



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
December 14, 2011
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 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.

Prepared by: Scott Anderson, Director of Community Development



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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:

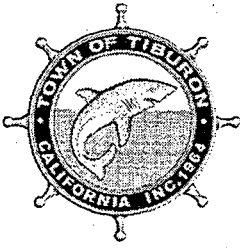
ABSENT: COUNCILMEMBERS:

_____, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK

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TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
December 14, 2011
Agenda Item: 2

STAFF REPORT

To: Members of the Planning Commission
From: Community Development Department
Subject: Trestle Glen Circle Precise Development Plan (PD# 18A); File #31101; Trestle Glen Boulevard between Tiburon Boulevard and upper Juno Road; Conceptual Master Plan to Create Three Building Sites on a 14.46 Acre Parcel; Trestle Glen Terrace, LLC, Owner; IPA, Inc., Applicant; Assessor's Parcel No. 039-061-91
Reviewed By: _____

PROJECT DATA

Address: South side of Trestle Glen Boulevard between Tiburon Boulevard and upper Juno Road
Assessor Parcel Number: 039-061-91
File Number: 31101
Lot Size: 14.46 acres
General Plan: PD-R-c (Planned Development-Residential - up to 0.3 dwellings/acre)
Zoning: RPD (Residential Planned Development)
Current Use: Undeveloped land
Owner: Trestle Glen Terrace, LLC
Applicant: IPA, Inc. (Scott Hochstrasser)

SUMMARY

The owner of an undeveloped 14.46 acre parcel has submitted an application for approval of a precise development plan (the Trestle Glen Circle Precise Development Plan, File #31101) to create three building sites on the parcel. The Trestle Glen Circle property is situated along the south side of Trestle Glen Boulevard between Tiburon Boulevard and the upper entrance to Juno Road. A single-family dwelling would be developed on each of the three building sites.

BACKGROUND/PROJECT HISTORY

In 1999, a previous property owner filed an application for a Precise Development Plan (the Lower Trestle Glen Precise Development Plan, File #39908) for a four-unit project. Access was proposed from Trestle Glen Boulevard near the mid-point of the property's street frontage. All homes were proposed as 5,000 square feet, plus garages. The Planning Commission reviewed the application at the September 27 and November 8, 2000 meetings and expressed significant

concerns with the density, house sizes, home positioning and neighborhood compatibility. The applicant subsequently withdrew the application prior to further public hearings on the project.

In 2008, the current property owner submitted an application for a Precise Development Plan (File #30805) to subdivide the property into three lots. Access for two lots was proposed from Silverado Drive, with access for the third lot proposed from Trestle Glen Boulevard. During the preliminary review of the application, several neighboring property owners raised concerns about the proposed project, including the appropriateness and legal status of access to the site from Silverado Drive. Due to the potential controversy regarding this and other site planning issues, Staff recommended that the applicant withdraw the Precise Development Plan application and instead submit for a Conceptual Master Plan review to obtain preliminary public and Town of Tiburon comment on the project design. The applicant subsequently withdrew the Precise Development Plan application and submitted a Conceptual Master Plan (File #40901) with a revised project design that proposed four homes, two with access from Silverado Drive and two with access from Trestle Glen Boulevard.

On August 11, 2010, the Planning Commission reviewed the Conceptual Master Plan application. Numerous neighboring residents objected to the project design, particularly to the proposed access for two homes from Silverado Drive, the heightened visibility of these two dwellings, and the size of the proposed homes in comparison to others in the surrounding neighborhoods. The Commission shared many of these concerns recommended that the applicant revise the project design to place three homes on the lower portion of the site, accessed only from Trestle Glen Boulevard. The staff report and minutes for this Planning Commission meeting are attached as **Exhibits 2 & 3**.

PROJECT DESCRIPTION

The project would subdivide a 14.46 acre parcel into three lots, with a single-family dwelling on each lot. One of the lots (Lot 3) also proposes a detached guest studio building.

The subject property is described as follows in the Land Use Element of the Tiburon General Plan:

PD-R-c (Trestle Glen Lower): This 14.5 acre property is located along the south side of Trestle Glen Blvd due west of Tiburon Court. The current landscape is comprised of a steep, grass-covered hillside with large areas of dense brush and scattered oak, bay, and pine trees. Hillside slopes range from approximately 5 percent near the bottom of the property to greater than 40 percent near the upper reaches of the property. Elevations range from 40 feet above mean sea level (MSL) along Trestle Glen Boulevard to approximately 300 feet MSL near the top of the ridge. Poor access, steep slopes, a significant ridgeline, and high visibility combine to make achievement of the maximum density unlikely.
Maximum allowable density: 0.3 du/acre
Approximate maximum units: 4

The site consists of an irregularly-shaped parcel located along Trestle Glen Boulevard approximately one quarter mile east of the intersection of Tiburon Boulevard with Trestle Glen

Boulevard. The site is bordered by a series of single-family residential neighborhoods, including the Little Reed Heights (Silverado and Comstock Drives) and Tiburon Knolls subdivisions to the south, the Trestle Glen Terrace subdivision to the southwest and the Belveron East neighborhood to the north. The Tiburon Court Precise Development Plan for the currently vacant 14-acre property to the northeast allows for the development of three single-family dwellings, all deriving access from a single private roadway leading from Trestle Glen Boulevard. The Tiburon Court project has an approved Tentative Subdivision Map that is valid through October 2013 and may be further extended.

