

CC-1

**TOWN COUNCIL
MINUTES**

CALL TO ORDER

Mayor Fredericks called the regular meeting of the Tiburon Town Council to order at 7:37 p.m. on Wednesday, March 4, 2009, in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

ROLL CALL

PRESENT: COUNCILMEMBERS: Berger, Collins, Fredericks, Gram, Slavitz

PRESENT: EX OFFICIO: Town Manager Curran, Town Attorney Danforth, Director of Administrative Services Bigall, Director of Community Development Anderson, Assistant Planner Phillips, Director of Public Works/Town Engineer Nguyen, Chief of Police Cronin, IT Coordinator Monterichard, Town Clerk Crane Iacopi

Prior to the regular meeting, beginning at 6:15 p.m., the Council met in closed session, followed by interviews of three applicants for the Design Review Board at 7:00 p.m.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Section 54956.9(a))

Town of Tiburon v. Sylvia; Sylvia v. Town of Tiburon

Wayne et al. v. Town of Tiburon

INTERVIEWS FOR VACANCIES ON BOARDS & COMMISSIONS – (7:00 p.m.)
(Design Review Board Vacancy)

7:00 p.m. – Jim Tobin, 17 Reed Ranch Road

7:10 p.m. – John Kricensky, 27 Old Landing Road

7:20 p.m. – Brian McCullough, 1897 Mar West

CLOSED SESSION ANNOUNCEMENT

Mayor Fredericks said that there was no action to report from the closed session.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

Mayor Fredericks asked if anyone would like to remove any item from the Consent Calendar.

Michael Heckmann asked to remove Item No. 4 from the Consent Calendar for further discussion. Council agreed.

1. **Town Council Minutes** – Adopt minutes of February 18, 2009 meeting (Town Clerk Crane Iacopi)
2. **Town Investment Summary** – Accept January 2009 Report (Director of Administrative Services Bigall)
3. **Fair Housing Month** – Adopt Proclamation celebrating Fair Housing Month in April 2009 (Town Clerk Crane Iacopi)
4. **Design Review Appeal** – Adopt resolution of findings partially upholding appeal of Design Review Board decision to approve a Site Plan and Architectural Review to construct a new single-family dwelling at 5035 Paradise Drive (Assistant Planner Phillips)

Project Site: 5035 Paradise Drive
Assessor Parcel No.: 038-031-01
Owner/Applicant: Helene Marsh
Appellants: Greg Borton and Grace Wei
Appellants' Address: 5045 Paradise Drive

5. **Federal Transportation Bill Renewal** – Adopt resolution in endorsement of California Consensus Principles on Federal Transportation Authorization 2009 (Town Clerk Crane Iacopi)

MOTION: To adopt Consent Calendar Item Nos. 1, 2, 3 & 5.
Moved: Berger, seconded by Gram
Vote: AYES: Unanimous
ABSTAIN: Slavitz (Item No. 1, February 18 minutes)

4. **Design Review Appeal** – Adopt resolution of findings partially upholding appeal of Design Review Board decision to approve a Site Plan and Architectural Review to construct a new single-family dwelling at 5035 Paradise Drive (Assistant Planner Phillips)

Project Site: 5035 Paradise Drive
Assessor Parcel No.: 038-031-01
Owner/Applicant: Helene Marsh
Appellants: Greg Borton and Grace Wei
Appellants' Address: 5045 Paradise Drive

Town Manager Curran distributed a copy of the resolution, marked “revised,” and asked the Council to substitute this resolution for the one in the packet. She said that the revised version contained minor changes in language that were intended to clarify the instructions given to staff by Council. She noted that Paragraph 22 of the revised resolution, final sentence, was amended to read “...including one or more of the following: reduction in window size, reduction in light transmission, additional landscaping or architectural screening.”

Mayor Fredericks opened the item to public comment.

Architect Michael Heckmann, representing the appellants, asked for clarification of two items: 1) in Paragraph 21, he asked if it would be possible to know the exact location of the bedroom window to be eliminated, and 2) in Paragraph 22, he asked that additional landscaping not be used as an option to screen the stairwell window. He said he thought there was a comment at the appeal hearing that landscaping was not an adequate mitigation measure for light pollution.

Councilmember Gram asked Mr. Heckmann if he had discussed these issues with Town staff. Mr. Heckmann said that he had not.

Vice Mayor Berger noted that the stairwell area was “pretty far over” and was currently located behind some fairly dense landscaping now. He asked Mr. Heckmann why landscaping should be precluded as a screening tool.

Mr. Heckmann replied that landscaping was temporary, and owner dependent for its maintenance. He reiterated the statement that landscaping did not provide an adequate screen to lighted windows.

