August 17, 2009, attached hereto as Exhibit “A” and incorporated herein.
2. The secondary building envelope is for landscape improvements and the swimming pool and spa. No structures, other than fences and walls, are permitted within the secondary building envelope (i.e. additions to the dwelling, sheds, etc).
3. This approval shall in no way alter other provisions of the Agins Precise Plan not specifically modified herein.

PASSED AND ADOPTED at a regular meeting of the Tiburon Planning Commission on October 14, 2009, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

JOHN KUNZWEILER, CHAIRMAN
Tiburon Planning Commission

ATTEST:

SCOTT ANDERSON, SECRETARY

Attachments: Exhibit “A”



STAFF REPORT

To: Members of the Planning Commission
From: Community Development Department
Subject: Review of Comprehensive Reformatting and Text Amendments to the Tiburon Zoning Ordinance; File # MCA 2008-09
(Continued from September 23, 2009)
Reviewed By: _____

SUMMARY

At the June 24, 2009 Planning Commission meeting, the Commission began its review of the Town's update to the Tiburon Zoning Ordinance. At that time, the Commission reviewed all of Article I and part of Article II. The Commission reviewed the remainder of Article II at the July 8, 2009 meeting. The Commission reviewed Article III at the July 22, 2009 meeting. The Commission reviewed Article IV and a portion of Article V at the August 26, 2009 meeting. The Commission reviewed the remainder of Article V and a portion of Article VI at the September 9, 2009 meeting. The public hearing was continued, with Staff directed to prepare summaries of the remainder of Article VI and Articles VII, VIII & IX for the September 23 Planning Commission meeting. The hearing was then further continued without discussion to the October 14 meeting.

ANALYSIS

This report summarizes Article VI (Zoning Ordinance Administration), Article VII (Inclusionary Housing and Density Bonuses), Article VIII (Economic Exceptions) and Article IX (Green Building) of the updated Zoning Ordinance. Changes to the existing ordinance are noted and references are made to existing ordinance sections.

ARTICLE VI (ZONING ORDINANCE ADMINISTRATION)

16-64 Public Hearings

16-64.010 - Purpose

This section is similar to Sections 16-3.3, 16-3.5 & 16.3.6 and consolidates the hearing requirements for the Design Review Board, Planning Commission and Town Council into one section.

16-64.020 - Setting of Hearing

Subsection A is similar to Section 16-3.1.9, deleting the term “or his designee.”

Subsection B is similar to Sections 16-3.3.1, 16-3.5.1 & 16.3.6.1, and also consolidates the hearing requirements for the Design Review Board, Planning Commission and Town Council into one section.

16-64.030 - Notice of Hearing

This section is the same as Sections 16-3.3.2, 16-3.5.2 & 16.3.6.3.

16-64.040 - Hearing Procedure

Subsection A is similar to Sections 16-3.3.3, 16-3.5.3 & 16.3.6.4, with the references to the Design Review Board, Planning Commission and Town Council changed to “Review Authority.”

Subsection B is similar to Sections 16-3.3.4, 16-3.5.4 & 16.3.6.5, adding the phrase “appeal or proposed action of the Review Authority” and the phrase “Secretary of the Review Authority, or Town Clerk (as applicable).”

16-64.050 - Findings, Conditions, and Decisions

Subsection A is similar to Section 16-3.5.5. The word “which” has been changed to that” and the word “herein” changed to the phrase “of this Zoning ordinance.” The phrase “recommended conditions of the Board’s action” has been changed to “conditions imposed by the Board.”

Subsection B is similar to Section 16-3.5.5. The word “which” has been changed to that” and deleting the phrase “in the exercise of its discretion.” The phrase “tie votes” has been changed to “a tie vote.” The phrase “unless an appeal is filed with the Council, as provided in Section 16-66” has been added to the last sentence.

Subsection C is similar to Section 16-3.6.6. The word “disapprove” has been changed to “deny” and deleting the phrase “in the exercise of its discretion.” The phrase “tie votes” has been changed to “a tie vote.” The term “appeal” has been added to the second to last sentence.