The Trestle Glen Circle property slopes up from Trestle Glen Boulevard, with relatively level portions near the bottom of the site and slopes greater than 40% near the top. A significant ridgeline runs through the upper portion of the property from southeast to northwest, ending in a knoll approximately in the center of the site. Most of the site is vegetated with grassland, brush, French broom and scattered trees, with a stand of oak trees in the upper and lower central portions of the property.

Three landslide complexes are present on the site, the larger two in the lower (northern) portions of the property and a smaller slide area in the southwest portion of the site. A biological assessment submitted by the applicant indicates that there are no wetlands areas on the site, but recommends a buffer from an ephemeral stream that extends from the eastern portion of the site onto the adjacent Tiburon Court property.

The parameters for the three proposed lots in the Trestle Glen Circle Precise Development Plan are described as follows:

Lot 1

- This 4.79 acre lot would be situated in the eastern portion of the site, accessed by a private roadway connecting to Trestle Glen Boulevard near the intersection of upper Juno Road.
- A 1.48 acre residential use area (RUA) would be established in the lower (northern) portion of the lot. The RUA for all three lots would allow for placement of the single-family dwelling, along with development of secondary improvements, typically including such items as swimming pools, terraces, walkways, retaining walls and fences up to 6 feet in height.
- Conceptual house designs indicate a 4,925 square foot three-story single-family home, with an additional 580 square feet of basement area and 1,082 square feet of garage space.
- The remaining 3.31 acre portion of the lot would be designated as private open space, to be protected by an open space easement offered to the Town.

Lot 2

- This 4.82 acre lot would be situated in the center portion of the site, accessed by the aforementioned private roadway connecting to Trestle Glen Boulevard.

- The lot would include a 0.83 acre residential use area in the lower central portion of the lot.
- Conceptual house designs indicate a 4,402 square foot three-story single-family home, with an additional 1,349 square feet of basement area and 600 square feet of garage space.
- The remaining 3.99 acre portion of the lot would be designated as private open space, to be protected by an open space easement offered to the Town.

Lot 3

- This 4.69 acre lot would be situated in the western portion of the site along Trestle Glen Boulevard, accessed by the private roadway connecting to Trestle Glen Boulevard.
- The lot would include a 2.26 acre primary residential use area in the lower portion of the lot. A tennis court is proposed along the street frontage of the site. Two secondary RUAs on either side of the tennis court location would be restricted to solar panel placement and non-commercial landscape elements, including vegetable gardens, fruit trees, olive orchard or grapevines.
- Conceptual house designs indicate a 5,885 square foot three-story single-family home, with an additional 967 square feet of basement area, an optional 1,674 square feet of “agricultural storage basement,” 600 square feet of garage space and a two-story, 440 square foot proposed guest studio building.
- The remaining 2.43 acre portion of the lot would be designated as private open space, to be protected by an open space easement offered to the Town.

Vehicular access for all three homes would be provided from a 14 to 16 foot wide private roadway extending from Trestle Glen Boulevard, aligned with the current “upper” intersection with Juno Road to form a 4-way intersection. Water for the lots would be provided by extending a new water main to the north, connecting to an existing water main in Trestle Glen Boulevard.

To illustrate the potential housing construction on each of the proposed lots, the applicant has submitted conceptual plans for the houses on all three lots. Although these plans are only conceptual in nature, they are probably representative of the type of construction that would be expected for each lot, given the residential use area constraints and house sizes proposed.

Each of the proposed homes would have a three-story design, with a maximum height of 30 feet. As previously noted, the size of the proposed dwellings ranges from a 4,402 square foot house on Lot 2 to a 5,885 square foot house on Lot 3. The homes are proposed to have a traditional Mediterranean-influenced design.

As noted above, each lot is proposed to include a residential use area for the construction of the residence, recreational amenities, driveways and associated retaining and entry walls, walkways, decorative features, solar panels, landscaping and lighting. The area outside the RUAs would be designated as private open space. This open space area is intended to remain in a natural,

undisturbed condition, with an open space easement dedicated to the Town to protect these spaces. Fencing on the site would be limited to the residential use areas defined by the boundaries of the residential use areas, with the exception of one short section of deer fencing along the boundary of the site and Silverado Drive. In all areas outside the residential use areas and not designated as private open space for both lots, improvements would be limited to the roadway and associated improvements.

There are existing recreational easements across the property for three of the adjacent houses on Trestle Glen Terrace. The Precise Development Plan limits improvements in these areas to specific landscape improvements allowed by the existing easements, which were granted by a prior owner several years ago.

ENVIRONMENTAL REVIEW

An Initial Study/Draft Mitigated Negative Declaration (IS/MND) was prepared for this project, released for public comment on November 9, 2011 and is attached to this report as **Exhibit 1**. The public review period ended on December 12, 2011. As of the date of this report no letters have been received regarding the draft mitigated negative declaration.