Ms. Helene Marsh, applicant and owner of 5045 Paradise Drive, questioned how it was possible that the outcome of the hearing was still in question. She said that the Council had reached a very clear set of resolutions and decisions at the appeal hearing which were to be adhered to.

Ms. Marsh said that after four hearings, she felt that the whole process was unreasonable and had been biased against her. She said that the appellant had exerted a lot of influence on both the Design Review Board and the Town Council, and the appellant and their representatives had met numerous times with the Council and the Board, but not with her.

Ms. Marsh said that she had been willing to work with staff per the Council's direction after the [February 18] Council hearing but now she found it objectionable that the language was still under review [at the behest of the appellant.]

Vice Mayor Berger said that he was the one responsible for the additional language in the resolution because he thought it would provide a wider range of options to be considered by staff to "solve the problem." He said that the resolution was not just coming back to Council to simply add things "out of the blue."

Mayor Fredericks said she wanted to address the feelings of unfairness that had been expressed by Ms. Marsh. She said that the Council visited both the applicant's and appellant's properties, as well as reading all the materials provided by staff. She said that applicants often made themselves available to the Council, as well as appellants, and Council members would have been glad to talk with Ms. Marsh if they had known she wanted to meet. She said she was sorry that Ms. Marsh felt the way she did about the process.

Councilmember Gram said that the point of visiting the appellant's home was not to hold a "mini hearing," but rather to be able to look at and evaluate the view from that location. He said that he did not listen to "their side of the story," but was simply there to observe. He said he did the same thing when he visited an applicant's home.

Ms. Marsh said it was clear at the appeal hearing from conversations between Mr. Heckmann and Vice Mayor Berger that they were agreeing on what Mr. Heckmann wanted to do. She said that she did not have a similar opportunity for input. She said that she had written a letter to Council inviting them to her property.

Vice Mayor Berger said that he had not discussed the appeal with Mr. Heckmann prior to the appeal hearing. He added that he did not even know that Mr. Heckmann was involved in the matter prior to learning of it through the appeal process.

With regard to the language of the resolution, Mayor Fredericks said that her recollection was that Council had left it to staff's discretion to determine which window should be eliminated that would have the greatest benefit to address the issue of glare. However, the mayor said she was amenable to leaving out the language concerning landscaping in the revised version.

Vice Mayor Berger said that he thought the language simply clarified the Council's direction but said that he was also amenable to dropping the language, "additional landscaping," from paragraph 22 of the resolution.

Councilmember Collins commented that the details of the project approval would be at staff's discretion, not at the discretion of either applicant or appellant.

Vice Mayor Berger agreed; he said that the applicant's architect would return to the town with revised plans which would be interpreted by staff as to compliance with Council's direction.

MOTION: To adopt Item No. 4, revised resolution, as amended by Mayor Fredericks [remove the language "additional landscaping" from paragraph 22].
Moved: Gram, seconded by Berger
Vote: AYES: Unanimous
ABSTAIN: Slavitz

ACTION ITEMS

1. **Appointments to Boards, Commissions & Committees** – Consider reappointment of commissioners whose terms expired at the end of February 2009 (Town Clerk Crane Iacopi)

Town Clerk Crane Iacopi said that Council had interviewed three potential candidates for a vacancy on the Design Review Board at their meeting tonight and that there was one additional applicant to be interviewed.

Town Clerk Crane Iacopi also said that three commissioners' terms had expired at the end of February and that they had all expressed an interest in serving another term. She recommended that the Council consider reappointment of these commissioners.

MOTION: To reappoint John Kunzweiler to the Planning Commission.
Moved: Berger, seconded by Slavitz
Vote: AYES: Unanimous

MOTION: To reappoint Frank Doyle to the Design Review Board.
Moved: Slavitz, seconded by Collins
Vote: AYES: Unanimous

MOTION: To reappoint Anne Thull to the Heritage & Arts Commission.
Moved: Slavitz, seconded by Gram
Vote: AYES: Unanimous

The Council continued the item of an appointment to the DRB until after the interview of a remaining candidate at the next regular meeting.

2. **Security Cameras**– Consideration of security camera system on Tiburon Boulevard and Paradise Drive for post-crime investigation (Chief of Police Cronin)

In his report, Chief Cronin covered the potential benefits of a security camera system that would capture license plate numbers as cars entered and departed the Tiburon Peninsula.