16-64.060 - Notice of Decision

Subsection A is similar to Section 16-3.6., deleting the phrase “registered mail” and changing the phrase “upon request of the applicant” to “or the last known address of the applicant.”

Subsection B is similar to Section 16-3.5.6. The phrase “the rendering of” has been deleted. The phrase “by the Commission” has been added. The phrase “a copy of the resolution” has been changed to “notice of the decision,” as not all Planning Commission decisions are made by resolution. The phrase “or the last known address of the applicant” has been added. The last portion of the current section (“filed with the Secretary of the Commission and a copy of the resolution shall be filed with the Council by the Secretary of the Commission, and other copies of

the resolution shall be mailed or filed as may otherwise be specified herein.”) has been eliminated, as copies of all decisions are automatically kept in the Planning Division files and are not filed with the Town Council unless a decision is appealed or referred to the Council for action. The sentence “The form and content of the notice shall be within the discretion of the Director” has been added.

Subsection C is similar to Section 16-3.6.7. The time in which notices are to be mailed out has been changed from 30 days to 10 days. The phrase “the rendering of” has been deleted and the phrase “or the last known address of the applicant” has been added.

16-64.070 - Permanent Records of Hearings

Subsection A is similar to and consolidates Sections 16-3.3.7, 16-3.5.7 & 16.3.6.8. The phrases “unless a complete transcript is requested” and “or transcript” have been deleted.

Subsection B is similar to Section 16-3.5.8. The phrase “or denial” has been added and the phrase “on a Commission decision” has been deleted.

16-64.080 - Indemnification

This is a new section that incorporates language that requires applicants to indemnify the Town from liability and damages arising from approval of an application. This language is currently contained on Town application forms and included as a condition of approval on Site Plan and Architectural Review applications.

16-66 Appeals

16-66.010 - Purpose

This section is new and explains the purpose of the appeal procedures and consolidates the hearing requirements for the Design Review Board, Planning Commission and Town Council into one section.

16-66.020 - Appeal Subjects and Jurisdiction

Subsection A is similar to Section 16.3.8. The references to the Design Review Board, Planning Commission and Town Council have been changed to “Review Authority” and the phrase “other certificates of” has been deleted.

Subsection B is new and specifies that appeal periods are measured in calendar days, unless otherwise specified in the Zoning Ordinance.

Subsection C is new and consolidates the types of actions that may be appealed into one section.

16-66.030 - Filing and Processing of Appeals

Subsection A is similar to Section 16-3.8.1, with a sentence added to Subsection A (1) stating that “for purposes of filing an appeal, if the final day to appeal falls on a Town Hall observed holiday

or a day when Town Hall is closed, the final day to appeal shall be extended to the next day at which Town Hall is open for public business.”

Subsection B is similar to Section 16-3.8.2. The phrase “for appeals to the Town Council” has been added to the beginning of this subsection, as appeals to the Design Review Board are not filed with the Town Clerk.

Subsection C is similar to Section 16-3.8.3. The phrase “which is not less than 10 days following receipt by the Town Clerk of such appeal” has been deleted, as the 10 day time period does not allow for proper noticing of the appeal hearing.

Subsection D is similar to Section 16-3.8.4. The first sentence of Subsection D (1) has been changed from “The Council shall have authority to approve, modify or disapprove the action appealed from, either in whole or in part, based on the record on appeal and the evidence received at the hearing on appeal” to “The Council may affirm, affirm in part, or reverse the action, decision, or determination that is the subject of the appeal, based upon findings of fact about the particular case.” A second sentence has been added that states that “The findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with the provisions of this Zoning Ordinance.” An additional sentence has been added that states that “When reviewing a decision on a Zoning Permit, the Council may adopt additional conditions of approval that may address other issues or concerns than the subject of the appeal.”

In Subsection D (2), a second sentence has been added concerning appeals remanded to the lower Review Authority that states that “In doing so, the Council shall provide a specific description of the outstanding and unresolved issues.” The phrase “in such event” has been deleted from the last sentence.