The initial study focused on the following issues:

- Aesthetics. The IS/MND reviewed photosimulations of the site prepared by the applicant and concluded that the proposed homes on the site would not interfere with views from any nearby residences. The siting of the proposed homes, installation of screening landscaping and the preservation of the upper portion of the site as open space would minimize the visual impacts of the project when viewed from surrounding neighborhoods and from Trestle Glen Boulevard. The IS/MND includes mitigation measures to ensure that exterior lighting associated with the project would not result in significant light and glare for nearby residents. Standard conditions of approval regarding medium to dark hues for houses would further limit contrast of the project with its surroundings beyond that shown in the photosimulations.
- Biological resources. A biological resource assessment was prepared for the project that examined vegetation and wildlife habitat on the site. The assessment did not find any sensitive species on the site but found the "potential" for California red-legged frogs, nesting birds and San Francisco dusky footed woodrats on the site. The IS/MND includes mitigation measures in case such species are found prior to project construction. The assessment also included measures for replacement of any trees removed as part of the project and for ongoing broom and invasive plant eradication on the site.

The IS/MND noted that the residential use area for Lot 1 would encroach into an ephemeral stream. Mitigation Measure D.3 requires that the RUA be moved 100 feet from the stream. The applicant has agreed in writing to this mitigation measure and intends to present a revised design for Lot 1 showing compliance with this mitigation at the public hearing for this application.

- Geology and soils. A geologic and geotechnical feasibility study was prepared for the project, which examined soils conditions on the site and addresses the landslides on the site. The landslides would be repaired, improved or avoided, consistent with the purposes and objectives of the Town's Landslide Mitigation Policy. The IS/MND includes several mitigation measures to address expansive soils on the site and ensure compliance with appropriate seismic safety building requirements.
- Hydrology and water quality. A hydrology and water quality study was prepared for the project that analyzed potential stormwater and water quality effects of the project. The study identified several mitigation measures, including compliance with local stormwater regulations and measures to control erosion sedimentation and off-site flooding impacts.

The initial study identified mitigation measures for potential impacts on aesthetics; air quality; biological resources; cultural resources; geology and soils; hazards and hazardous materials; hydrology and water quality; noise; and utilities and service systems that would reduce these impacts to less than significant levels. The applicant has accepted these mitigation measures in writing. As of the writing of this report, no substantial evidence has been received to support a fair argument that the project would result in a significant impact on the environment.

SUMMARY OF GENERAL PLAN AND ZONING CONSISTENCY

An analysis of the proposed project's consistency with pertinent goals, policies and principles of the Tiburon General Plan and Zoning Ordinance is attached as **Exhibit 5**. The following is a brief summary of the key issues discussed in that analysis:

General Plan

Neighborhood Compatibility. The density of single-family development proposed on the site would be consistent with the land use designation for the site and consistently lower than the density of other development in the vicinity. Goal LU-I of the Land Use Element encourages "intensity of development, density, and house sizes/architectural styles that are consistent and compatible with surrounding neighborhoods." Policy LU-5 states that "new development shall be in harmony with adjacent neighborhoods and open spaces," and Policy LU-15 states that "remodels, tear-down/rebuilds, and new construction shall be compatible with the design, size, and scale of existing dwellings in the surrounding neighborhood."

Open Space and Conservation Policy OSC-6 states that "the Town prefers clustering of lots in new subdivision design to maximize the preservation of open space to the greatest extent feasible. However, where the Town determines that a project would better conform to the goals and policies of the General Plan, 'estate lot' type development (i.e., large homes on large lots) may be considered. Easement, deed restriction, or other appropriate mechanism acceptable to the Town shall be used to preserve open space within common areas or individual lots." The project design would cluster the home site toward the bottom of the site, preserving the more visible and aesthetically valuable upper reaches of the property as open space.

The floor area of the proposed homes are 4,402, 4,925 and 5,885 square feet, with additional garage, basement and studio spaces proposed for each home. The home sizes have been substantially reduced from those proposed by the previous Conceptual Master Plan, which called for four homes with respective floor areas of 4,183, 5,144, 5,579 and 8,484 square feet.

Although the proposed dwellings would be substantially larger than the residences in the 1950's-vintage Belveron neighborhood across Trestle Glen Boulevard from the site, the proposed house sizes would be similar to the 4,300 square foot maximum house sizes approved for the adjacent Tiburon Court subdivision. The home sizes would also be similar to those found nearby on Turtle Rock Court, where the largely 1990's-vintage homes range in floor area from 3,729 to 6,992 square feet. As modified by conditions of approval, staff concludes that the project would be compatible with surrounding neighborhoods.

Visual Impacts. The project would not substantially interfere with views from any surrounding residences. Policy OSC-31 states that "the preservation of visual qualities, views, and the view potential of the natural and built environment shall be a major consideration of the Town in any development project review." The project as proposed would not create any significant visual impacts from nearby residences. The project would preserve the more visible upper portion of the site as private open space.

Environmentally Sensitive Areas. The project as proposed would generally avoid areas of sensitive natural communities as well as the significant ridgeline and most of the important oak-bay woodland on the site. Policy OSC-17 states that "development shall not encroach into sensitive wildlife habitats, limit normal range areas, or create barriers to wildlife that cut off or substantially impede access to food, water, or shelter, or cause damage to fisheries or fish habitats." Policy OSC-33 states that "protected trees, as defined in the Municipal Code, tree stands and tree clusters shall be preserved to the maximum extent feasible."