Cronin said that the most common property crime on the peninsula was theft, either of vehicles or from vehicles and residences. These losses totaled just over \$500,000 in 2007, according to the chief. In addition, he said there had been a sharp increase in thefts in February 2008, and a

review of the facts determined that most of the crimes were committed between midnight and dawn; the perpetrators were not residents of the peninsula; and the perpetrators all had extensive criminal histories. Cronin said that they had concluded that additional arrests could have been made if the police had a reliable method of determining what vehicles came and went on the peninsula immediately preceding the occurrence of crimes. He also said that the cameras would be helpful in "Amber Alerts."

Chief Cronin distributed some color exhibits illustrating the views from the cameras and what they might look like when mounted. He said that the camera system under consideration would only focus on the rear of cars, going away, to show the back license plate. He said the cameras were not set to look into a vehicle or at people in the vehicle. He said this would address privacy concerns that might be raised. He said the software could notify dispatch or the call an officer on his/her cell phone. The chief noted how stationing officers in vehicles along the boulevard was not nearly as cost effective or successful in solving crimes as obtaining information through a security camera system.

The Chief of Police said that in surveying other police departments and municipalities, he had discovered that over the past five years, use of security camera systems was increasing and that the systems had assisted in the recovery of innumerable stolen cars and many felon arrests. He said the systems were widely used at borders and in large cities but often were used in small towns.

Chief Cronin said that a number of agencies had been identified as potential partners with the town in the purchase of a security camera system: ABAG, through grant funding, the Marin County Sheriff's Department, and the City of Belvedere. He said that tonight staff was seeking direction from Council on whether to further develop information towards the purchase of a system, and critical policy issues such as how long the data would be kept and who would have access to it.

Councilmember Gram asked about the resolution of the image from the cameras if there were no lights on a car, on a dark night. Chief Cronin said that the cameras had infrared illuminators which could identify color of vehicle and the plate.

In response to another question from Gram, if the car did not have or covered its plates, the chief said that the camera could identify the make and model of vehicle.

Councilmember Slavitz asked about the proposed locations of the cameras. Chief Cronin said that it was envisioned that cameras would be located facing both directions on Tiburon Boulevard (near Blackfield Drive), as well as at a specified location on Paradise Drive (near the border of Corte Madera).

In response to a question from Councilmember Collins, Chief Cronin said that the data would be held for 30 days, or shorter, initially.

Mayor Fredericks asked if staff could come back to Council with a proposed policy on data retention. Chief Cronin said that staff had planned to do so.

The Mayor also asked whether the data would be available to subpoena. Chief Cronin said that he thought the data would be covered under the public records act but he deferred to the Town Attorney for further explanation.

Town Attorney Danforth said that if the records were pertinent to an on-going criminal investigation, they would not be subject to disclosure.

Mayor Fredericks asked that this be addressed in the policy, as well.

Councilmember Gram asked about civil lawsuits. Town Attorney Danforth said that the records might possibly be subject to disclosure, if the town still had possession of them. She noted that this might not be an issue if the request came more than 30 days, a very short time in civil lawsuits.

Mayor Fredericks asked how the town's policy might be affected by the policies of the security company which held the data.

Chief Cronin noted that the options were to employ a company to host the software and maintain the data, or the town could host the system on its own server. He said that the town's IT Coordinator thought it was preferable to have an outside company host the programs and data.

Councilmember Gram asked if that meant the town would rent the cameras and pay fees to maintain them. Chief Cronin said that the town would own the hardware.

Mayor Fredericks asked that the policy also address under which circumstances the data would be viewed, how, and by whom, and that any changes to the policy come to Council for approval.

Mayor Fredericks noted that the Chief's written report mentioned "real time viewing."

The Chief said that in cases such as child abduction from a school, if someone was available to view the data in real time, "we might get lucky" and be able to get the child back. He said that in these kinds of cases, the first 24 hours were critical to the return of a child.

The mayor asked whether the cameras were stationery and whether it was possible to change the scope of view. Chief Cronin said they were fixed; that there was no "joy stick" that could manipulate the view. Mayor Fredericks asked if the view could be manipulated by the software. Chief Cronin said that it could not.

Councilmember Slavitz asked about the camera's usefulness in property crimes. Chief Cronin said that most of the property crimes in town were committed by outsiders, and were often done by the same person or persons. He said they "come in late, steal it, and leave between 12 and 6

a.m.” Since there are fewer vehicles during that window of time, the chief said it would be relatively simple to check the databases for vehicles related to other crimes, for instance, to develop leads.

Councilmember Collins asked about the system cost. He noted the staff report asked for an appropriation of \$20,000 but thought the figure was closer to \$30,000 based on the other information in the report.

Chief Cronin said that \$20,000 was in the current fiscal year’s budget and that \$25,000 was available from ABAG.

