



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
November 9, 2011
Agenda Item: **1**

STAFF REPORT

To: Members of the Planning Commission

From: Community Development Department *SA*

Subject: Recommendation to Town Council Regarding Adoption of an Ordinance Establishing a Streamlined Development Review Procedure And Exemption from the Zoning Ordinance for the Belvedere-Tiburon Public Library Expansion Project; 1501 and 1505 Tiburon Boulevard; Assessor Parcel Nos. 058-171-92, 93, 94 and 058-171-62 (portion)

BACKGROUND

The Belvedere-Tiburon Public Library Agency is pursuing a major expansion of its facility located at 1501 Tiburon Boulevard. The Planning Commission has previously reviewed and made recommendations to the Town Council on the initial legislative applications for the expansion and upon the environmental impact report (EIR) prepared for the project. The Town Council certified the EIR in October 2011. On November 2, 2011, the Town Council approved general plan amendments, rezonings, and amendments to the Point Tiburon Master and Precise Plan maps related to the Library Expansion project.

The Town's practice in recent years is to adopt streamlined development review procedures for major public projects. The streamlined approach was used for the original Belvedere-Tiburon Public Library project, the Tiburon Town Hall, the Tiburon Police Station, the Ned's Way Recreation Facility, and the Lyford Drive Parking Lot projects.

DESCRIPTION OF ORDINANCE PROVISIONS

The proposed ordinance would exempt future land development applications for the Library Expansion project from provisions of the Tiburon Zoning Ordinance (Title IV, Chapter 16 of the Municipal Code), and would establish a streamlined review process for future project entitlements by vesting review authority exclusively with the Town Council.

Under current zoning regulations, separate conditional use permit and site plan and architectural review approvals would be required prior to issuance of building permits for the project. The ordinance would exempt the project from all provisions of the Tiburon Zoning Ordinance and create a Town review and decision-making process vested solely with 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 the same used by the Town on prior major public projects.

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 and any associated appeal processes, 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.

ANALYSIS

Town staff has reviewed the proposed ordinance for consistency with the Tiburon General Plan and found that the streamlined review process is envisioned in the Tiburon General Plan per the policy and program listed below:

- 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.

Adoption of the ordinance would therefore be consistent with the Tiburon General Plan.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

1. Hold a public hearing on the matter and consider all testimony.
2. Adopt the resolution (**Exhibit 1**) recommending adoption of the proposed ordinance (attached thereto) to the Town Council.

EXHIBITS

1. Draft Resolution with proposed streamlining ordinance attached.
2. Public hearing notice with brief description of project.

Prepared by: Scott Anderson, Director of Community Development



S:\Planning\Planning Commission\Staff Reports\2011\November 9 meeting\Library Streamlining Ordinance report.doc

RESOLUTION NO. 2011-DRAFT

**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 EXEMPTING ZONING PROVISIONS FOR AND
ESTABLISHING STREAMLINED REVIEW AND
DECISION-MAKING PROCEDURES FOR THE
REVISED BELVEDERE-TIBURON PUBLIC LIBRARY EXPANSION PROJECT**

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

WHEREAS, the Planning Commission finds that the adoption of the ordinance establishing the streamlined 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 a newspaper of general circulation in the Town of Tiburon on October 26, 2011, and other noticing was provided as required by law; and

WHEREAS, the Planning Commission held a duly noticed and advertised public hearing on _____, 2011, at which it considered any testimony received from the public; and

WHEREAS, the Planning Commission finds that the proposed ordinance would be consistent with and would implement the relevant goals, policies, and programs of the Tiburon General Plan, as set forth in the Staff Report for the meeting of November 9, 2011; and

WHEREAS, the Planning Commission finds that the proposed ordinance is consistent with the objectives and purposes of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends that the Town Council adopt an ordinance, as generally set forth in attached Exhibit "A", establishing streamlined review and decision-making procedures for the Belvedere-Tiburon Public Library Expansion project.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the Town of Tiburon held on _____, 2011, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

JOHN CORCORAN, CHAIRMAN
Tiburon Planning Commission

ATTEST:

SCOTT ANDERSON, SECRETARY

Attachments: Exhibit "A"

EXHIBIT "A"

ORDINANCE NO. ___ N.S.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF TIBURON ESTABLISHING REVIEW AND DECISION-MAKING
PROCEDURES FOR THE BELVEDERE-TIBURON
PUBLIC LIBRARY EXPANSION REVISED PROJECT
AND EXEMPTING SAID PROJECT FROM ALL PROVISIONS
OF THE TIBURON ZONING ORDINANCE AS SET FORTH IN TITLE IV,
CHAPTER 16 OF THE TIBURON MUNICIPAL CODE**

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 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. The Agreement provided that the Library addition 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.