The project would remove approximately 91 of the 403 trees currently on the site. The Tiburon Tree Ordinance defines "protected trees" as Coast Live Oak trees and any other trees with a circumference greater than 60 inches. Only 20 of the 91 trees to be removed are classified as protected trees. Nineteen (19) of the 20 protected trees to be removed are Coast Live Oaks, but all of these Oaks are so small (less than 60 inch circumference) that they would otherwise not be classified as protected trees. The remainder of the trees to be removed are either non-native species or smaller native species other than Oaks that do not qualify as protected trees. The project would avoid disturbance of most of the protected trees on the site. The IS/MND contains mitigation measures that would reduce potential impacts on sensitive biological resources to less-than-significant levels and provide for adequate replacement tree planting.

The proposed residential use area of Lot 1 would encroach into an ephemeral stream. Policy OSC-22 states that "the Town shall require open space buffers of... at least 100 feet on each side of the top of the bank on properties greater than five acres to minimize disturbance of natural vegetation and maintain the environmental and scenic attributes of the corridor." The IS/MND recommends a mitigation measure that would move the RUA 100 feet from the stream to achieve consistency with this policy. As noted above, the applicant has agreed to this mitigation measure

and intends to present a revised layout for Lot 1 showing compliance with this requirement at the public hearing.

Usable Open Space. The proposed project would preserve over 64 percent of the site as private open space. Policy OSC-5 establishes a goal that a minimum of 50% of the site area be preserved as permanent open space.

Goal OSC-B calls for the Town “to provide and permanently preserve as much open space as possible to protect shorelines, open water, wetlands, significant ridgelines, streams, drainageways, riparian corridors, steep slopes, rock outcroppings, special status species and their habitat, woodlands, and areas of visual importance, such as views of and views from open space, to be protected by a Town-held open space easement.” The project as proposed would generally avoid areas of sensitive natural communities as well as the significant ridgeline and most of the important oak-bay woodland on the site. As noted above, the RUA of Lot 1 would encroach into an ephemeral stream, but the IS/MND includes a mitigation measure that would move the RUA 100 feet from the stream to achieve consistency with this policy.

Ridgeline Protection. A “significant secondary ridgeline” identified by Town Resolution No. 2859 and Diagram 3.3-1 in the Open Space & Conservation Element of the Tiburon General Plan is located on the project site. With respect to the significant ridgeline, Policies OSC-9 and OSC-12 of the Open Space & Conservation Element, and Policy C-4 of the Circulation Element, call for varying levels of protection for such ridgelines. The residential use areas for all three proposed lots have been sited to avoid the significant ridgeline on the site.

Safety. Nine landslides have been identified on the site. Policy SE-5 of the Safety Element states that “development in areas subject to landsliding shall comply with the Town’s Landslide Mitigation Policy. The Town shall require physical improvements to landslides and to potential landslide areas in instances where avoidance is not feasible or appropriate, as determined through the development review process.” A geotechnical analysis of site landslides has been prepared and reviewed as part of the IS/MND. The conceptual stabilization repair plans have been reviewed to ensure conformance with the Town’s Landslide Mitigation Policy.

Zoning Ordinance

Harmony with Neighboring Development. As noted above, the floor areas proposed for the homes would be substantially larger than the residences in the Belveron neighborhood across Trestle Glen Boulevard from the site (and more visually exposed), but would be similar to the 4,300 square foot maximum house sizes approved for the adjacent Tiburon Court subdivision would be similar to the size of many homes on Turtle Rock Court.

Prominence of development and construction. Based on the photomontages prepared and reviewed by the IS/MND, the siting of the proposed homes, installation of screening landscaping and the preservation of the upper portion of the site as open space would minimize the visual impacts of the project when viewed from surrounding neighborhoods and from Trestle Glen Boulevard. The Town has the ability to require additional changes to individual building designs during the Site Plan and Architectural Review process to ensure consistency with this principle.

Grading and Preservation of Natural Features. Although some slopes created by the project as part of landslide repairs would exceed 30%, the final contours and slopes would reflect natural landforms and would not exceed current slopes on the site. This grading is necessary to comply with the Town's Landslide Mitigation Policy.

Minimization of significant adverse impacts. The IS/MND includes mitigation measures that would reduce all potentially significant impacts of the proposed project to less-than-significant levels.

ISSUES

Traffic and Access.

Vehicular access would be provided to all lots via a 14 to 16 foot wide private roadway extending from Trestle Glen Boulevard, aligned with its existing 3-way intersection with Juno Road. This alignment is intended to avoid the creation of an entirely new roadway intersection along Trestle Glen Boulevard. The IS/MND has reviewed this intersection and found the sight distance adequate for safety purposes, with mitigation.

Numerous Belveron East residents have expressed concerns about the amount of additional traffic that would be created at this intersection, noting that only two intersections serve the entire Belveron East neighborhood. Safety concerns have also been cited due to the high speeds of traffic along Trestle Glen Boulevard and limited visibility of the intersection for oncoming traffic.