Town Manager Curran said that she had discussed the issue with Belvedere’s city manager who had indicated interest in the “traditional” cost-sharing arrangement of 75/25 with the town. However, she said that he would go to his Council to seek final approval. She said that this arrangement would include on-going system maintenance costs, as well.

Councilmember Gram said that the total system cost was not clearly stated in the report. He asked whether it was \$50,000 or \$100,000 and what the shortfall, or cost to the town would be, minus the grants and other agency participation.

Town Manager Curran said the total project might cost between \$50,000 and \$100,000, but that figure was uncertain at this time because there were various systems under consideration. She said that the staff report identified the possible general fund contribution needed to implement the project, with the balance coming from funding partners; \$20,000 was appropriated in the current general fund to develop the system, but she noted that this appropriation could prove inadequate and that \$30,000 might be necessary. She said that through the public bidding process, and public agency partnerships, staff believed it could piece together a reasonable budget for Council consideration.

Ms. Curran noted that staff sought general guidance from Council whether to move forward to develop the information; staff would then return to Council with specific system costs and a policy.

Councilmember Slavitz asked if the other public agency parties would seek to have input into the type of system, etc. Ms. Curran said that her impression was that they wanted to “piggyback” onto the town’s system and were not interested in the development process or system selection process.

Councilmember Gram asked staff to consider what would happen if Belvedere or the County dropped out of the program as partners.

Mayor Fredericks opened the public hearing. There was no public comment.

Mayor Fredericks closed the public hearing.

Councilmember Gram recommended that the Council police subcommittee be involved in every step of the development and bidding process. Gram suggested that they visit other municipalities and get demonstrations of their systems and how they work.

Chief Cronin said that vendors might also place test cameras in police vehicles. Councilmember Gram recommended both; also, to find out from other communities whether the cameras were reliable and what the maintenance costs were, etc.

Councilmember Berger said that he liked the technology and that the “one way in and out” topography of the peninsula was well suited for it.

Councilmember Slavitz agreed; he said that there were very good reasons to have the cameras for Amber Alerts, and to apprehend felons and recover stolen vehicles.

Councilmember Collins said that he, too, favored such a system that would prevent and reduce crime.

Mayor Fredericks said that when she first heard about the system she was “appalled” at the idea of an “electronic, gated community.” She said that after hearing the details of the proposal, she was now comfortable that there would be no invasion of privacy.

Councilmember Gram recommended that the town obtain and use policies already in place in other cities in order to not have to “reinvent the wheel.”

Chief Cronin said that staff had already obtained policies from two attorneys in Southern California; he said that staff town envisioned an even stricter policy.

Mayor Fredericks noted that there was Council consensus for staff to move forward to develop the cost and placement of a security camera system and to return with a policy for general use of the system.

TOWN COUNCIL REPORTS

Mayor Fredericks said that she had attended a League of California Cities Board of Directors meeting and that she had learned that even though the state had adopted a budget, it still might borrow against Proposition 1A funds.

TOWN MANAGER'S REPORT

Town Manager Curran showed Council a proposed sign that might be installed to direct people to Ark Row. She said that Ark Row was often missed by visitors and residents alike. She said that there was an existing sign on Main Street now but that it was small and not well positioned.

The sign demonstrated by the Town Manager would be larger, more like a shop size sign, according to Curran. She said it would be a "blade sign," mounted perpendicular to the buildings on a post next to the Art Bar.

Curran said the Chamber of Commerce liked the idea of installing the sign and that she intended to move forward with its installation.

Councilmember Gram suggested that the Corinthian Yacht Club side of the street also be considered as a location, for better visibility. Town Manager Curran said that this location would be reviewed to see if it was an appropriate location for a second sign.

WEEKLY DIGESTS

- Town Council Weekly Digest – February 20, 2009
- Town Council Weekly Digest – February 27, 2009

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Slavitz adjourned the meeting at 8:37 p.m.

ALICE FREDERICKS, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

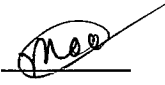
Town Council Meeting
March 18, 2009
Agenda Item: CC-2

STAFF REPORT

To: Mayor & Members of the Town Council

From: Community Development Department

Subject: Consider Adoption of a Resolution Establishing an Additional Day for the Display of Temporary Off-Site Signs Pursuant to the Recently Updated Sign Ordinance

Reviewed By: 

BACKGROUND

For many years, the Town's Sign Ordinance has contained a provision that allows the Town Council, by resolution, to establish an additional day for the placement of temporary off-site signs. Such signs are commonly real estate "open-house" signs directing people to a specific address. The adoption of the revised sign ordinance in February requires the Town to rescind and replace the current resolution establishing the additional day and the terms upon which display is allowed, in order for the practice to be continued.