In July 2008, the BTLA decided to pursue a substantially different project (hereinafter "Revised Project"), that proposes the primary additions to be located in the parking lot between the existing Library and Tiburon Town Hall. Legislative land use entitlements for the Revised Project are currently being processed by the Town, with Town Council approval anticipated prior to January 1, 2012. The Town Council has certified an environmental impact report for the Revised Project. The BTLA has requested, and the Town Council has initiated, the process to adopt an ordinance establishing streamlined Town review and decision-making procedures for the Revised Project, including exemption from provisions of the Tiburon Zoning Ordinance.

Pursuant to the provisions of Tiburon's Zoning Ordinance, the Revised 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 decision-making procedure for the Revised Project, because of (1) the extraordinary public interest served by the Revised Project (2) the above-listed general plan policy and program regarding the expansion of the Library; 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 Revised Project shall be exempt from all provisions of the Tiburon Zoning Ordinance, codified as Title IV, 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 Guidelines for the California Environmental Quality Act (CEQA) and is therefore exempt from review. Furthermore, the Town has previously certified an environmental impact report for the Revised Project, and adoption of this Ordinance makes no changes to the Revised Project that would require further review under CEQA.

SECTION 4. FINDINGS

The Town Council finds as follows:

- (A) The Planning Commission held a duly noticed and advertised public hearing on _____, 2011, at which testimony was received from the public; and thereafter recommended adoption of the ordinance to the Town Council.
- (B) The Town Council held a duly noticed public hearing on _____, 20__ and heard and considered public testimony on this item.

- (C) 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 _____, 20__.
- (D) 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 Revised Project shall be reviewed pursuant to the following procedures:

(A) The Town Council shall hold one or more public meetings on the application to review and, if appropriate, approve or conditionally approve the site plan, architectural, and related drawings for the project. This review shall include the building additions, landscaping, parking and other ancillary improvements. In conducting its review and evaluation of the application, the Town Council shall utilize those guiding principles, design review guidelines, purposes and special considerations that the Planning Commission and Design Review Board would have normally applied to applications for a conditional use permit and site plan and architectural review absent the adoption of this streamlined processing procedure.

(B) At any time during the process, the Town Council may, as deemed appropriate, refer the application 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) 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 pursuant to an approved development application.

(D) 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 associated with the project that is proposed on Town land or street right-of-way.

(E) The processing of the applications 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, or where the Town Manager has determined that such costs are necessary or appropriate to process the applications.

SECTION 6. 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 _____, 201_ and was adopted at a regular meeting of the Town Council of the Town of Tiburon on _____, 201_, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

_____, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK

S:\Planning\Planning Commission\Staff Reports\2011\library streamlining ordinance draft.doc

TOWN OF TIBURON

NOTICE OF PUBLIC HEARING EXEMPTION ORDINANCE FOR THE BELVEDERE-TIBURON LIBRARY EXPANSION PROJECT 1501 and 1505 Tiburon Boulevard

Notice is hereby given that the Tiburon Planning Commission will hold a public hearing to consider making a recommendation to the Town Council regarding adoption of an ordinance exempting the Belvedere-Tiburon Library Agency Expansion Project from provisions of the Tiburon Zoning Ordinance (Title IV, Chapter 16 of the Tiburon Municipal Code), and establishing streamlined review and decision-making procedures for the processing of any future land development applications for this project. The proposed ordinance would establish an alternate approval process for future land development permits and would exempt the project from the conditional use permit, site plan and architectural review, and all other provisions of the Tiburon Zoning Ordinance. The streamlined review procedure would designate the Tiburon Town Council as the sole decision-making body for future Town discretionary permits associated with this project, with the authority to refer an application to other Town Boards or Commissions for advisory comment. The Marin County Assessor Parcel Numbers for the project are 058-171-92, 93, 94 and a portion of 058-171-62 and the site addresses of the project are 1501 and 1505 Tiburon Boulevard.

The project proposes an approximately 17,000 square foot addition to the Belvedere-Tiburon Public Library building. The project would eliminate all existing on-site parking at the Town Hall and Library sites and create a new 52-car parking lot behind the existing Library building, with access from Mar West Street. The improved grass area of Zelinsky Park would be relocated behind the adjacent Tiburon Town Hall building.

The proposed exemption would apply exclusively to the Belvedere-Tiburon Library Expansion Project as set forth in various applications currently on file with the Tiburon Community Development Department. A copy of the proposed ordinance is available for review in the Tiburon Community Development Department at 1505 Tiburon Boulevard in Tiburon, and can be viewed from a link on the Town's website at www.ci.tiburon.ca.us from the News box in the lower left hand corner of the home page. Questions regarding the proposed ordinance should be directed to Scott Anderson, Director of Community Development, at (415) 435-7392.

The public hearing will be held at the Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California. The Planning Commission will meet on Wednesday, November 9, 2011. The meeting will begin at 7:30 P.M. The Planning Commission will be considering only the ordinance exempting the project from the above-specified regulations, and will not be discussing or considering the project itself or its merits.

NOTICE OF LIMITATION ON LEGAL CHALLENGES

Pursuant to Section 65009 of the California Government Code, please be advised that if you challenge the Town's action on this item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Town at, or prior to, the public hearing.