During review of the Conceptual Master Plan, the consensus of the Planning Commission was that it would be preferable to have a single project access point from Trestle Glen Boulevard, aligned with the current 3-way intersection with Juno Road. The Commission agreed with staff that general transportation planning principles encourage the creation of 4-way intersections where possible (for instance, at upper Juno Road), rather than the creation of a new 3-way intersection where no intersection currently exists.

The Town will require an offer of dedication of property along the edge of Trestle Glen Boulevard for the future creation of a bicycle lane on the southern side of the roadway. The Town has already required a similar dedication for the adjacent Tiburon Court project to allow for the eventual construction of bicycle lanes on both sides of this roadway, as designated in the Town's Bicycle and Pedestrian Master Plan, to accommodate the bicycle usage of this street.

Neighborhood Compatibility. The low density single-family development proposed on the site would be consistent with the land use designation for the site, but would be much lower than the density of other single-family subdivisions in the vicinity, with the exception of the yet-unbuilt Tiburon Court project. That project would have a similarly low density.

The 4,402 to 5,885 square foot proposed house sizes would be substantially larger than the residences in the Belveron neighborhood across Trestle Glen Boulevard from the site. As noted above, the proposed house sizes would be similar to those approved for the adjacent Tiburon Court project and those found on Turtle Rock Court.

The conceptual design for each of the three proposed homes includes substantial basement area. The house for Lot 1 would include 580 square feet of basement space, the house for Lot 2 would include 1,349 square feet of basement space and the house for Lot 3 would include a 967 square foot basement. The Tiburon Zoning Ordinance excludes basement space from the floor area ratio calculations for a lot, based on the presumption that such space does not add to the visual mass and bulk of a structure. The conceptual designs approved for the adjacent Tiburon Court Precise Development Plan indicated that the future homes on that site could each possibly achieve another 1,000 square feet of usable below grade floor area.

The overall amount of floor space proposed for Lot 3 has been reduced from that shown in the Conceptual Master Plan, but is still somewhat large. The Conceptual Master Plan indicated that this lot would include an 8,484 square foot single-family home, 1,572 square feet of basement area, 2,177 square feet of garage space and a two-story, 1,089 square foot proposed secondary dwelling unit. The current project proposes a 5,885 square foot three-story single-family home, with an additional 967 square feet of basement area, an optional 1,674 square feet of "agricultural storage basement," 600 square feet of garage space and a two-story, 440 square foot proposed guest studio building. The Planning Commission should determine whether the size and extent of the associated improvements for Lot 3 would make the amount of development on this lot incompatible with the surrounding neighborhoods.

Visual Impacts. The project design would not substantially interfere with views from any surrounding homes. The applicant has prepared photosimulations (**Exhibit 9**) showing the proposed homes from four different locations. The homes would be more visible from the higher elevations along Indian Rock and Turtle Rock Courts than from Trestle Glen Boulevard or the Belveron neighborhood. Although the homes would be somewhat visible from certain locations, the homes should blend in with the surrounding hillside. In addition, the project would leave the more visible higher elevations of the site undeveloped as private open space, preserving much of the existing hillside views from surrounding neighborhoods.

The exterior colors of the homes as shown in the photosimulations are lighter than the more typical earthtone colors required for hillside homes in Tiburon in recent planned developments. Staff recommends the standard requirement for medium to dark exterior colors be included as a condition of approval of the Precise Development Plan.

Open Space and Conservation Policy OSC-29 states that "open space views from key roadways, including Tiburon Boulevard, Trestle Glen Boulevard, and Paradise Drive, shall be protected through the permitting process." The project as proposed would not create any significant visual impacts from Trestle Glen Boulevard. The project would preserve the more visible upper portion of the site, which is the only portion visible from Tiburon Boulevard, as private open space. The site is not visible from Paradise Drive.

The three proposed building footprints and residential use areas are spread across the width of the lower portion of the site. The dispersed nature of the buildings and their locations on the site reduce the potential visual massiveness of the improvements and would make the project visually compatible with its surroundings. The modification to the RUA for Lot 1 to move away from the ephemeral stream on the site would not substantially alter the visual relationship of the homes to the property or increase the visibility of the project when seen from surrounding residences.

Environmentally Sensitive Areas. The biological assessment submitted by the applicant indicates that the project site does not support any sensitive plant or animal species. The project would remove approximately 91 of the 403 trees currently on the site. Only 20 of the 91 trees to be removed are classified as protected trees. Nineteen (19) of the 20 protected trees to be removed are Coast Live Oaks, and the remainder of the trees to be removed are either non-native species or smaller native species other than Oaks that do not qualify as protected trees. The project would avoid disturbance of most of the protected trees on the site. The IS/MND contains mitigation measures that would reduce potential impacts on sensitive biological resources to less-than-significant levels and provide for adequate replacement tree planting. The IS/MND also contains a mitigation measure requiring that the RUA for Lot 1 be set back 100 feet from the ephemeral stream on the site.

Nine landslides have been identified on the site. Mitigation has been identified and accepted by the applicant for these landslides that fulfills the purposes and objectives of the Town's Landslide Mitigation Policy. A geotechnical analysis of site landslides has been prepared and reviewed as part of the IS/MND. The IS/MND for the project indicates that implementation of the recommendations of the preliminary geotechnical investigation prepared for the project would avoid, eliminate, or reduce geologic and non-geologic hazards and impacts to less-than-significant levels.