The current resolution, No. 22-2002, is attached as **Exhibit 1**. The proposed replacement resolution is attached as **Exhibit 2**. The proposed resolution reflects provisions contained within the new Sign Ordinance and provides accurate references to regulatory sections therein. The additional display hours specified in the resolution would be from 10 a.m. to 4 p.m. on Wednesdays only. The resolution would take effect on the same date as the new Sign Ordinance.

RECOMMENDATION

Staff recommends that the Town Council adopt the draft resolution.

EXHIBITS

1. Current Resolution No. 22-2002 (to be rescinded).
2. Draft Resolution (to be adopted).

Prepared by: Scott Anderson, Director of Community Development 

RESOLUTION NO. 22-2002

**A RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF TIBURON ESTABLISHING A
LIMITED EXEMPTION FROM THE TOWN'S SIGN
ORDINANCE FOR OPEN HOUSE-TYPE SIGNS**

WHEREAS, Chapter 16A of the Town's Municipal Code regulates design, construction and maintenance of signs in the Town, requiring a permit for all non-exempt signs; and

WHEREAS, for the benefit of residents buying and selling homes, and to accommodate traditional practices in the real estate industry, Section 16A-7(g) of the Municipal Code has long contained a limited exemption for open house-type signs between the hours of twelve-thirty p.m. and five p.m. on Sundays and ten a.m. and two p.m. on Thursdays; and

WHEREAS, the Marin Association of Realtors wish to change the day for brokers' open houses from Thursday to Wednesday and have asked that the Town make a corresponding amendment to Section 16A-7(g); and

WHEREAS, in response to the request of the Marin Association of Realtors, the Council on May 1, 2002, adopted Ordinance No. 468 N.S. which amended Section 16A-7(g) of the Municipal to provide that the exemption for open house signs would thereafter apply only between the hours of twelve-thirty p.m. and five p.m. on Sundays and on one additional day, as the Town Council may determine by resolution, the purpose of said amendment being to increase the Council's flexibility in setting the exemption day for brokers' open houses; and

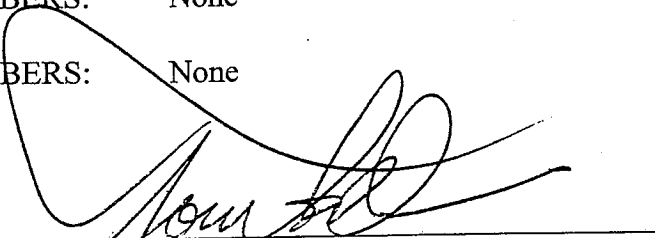
WHEREAS, Ordinance No. 468 N.S. will take effect on May 31, 2002, and the Council wishes now to adopt a resolution establishing the new exemption day, to take effect also on May 31, 2002.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Tiburon that, effective May 31, 2002, the second exemption day authorized under Section 16A-7(g) of the Municipal Code shall be Wednesdays between ten a.m. and two p.m.

EXHIBIT NO. 1

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon on May 15, 2002 by the following vote:

AYES: COUNCILMEMBERS: Berger, Fredericks, Gram, Slavitz,
Thompson
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None



TOM GRAM, MAYOR

ATTEST: 

DIANE CRANE IACOPI, TOWN CLERK

DRAFT

RESOLUTION NO. __-2009

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIBURON
ESTABLISHING AN ADDITIONAL DISPLAY TIME FOR TEMPORARY OFF-SITE
SIGNS PURSUANT TO CHAPTER 16A OF THE TIBURON MUNICIPAL CODE AND
RESCINDING RESOLUTION NO. 22-2002**

Section I. Findings.

WHEREAS, the Town Council recently adopted an updated sign ordinance to be codified as Title IV, Chapter 16A of the Tiburon Municipal Code; and

WHEREAS, Section 16A.800(d) establishes Sundays from 12:30 p.m. to 5:30 p.m. as a time when temporary off-site signs may be displayed without first obtaining a permit, and further states that the Town Council may, by Resolution, establish one additional day upon which temporary off-site signs may be displayed without first obtaining a permit; and

WHEREAS, this Resolution will replace similar regulations set forth in Town Council Resolution No. 22-2002, which shall be rescinded upon the effective date of this Resolution; and

WHEREAS, the Town Council finds that the adoption of this resolution has no potential to result in an adverse impact on the environment and is exempt from CEQA, and further finds that an exemption under CEQA has previously been adopted for these same regulations as set forth in Town Council Resolution No. 03-2009, and that no further CEQA review is required; and

WHEREAS, the Town Council finds that the adoption of this Resolution is consistent with the goals and policies of the Tiburon General Plan and the Tiburon Municipal Code and will further their objectives.