Subsections E & F are similar to Sections 16-3.8.5 & 16-3.8.6, with the phrase “commission, board or Town official” changed to Review Authority.

Subsection G is the same as Section 16-3.8.7.

Subsection H is the same as Section 16-3.8.8.

Subsection I is similar to Section 16-3.8.9, deleting the phrase “and the decision on appeal.”

Subsection J is new and requires a notice of decision to be sent out in the same manner as notices of decision on other actions.

Subsection K is new and deals with withdrawal of appeals.

Subsection L is new and contains limitations on issues raised in a lawsuit over an appeal decision and is consistent with State law.

16-66.040 - Site Plan and Architectural Review Exception

This section is the same as the second paragraph of Section 16-4.2.12.

16-68 Amendments to Zoning Ordinance

16-68.010 - Purpose and Authority

Subsection A explains the purpose of Section 16-68.

Subsection B is the same as Section 16-4.9.

16-68.020 - Initiation of Amendment

Subsection A is the same as Section 16-4.9.1.

Subsection B is similar to Section 16-4.9.2, with the phrase “pursuant to” changed to “in compliance with.”

Subsection C is similar to Section 16-4.9.3, with the reference to the “Tiburon Planning Department” changed to “Planning Division.”

16.68.030 - Rezoning and Annexation

Subsection A is similar to Section 16-2.18. The phrase “resolution of intention” has been added to the first sentence and the term “area” has been changed to “territory.”

Subsection B is similar to Section 16-2.19. The phrase “in accordance with” has been changed to “in compliance with” and the term “area” has been changed to “territory.”

16-68.040 - Hearings and Notice

Subsection A is similar to Section 16-4.9.4. The phrase “as prescribed in” has been changed to “in compliance with.” The phrase “by the Commission” has been added to the first sentence. A citation has been added for the State Government Code regarding notices for public hearings.

Subsection B is similar to the first two sentences of Section 16-4.9.6. The phrase “pursuant to the provisions of” has been changed to “in compliance with.”

16-68.050 - Commission Findings

This section is similar to Section 16-4.9.5. The phrase “change, only” has been changed to “amendment” in the first sentence of Subsection A. In subsection A (1), the term “objectives” has been changed to “requirements.” Subsection A (3) is new and ensures that a zone change or amendment would “not be detrimental to the public health, safety, or welfare of the Town.”

16-68.060 - Council Action on Amendment

This section is similar to the third and fourth paragraphs of Section 16-4.9.6.

In Subsection A, the phrase “approve, amend, modify, or disapprove the decision” has been changed to “affirm, reverse, or modify the recommendation.” A citation has been added for the State Government Code requiring adoption of an ordinance for a zone change or amendment.

In Subsection B, the phrase “pursuant to” has been changed to “in compliance with.”

16-68.070 - Changes to Zoning Map

This section is similar to Section 16-4.9.9. The phrase “a district or changing the boundaries of any zone” has been changed to “property, or changing the boundaries of a zone or a planned development.”

16-68.080 - Refiling of a Rezoning Application

This section is the same as Section 16-4.9.10.

ARTICLE VII (INCLUSIONARY HOUSING AND DENSITY BONUSES)

Staff anticipates that this Article will require significant revision following adoption of a new Housing Element next year. Other than non-substantive editing changes, Article VII as proposed is the same as existing provisions.

16-70.010 - Purpose

This section is similar to Section 16-6.1, deleting the word “further” before the term “residential development” in the first sentence of Subsection A.

16-70.020 - Exemptions

This section is similar to Section 16-6.2.5, deleting the term “or parcel” in Subsection B.

16-70.030 - General Inclusionary Requirements

This section is similar to Section 16-6.3. In Subsection B (2), the sentence “in developments for which only one affordable unit is required, it may be for moderate income households” has been changed to “when only one affordable unit is required it may be for a moderate-income household.” In subsections G, H, I, J & L, the term “Town of Tiburon” has been deleted before the phrase “density bonus.”

16-70.040 - Designation of Housing Authority as Administrator

This section is similar to Section 16-6.4, changing the phrase “of this section” in Subsection A to “below.”