Usable Open Space. The proposed project would preserve 64% of the site as private open space on the three proposed lots. This would conform to the requirements of Open Space and Conservation Policy OSC-5 to preserve at least 50% of the site as permanent open space. Section 16-52.060 (E[1]) of the Zoning Ordinance further states that "significant open space shall be permanently preserved through dedication or other means acceptable to the Town, consistent with policies of the General Plan Open Space and Conservation Element." Most of the open space would be located on the upper elevations of the site and preserve much of the existing hillside view and all of the ridgeline view from surrounding neighborhoods.

Grading and Preservation of Natural Features. Grading for the project would not create any new slopes exceeding 30% and would result in final contours and slopes that would generally reflect existing landforms on the site. The submitted plans indicate that there would be 14,200 cubic yards of cut and 11,770 cubic yards of fill associated with the project.

Open Space and Conservation Policy OSC-35 states that "to the maximum extent feasible, grading shall be kept to a minimum and every effort shall be made to retain the natural features of the land including ridges, rolling landforms, knolls, vegetation, trees, rock outcroppings, and water courses." The project design would generally retain the natural features of the land and the amount of grading proposed for the home sites and landslide repairs would appear to keep the grading to a minimum.

PUBLIC COMMENT

As of the date of this report, three comment letters have been received regarding the subject application, attached as **Exhibits 6-8**.

FUTURE ACTIONS REQUIRED

The Planning Commission's action on this project would be in the form of a recommendation to the Town Council. If the Trestle Glen Circle Precise Development Plan is approved and the Mitigated Negative Declaration is adopted by the Town Council, subsequent Town permits would likely include a Tentative Subdivision Map, Parcel Map, Subdivision Improvement Drawings, Site Plan and Architectural Review approval for all lots, and Building Permits for all lots.

CONCLUSION

The project has successfully addressed many of the issues raised during the review of the Trestle Glen Circle Conceptual Master Plan. The project has reduced the number of proposed homes from four to three; eliminated access from Silverado Drive; reduced the visibility of future improvements by eliminating lots from the upper portion of the site; avoided the significant ridgeline; reduced the size of the proposed homes; increased the amount of the site to be preserved as open space from 55.9% to 64%; and reduced the overall amount of grading.

As a result, the Trestle Glen Circle Precise Development Plan now appears to be generally consistent with the principles of the Tiburon General Plan and Zoning Ordinance. The size of the homes and project density would be compatible and harmonious with newer residential development in the vicinity. The project design would not substantially interfere with views from any surrounding homes and would preserve the more visible upper hillside portions of the site as open space. Development of the site would provide benefits to the Town, including, but not limited to, landslide elimination, improved fire management and wildland fire fuel load reduction, and enhanced bicycle and pedestrian facility potential along Trestle Glen Boulevard. The IS/MND contains mitigation measures that would reduce all potentially significant environmental impacts to less-than-significant levels.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Hold a public hearing on this item and hear and consider all testimony, and
2. Adopt the draft resolution (**Exhibit 5**) recommending conditional approval of the Trestle Glen Circle Precise Development Plan and adoption of the Mitigated Negative Declaration to the Town Council.

EXHIBITS

1. Project description
2. Planning Commission staff report dated August 11, 2010
3. Minutes of the August 11, 2010 Planning Commission meeting
4. General Plan and Zoning Consistency Analysis
5. Draft resolution
6. Letter from Ann Hunt, dated November 28, 2011

7. Letter from Les Rosen, dated November 28, 2011
8. Letter from John Zaklikowski, dated December 4, 2011
9. Initial Study/Mitigated Negative Declaration (previously distributed)
10. Submitted plans and photosimulations (previously distributed)

Prepared By: Daniel M. Watrous, Planning Manager

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TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
December 14, 2011
Agenda Item:

STAFF REPORT

To: Members of the Planning Commission

From: Associate Planner Tyler

Subject: 1 Blackfield Drive, Suite A; File No. 11107; Conditional Use Permit to Establish Peet's Coffee & Tea Within a Neighborhood Commercial (NC) Zoned Parcel; The Cove Shopping Center, Inc., Owners; Peet's Coffee & Tea, Applicant; Assessor's Parcel Number: 034-212-18

Reviewed By: _____

PROJECT DATA

Address: 1 Blackfield Drive, Suite A
Assessor's Parcel Number: 034-212-18
File Number: 11107
General Plan: NC (Neighborhood Commercial)
Zoning: NC (Neighborhood Commercial)
Owner: The Cove Shopping Center, Inc.
Applicant: Peet's Coffee & Tea
Flood Zone: AE – Special Flood Hazard Area
Date Complete: November 22, 2011

PROJECT DESCRIPTION

The applicant is requesting to establish a Peet's Coffee & Tea coffee shop business within a commercially zoned property located at the Cove Shopping Center. The proposed use would occupy a large portion of the recently-vacated Blockbuster Video tenant space. A conditional use permit is required due to the change in use from a retail video rental store to a beverage service use.