Section II. Resolution No. 22-2002 Rescinded.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Tiburon hereby rescinds Resolution No. 22-2002, effective March 20, 2009.

Section III. Adoption.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Town Council of the Town of Tiburon hereby establishes an additional day and time for the placement of temporary off-site signs pursuant to Tiburon Municipal Code Title IV, Chapter 16A, Article VIII, Section 16A.800(d) as follows:

Temporary off-site signs (including portable signs) are allowed to be displayed without a permit on Wednesdays between the hours of 10:00 a.m. and 4:00 p.m. provided that they meet the following criteria:

- (1) No such sign shall be placed in the Downtown Tiburon commercial area.
- (2) Such signs may be placed on private property with the permission of the property owner.

EXHIBIT NO. 2

- (3) A maximum of three (3) signs per parcel may be displayed and no more than three (3) square feet of sign area is allowed per sign.
- (4) No illumination (other than ambient light) is permitted.
- (5) No sign may be placed so as to obstruct pedestrians or vehicles or render any sidewalk or other pedestrian pathway impassible to persons using wheelchairs or walkers. For purposes of this Resolution, a sidewalk or pathway is presumed to be impassible to persons using wheelchairs or walkers if the sign causes the sidewalk or pathway to be less wide than required by applicable state and federal accessibility laws.
- (6) No sign may be placed so as to cause damage or create safety hazards.

Section IV. Effective Date.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Resolution shall become effective on March 20, 2009.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon on _____, 2009 by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ALICE FREDERICKS, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK

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TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
March 18, 2009
Agenda Item: *AI-1*

STAFF REPORT

To: Mayor and Members of the Town Council
From: Office of the Town Clerk
Subject: Appointments to Town Boards, Commissions and Committees
Reviewed By: *[Signature]*

BACKGROUND

At its March 4 regular meeting, the Town Council interviewed three applicants (Jim Tobin, John Kricensky, and Brian McCullough) for an existing vacancy on the Design Review Board. Another applicant, Lisa Catanzaro, is scheduled for an interview tonight.

RECOMMENDATION

Staff recommends that the Town Council:

- 1) Interview the remaining applicant for the Design Review Board vacancy;
- 2) Consider an appointment to fill the Design Review Board vacancy;
- 3) If necessary, direct staff to continue to advertise and schedule interviews until the vacancy is filled.

EXHIBIT

- Application of Lisa Catanzaro

Prepared By: Diane Crane Iacopi, Town Clerk

TOWN OF TIBURON

R E C E I V E D
MAR - 9 2009

TOWN CLERK
TOWN OF TIBURON

COMMISSION, BOARD & COMMITTEE

APPLICATION

The Town Council considers appointments to various Town commissions, boards and committees throughout the year due to term expirations and unforeseen vacancies. In an effort to broaden participation by local residents in Tiburon's governmental process and activities, the Council needs to know your interest in serving the Town in some capacity.

Please indicate your specific areas of interest and special skills or experience which would be beneficial to the Town, by completing both sides of this form and returning it to Town Hall. The application form can also be found on the Town's website, *www.ci.tiburon.ca.us*.

Copies of the application will be forwarded to the Town Council and an informal interview will be scheduled when a vacancy occurs. Your application will remain on file at Town Hall for a period of one (1) year.

Thank you for your willingness to serve the Tiburon community.

Diane Crane Iacopi
Town Clerk

AREAS OF INTEREST

Please Indicate Your Area(s) of Interest in Numerical Order
(#1 Being the Greatest Interest)

- | | |
|-------------------------------|--|
| <u> 2 </u> PLANNING | <u> </u> PARKS, OPEN SPACE & TRAILS |
| <u> 1 </u> DESIGN REVIEW | <u> </u> JT. RECREATION COMMITTEE |
| <u> </u> HERITAGE & ARTS | <u> </u> DISASTER PREPAREDNESS |
| <u> </u> LIBRARY | <u> </u> MARIN COMMISSION ON AGING |

PERSONAL DATA

Only computer-generated or typewritten copy will be accepted;
Attach separate pages, including resumes and cover letters, if necessary.