16-70.050 - Rental Inclusionary Unit Requirements

This section is the same as Section 16-6.5.

16-70.060 - Ownership Inclusionary Unit Requirements

This section is the same as Section 16-6.6.

16-70.070 - Control of Resale

This section is similar to Section 16-6.7. In Subsection B, the phrase “of this section” has been changed to “below.” In Subsection C, the phrase “pursuant to” has been changed to “in compliance with” and the term “Marin” has been added before “County Recorder.”

16-70.080 - Amount of In-lieu Housing Fee

This section is the same as Section 16-6.8.

Table 7-1 is the same as Exhibit A currently found after Section 16-6.8, with the numbers updated to reflect 2008 income levels.

16-70.090 - Use and Reporting of Fee Revenues

This section is similar to Section 16-6.9, with the term “which” changed to “that” in Subsection B (2).

16-70.100 - Town of Tiburon Density Bonus

This section is similar to Section 16-6.10. In subsection A, the term “which” has been changed to “that.” In Subsection B, the phrase “pursuant to” has been changed to “in compliance with.”

16-70.110 - State-mandated Density Bonus

This section is similar to Section 16-6.11. In Subsection A, the phrase “pursuant to” has been changed to “in compliance with.”

In the first sentence of Subsection B, the term “propose” has been changed to “voluntarily agree to develop” and the phrase “of this section” changed to “above.” A sentence has been added that reads “a proposal shall be submitted concurrently with the application for a density bonus.” The reference to “either of the following written findings” has been changed to “any of the following written findings.” Subsection B (3) is new and is intended to prevent density bonus incentives or concessions that would be contrary to State or federal law.

16-70.120 - Appeals

This section is similar to Section 16-6.12, with the phrase “pursuant to” changed to “in compliance with.”

ARTICLE VIII (ECONOMIC EXCEPTIONS)

16-80.010 - Purpose

This section is the same as Section 16-7.1.

16-80.020 - Application

This section is similar to Section 16-7.2, with the term “parcels” changed to “lots.”

16-80.030 - Time for Filing Application

This section is similar to Section 16-7.3. In Subsection B, the term “decisionmaking body” has been changed to “Review Authority.”

In Subsection C, the phrase “of this section” has been changed to “above.” The term “decisionmaking body” has been changed to “Review Authority.” The phrase “pursuant to” has been changed to “in compliance with.” The sentence “Council will be the Review Authority for the appeal as referenced in Section 16-80.050 (Economically Viable Use Determination-Economic Exception)” has been added to clarify that Council’s role as Review Authority.

16-80.040 - Required Information

This section is the same as Section 16-7.4.

16-80.050 - Economically Viable Use Determination-Economic Exception

This section is the same as Section 16-7.5.

ARTICLE IX (GREEN BUILDING)

16-90.010 - Purpose

This section is the same as Section 16-8.1.

16-90.020 - Covered Projects

This section is similar to Section 16-8.2, with the phrase “pursuant to” changed to “in compliance with.”

16-90.030 - Standards for Compliance

This section is the same as Section 16-8.3.

16-90.040 - Documentation

This section is similar to Section 16-8.4, with the heading “alternative rating system” added to Subsection B (3).

16-90.050 - Review of Documentation

This section is the same as Section 16-8.5.

16-90.060 - Verification

This section is the same as Section 16-8.6.

16-90.070 - Cost of Verification

This section is the same as Section 16-8.7.

16-90.080 - Exemptions

This section is similar to Section 16-8.8. In the second sentence of Subsection B, the phrase “green building requirements with other building or zoning standards” has been changed to “green building requirements and other building or zoning standards.” The phrase “pursuant to” has been changed to “in compliance with.”

RECOMMENDATION

It is recommended that the Planning Commission review Articles VI, VII, VIII and IX of the updated Zoning Ordinance and continue the public hearing to the October 28, 2009 meeting or to a specified special meeting date for review of additional articles.

Prepared by: **Daniel M. Watrous, Planning Manager**

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