The Cove Shopping Center is a multi-tenant commercial center that includes a beauty spa/hair salon, restaurants, a deli with seating, a gym/rehab/health workout center, a flower shop with a cafe, a bakery with a cafe, a window blinds/window treatment store, a frame shop, a mail center, a home décor shop, and dry cleaner uses. There is currently a large vacant tenant space where a grocery store (IGA) previously existed, and a vacant tenant space where a Blockbuster Video outlet previously existed.

The applicant is proposing to occupy 2,035 square feet of the existing 3,500 square foot vacant Blockbuster Video tenant space, located on the southwest corner of the Cove Shopping Center. This would leave an approximately 1,400 square foot adjacent tenant space for another use to lease at a future date. No exterior improvements to the building structure are proposed; however,

a 350 square foot section of existing landscaping along the side of the building and at the front of the store is proposed to be converted to an outdoor seating area, which would provide eighteen (18) additional seats for the use.

Peet's Coffee & Tea is similar to other mainstream coffee and tea shops such as Starbucks and Coffee Bean & Tea Leaf. Peet's specializes in both coffee and tea beverages that are produced on site, in addition to the sale of coffee beans, tea, candies, pastries and other ancillary merchandise, which are produced off-site. The use attracts a high volume of customers during peak morning hours. The applicant estimates a customer count of 350 patrons per day for the first year of business; fifty percent of these customers would be expected to arrive before 11:00AM.

The proposed coffee shop includes an indoor seating area, brewing/preparation areas, two restrooms, display cases for coffee, tea and other retail merchandise, and an outdoor patio. The proposed hours of operation would be Monday through Thursday, 5:00AM to 9:00PM, Friday 5:00AM to 10:00PM, Saturday 5:30AM to 10:00PM, and Sunday 6:00AM to 8:00PM. The total number of employees for this establishment would be eighteen (18), with a maximum of eight (8) employees on a shift.

ANALYSIS

General Plan Consistency

The subject site is designated Neighborhood Commercial (NC), which typically allows resident-serving commercial uses and offices in addition to mixed uses. Tourist-oriented uses are strongly discouraged within this designation. General Plan Land Use Policy LU-2 states:

“The Town shall limit the type and amount of uses within the Town to those that are compatible with the nature, character and image of the Town as a quiet, small-town residential community with a village-like commercial area.”

In addition, Policy LU-23 states:

“The Town shall support a diversity of commercial uses to serve the shopping and service needs of the community.”

Concerns have been raised that the operation of Peet's Coffee & Tea could be detrimental to Hearts & Flowers and Sweet Things, which are existing uses within The Cove Shopping Center. The primary use of Hearts & Flowers is a floral and gift shop and that of Sweet Things is a bakery. Both of these businesses serve coffee as a secondary use, similar to many retail businesses today. Neither business serves coffee as a primary use, and these uses are therefore distinguishable from the use proposed by Peet's Coffee & Tea.

Historically, the Town has not attempted to control or regulate the mix of businesses in Tiburon in order to avoid or suppress economic competition. Instead, in reviewing new uses through the conditional use permit process, the Town has focused on compatibility of uses and the traditional “public health, safety and welfare” issues attached to zoning authority. Absent compelling evidence to demonstrate that an overconcentration of a particular use would be detrimental to the

character of the Town's commercial areas, healthy competition between uses is viewed as a positive factor. Staff believes that allowing a business that sells coffee and tea as a primary use would not be incompatible with other retail uses that sell coffee as an ancillary use. The proposed coffee shop should be a compatible use within the shopping center that will likely draw customers to other businesses within the center. It should be noted that the Town does not have any policies regarding "chain" stores that would apply to the proposed coffee shop in this location.

Zoning Consistency

Section 16-52.040 (D) of the Tiburon Zoning Ordinance lists the following factors to be considered in determining whether or not any conditional use should be permitted in a specific location:

1. ***The relationship of the location proposed to the service or market area of the use or facility proposed; transportation, utilities, and other facilities required to serve it; and other uses of land in the vicinity.*** The proposed coffee shop would be located in a neighborhood shopping center near a major signalized intersection along Tiburon Boulevard, and would be adequately served by utilities and other support facilities. This use would be compatible with other retail and service uses within the shopping center and Tiburon as a whole.
2. ***The compatibility of the design, location, size, and operating characteristics with the existing and future land uses in the vicinity.*** The proposed use would occupy 2,035 square feet of existing vacant storefront in the shopping center. The only exterior modifications proposed for the building would be to install an outdoor seating patio at the front and side of the building. The incorporation of an outdoor seating area would not significantly alter the appearance of the building. The proposed hours of operation would be longer than most other uses within the shopping center, but would be consistent with those normally associated with a coffee shop.
3. ***The probability of impairment to the architectural integrity and character of the zoning district in which it is to be located.*** The proposed use would not involve any significant exterior changes to the building which would impair the architectural integrity and character of the NC (Neighborhood Commercial) zone. An outdoor seating area at the front and side of the building is proposed but would not significantly alter the appearance of the building. The outdoor seating area should add more of an inviting neighborhood character feel to the shopping center.
4. ***The protection of the public interest, health, safety, convenience, or welfare of the Town, or any probability of injury to property or improvements in the vicinity and zoning district in which the real property is located.*** The proposed coffee shop would not generate any activities that would result in health or safety problems or any probability of injury to property or improvements in the vicinity.
5. ***The need of the community for additional numbers of such uses, paying particular heed to whether the neighborhood or vicinity is already adequately served by similar uses.*** There are a number of existing uses which serve coffee in Tiburon, both within the Cove

Shopping Center and in the Downtown area. However, there are no uses in the shopping center whose primary purpose is to serve coffee and tea beverages. Those uses that serve coffee and tea beverages are either restaurants, bakeries, flower/gift shops, or small cafes that also serve lunch plates, pastries, or other foods.