NAME: Lisa Catanzaro

Street & Mailing ADDRESS: 54 Linda Vista Avenue, Tiburon CA 94920

e-mail = lisacatanzaro@yahoo.com

TELEPHONE: Home: 415-624-5100 **Work:** 415-230-4410

PROPERTY OWNERS' ASSOC. (If applicable) n/A

TIBURON RESIDENT: (Years) 8 Months **DATE SUBMITTED:** 03/09/09

REASONS FOR SELECTING
YOUR AREAS OF INTEREST

After 4 Years in NYC, I have finally returned to the place I love, the Bay Area and have settled in the beautiful community of Tiburon. After seeing many places, cultures and communities I have grown to love the values and sense of place that Tiburon represents. From it's rich history with the railroad and connection to downtown San Francisco and the grand beauty it holds with the landscape, Tiburon remains a very special place. As an Architect I can appreciate and holistically understand the hiking, sailing, cycling that many community members partake in, the relationship to Angel Island, special places such as the Audubon Society and the Main Street history. With my current work @ HOK I hope to bring Leadership with Energy and Environmental Design and my creative eye to work with community leaders on the Design Review Board. To serve and participate in the community means allot to me and by sharing one's knowledge many rich experiences are gained for all.

APPLICABLE QUALIFICATIONS
AND EXPERIENCE

Please see attached Resume.

HOK Biography:

Lisa Catanzaro is excited by the global outreach of HOK; it fits her life as a curious explorer of people and cultures. Lisa has studied in both Italy and Sweden and has lived in Florida , New Orleans New York City and most recently now in Tiburon.

Having grown up in a family of physicians, Lisa naturally integrated healthcare into her personal interest in architecture, completing a Master thesis project on "Healing Environments". Lisa's most recent healthcare exposure has been working in Design + Construction for Memorial Sloan Kettering Cancer Center . She is happy to be back in San Francisco collaborating with past colleagues from SmithGroup/SOM/SMWM joint venture where she worked from 2002-2005. Her work has been strengthened by completing Educational projects at Beverly Prior Architects from 1999-2002. Lisa holds degrees in Architecture and Psychology from the University of Florida and Tulane University and has been practicing architecture for the past 10 years.

As she joins the accomplished Healthcare Practice of HOK as a medical planner, she will be dedicated and passionate about charting a course for healthcare delivery and collaborating with leaders in the field of healthcare design to bring new and innovative solutions to local and international communities.

RECEIVED
Town Hall Use
MAR - 9 2009

Date Application Received: MAR - 9 2009 Interview Date: 3-18-09

Appointed to: TOWN CLERK
(Commission, Board or Committee) TOWN OF TIBURON (Date)

Date Term Expires: _____ Length of Term: _____

S:dcrane:comm.app (4/05)

LISA CATANZARO

54 Linda Vista Avenue Tiburon , CA 94920 | 415.624.5100 | lisacatanzaro@yahoo.com

Architectural Healthcare Planner/Project Manager with experience in planning, design and construction of Healthcare, Education and Research projects. Successful ability to strategize, facilitate, and manage in a collaborative manner with multiple team members. Dedicated and passionate for creating patient care spaces and environments that support the health, safety, and well-being of occupants.

PROFESSIONAL EXPERIENCE

HOK Architects. San Francisco, CA www.hok.com 2008 - Present
Architectural Medical Planner/ Healthcare Business Unit

Architectural designer and planner responsible for medical plans for new and existing hospitals, outpatients facilities and healing centers.

- Design and develop construction documents in collaboration with large teams to insure hospital safety, architectural standards and medical planning and program requirements.
- Complete OSHPD planning approval process and submittals for the Kaiser Redwood City Replacement Hospital. Total Square footage 200,000 SF
- Provide sustainability solutions that meet the client's needs for construction and medical planning.

Memorial Sloan-Kettering Cancer Center. New York City, NY 2006 - 2008
Department of Design and Construction, Facilities Management

Project Manager responsible for design and construction process of hospital renovations for a total budget of \$10 million annually in capital funds. MSKCC spent \$500 million in capital funds for 2007.

- Lead project teams in collaboration with Senior Project Executive comprised of hospital administration, architects, general contractors and consultants to insure hospital safety and architectural standards.
- Achieve construction projects that are on schedule, within budget and are consistent with hospital operations and strategic plan.
- Review construction documents for hospital standards, GMP budget development and client program requirements.
- Oversee design and construction teams from programming through user move-in, develop punch-list in collaboration with architects, and furniture procurement manager.
- Conduct on-site supervision, monitor contractor's progress and prepare project status updates.
- Prepare AIA contract documents, change orders, purchase requisitions and insure project documentation and building department requirements are completed for project close-out.
- Familiar with JCAHO, Department of Health, and Infection Control regulations.
- Collaborated on interior design for finishes and sustainable/green materials for outpatient clinics.
- Projects include: Chrysler Building Administrative Suites, Main Campus Pharmacy, BMT Clinic, GMP Facility, Imaging and Mammography offices, Department of Surgery Suites, Egress, Rockefeller Laboratories, Morgue Upgrade. Participated in Mock-up Reviews for ICU and Breast and Imaging Center.