Flood Hazard Zone

According to recent flood hazard maps, The Cove Shopping Center is located within flood hazard zone "AE", which is an area subject to inundation by the 1% annual chance of flood, due to the low elevation of the existing developed shopping center site. However, the extent of improvements proposed is far too small to trigger compliance with the Town's flood prevention ordinance.

Parking and Circulation Issues

The 2,035 square foot retail space was previously occupied by a video rental store, and prior to that use, as a liquor store. Retail uses require one parking space for every 250 square feet of floor area, which required 9 parking spaces for the previous use. The proposed use is a beverage/food service use, which is categorized as a restaurant for parking calculations. Restaurants require one parking space for every four seats of maximum seating capacity. The application indicates an approximate indoor seating capacity of 30 seats, which requires 8 parking spaces. The proposal for 18 outdoor patio seats would increase the parking demand (by code) slightly above that required by code for the prior video rental store use. Both uses generate frequent vehicle trips of relatively short duration, but with different peak times.

The Cove Shopping Center has historically provided a marginal number of parking spaces for all of the various uses located within the center, although the availability of parking appears generally adequate and varies over time with the ebb and flow of vacancies and tenant mix. The mix of uses has traditionally allowed "shared" parking opportunities for the businesses in the shopping center based on differing peak use times. The proposed use attracts a majority of its customer base during the morning hours, whereas the previous use attracted a majority of its customer base during the afternoon and early evening hours. Most of the other existing uses within the shopping center appear to have their peak use at hours of the day later than would be expected for the coffee shop. Staff anticipates that the shopping center and its users, as they always have, will adjust to the change in use with respect to parking, but recommends a condition of approval that coffee shop employees must park in remote areas of the site to "free up" parking spaces closer to the use for customer purposes.

The use would be expected to somewhat increase turning movements into and out of the Cove Shopping Center from Blackfield Drive during morning hours, including school days when, for short periods of time, traffic using the Blackfield Drive/Tiburon Boulevard intersection is heavier than normal. Staff considers the increase in volume to be unlikely to result in traffic safety issues. The existing conditions near the shopping center entry and exit points require drivers to be alert and wary, and travel speeds in the immediate vicinity are fairly slow during peak volume times on Blackfield Drive.

Nevertheless, Staff recommends that the Planning Commission review this conditional use permit approximately six (6) months after commencement of the use, and annually thereafter for at least

two (2) years, to evaluate any unanticipated issues regarding compliance with conditions, litter control, noise, parking, circulation, and so forth. The review would allow the opportunity to add or amend conditions of approval depending upon performance. A condition to that effect is included in the draft resolution.

PUBLIC CORRESPONDENCE

The Town has received numerous emails and letters from the public regarding the proposed use. A majority of these letters express opposition and assert that an additional coffee shop is not needed within the shopping center, as there are two existing retail shops (Hearts & Flowers and Sweet Things) that already serve coffee. In addition, many of these emails and letters also request that the Commission allow a frozen yogurt shop or some other compatible resident serving use to be permitted to operate at this location, instead of a coffee shop. Neither the Planning Commission nor Town staff has the authority to compel private owners to establish specific uses on their property. All correspondence has been sent to the property owner's agent, and may encourage the owner to consider bringing such a use into the Center.

ENVIRONMENTAL DETERMINATION

Staff has made a preliminary determination that the subject application is Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15303 of the CEQA Guidelines (conversion of small structures from one use to another).

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Hold a public hearing on this item and hear and consider all testimony, and
2. Adopt the draft resolution conditionally approving this project.

Exhibits:	1.	Draft Resolution
	2.	Application Form & Supplemental Materials
	3.	Email dated November 28, 2011 from Carol Anderson
	4.	Email dated November 29, 2011 from Pam Coletta
	5.	Email dated November 29, 2011 from Murray Dunn
	6.	Email dated November 29, 2011 from Barbara Clifford
	7.	Email dated November 30, 2011 from Barbara Rowe
	8.	Email dated November 30, 2011 from Peter Anderson
	9.	Email dated December 1, 2011 from Candace Washing
	10.	Email dated December 5, 2011 from Nancy Gale
	11.	Email dated December 5, 2011 from Al Haussener
	12.	Email dated December 5, 2011 from TC McMechen
	13.	Letter dated December 5, 2011 from Faith Brown
	14.	Letter dated December 5, 2011 from Connie Wiley
	15.	Email dated December 7, 2011 from Dennis Jaffe
	16.	Letter dated December 7, 2011 from David and Jean Bordon
	17.	Submitted Plans

Prepared By: Laurie Tyler, Associate Planner