Smithgroup Architects. San Francisco, CA 2002-2005
Smithgroup/Skidmore, Owings & Merrill , a Joint Venture. San Francisco, CA

- Healthcare Planner for California Pacific Medical Center existing Davies campus hospital buildings and new MOB.
- Responsible for programming, planning and user group meetings for the development of the Davies Campus as a center for Neurosciences and Rehabilitation Medicine under the CPMC Institutional Master Plan.
- Collaborated on interior design and furniture selection process for the City of Hope National Medical Center Replacement Hospital encompassing a program of research, surgery, chemical infusion and radiation therapies, bone marrow transplantation and 140 private rooms, 20 of which are for children.
- Researched "green" interior finishes.

- Responsible for programming, planning, design, construction documents and consultant coordination for 17 bed Acute Rehabilitation-Med/Surg unit for Providence Saint Joseph Medical Center.
- Completed OSHPD approval process.

Beverly Prior Architects. San Francisco, CA 1999-2002

- Job coordinator for 85,000 Sq. Ft. elementary school campus. Responsible for educational specifications, consultant coordination, programming through construction documents.
- Developed construction documents for classroom buildings and campus modernizations.
- Completed DSA approval process, feasibility studies and strategic plan initiatives for school district.
- Participated in client and community meetings and design charette workshops.

Berger Detmer Architects. San Francisco, CA 1998-1999

- Responsible for construction documents for national retail projects. Scope of work included client meetings, site selection, schematic design, consultant coordination, city approvals and construction administration.
- Selected materials, developed details, and completed on-site construction visits.
- Created drawings and design solutions for custom residential and office projects.

Gensler. San Francisco, CA 1998

- Completed construction documents as a consultant for retail projects.
- Assisted with design, detailing and material selection.

Avila & Tom Architects. Oakland, CA 1997-1998

- Responsible for construction documents and consultant coordination for retail projects.
- Surveyed retail sites across the country and developed programming and preliminary design documents.

EDUCATION & COMPUTER SKILLS

UNIVERSITY OF FLORIDA, FL 1997

Master of Architecture. Thesis Project, Healing Environments.
Vicenza Institute of Architecture. Vicenza, Italy.
Preservation Institute of the Caribbean.

TULANE UNIVERSITY, LA 1993

Bachelor of Arts in Psychology

Knowledge of Autocad 2005, Vectorworks, Mini-Cad 7.0.1, Sigma Arris 6.0, Photoshop, Illustrator, Cognos, Powerpoint, Excel, Windows and Macintosh systems, Skire/PARS-MSKCC templates.

AFFILIATIONS & AWARDS

Architectural Registration Exams in progress-California Architect's Board ID #33606 2008

MSKCC's "Green Team" Implementation of Environmental Sustainability Program 2007

International Academy for Design and Health, Environmental Design Research, Post Occupancy Evaluations, Stockholm Sweden – Karolinski Institute 2005

Rebuilding Together & LEAP Imagination, Construction Captain 2003

AIA Small Business Award with Beverly Prior Architects, Woodland Community School 2001

Education through Historic Preservation Program Coordinator, New Orleans, LA 1993




TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
March 18, 2009
Agenda Item:

AI-2

STAFF REPORT

To: Mayor and Members of the Town Council
From: Office of the Town Manager
Subject: Consideration of Agreement with Congregation Kol Shofar Regarding payment of traffic mitigation fees required by the Conditional Use Permit for property located at 215 Blackfield Drive
Reviewed By: 

BACKGROUND

On February 21, 2007, the Town Council adopted Town Council Resolution 15-2007 approving a Conditional Use Permit (CUP) for Congregation Kol Shofar (CKS). That Resolution entitled CKS to increase the intensity of authorized day school/preschool use on the site from 100 children to 150 children during weekdays. That incremental increase, equivalent to 47 new PM peak hour trips, triggered traffic mitigation fees in the amount of \$248,066. Impact fees are due at the time of building permit issuance.

DISCUSSION

CKS has petitioned the Town to allow them to pay their traffic mitigation fees in the future when they actually are close to exceeding 100 day school/preschool children on the site, which they believe could be many years into the future. Staff has developed an approach for this unusual circumstance that, if approved as an amendment to their Conditional Use Permit, would essentially hold their entitlement to the 50 additional students in abeyance unless and until the then-applicable fees are fully paid. Because these fees tend to rise over time to reflect costs, the fees that CKS ultimately actually pays should be those in effect when CKS uses its entitlement to exceed 100 students.

CKS has also asked that the Town issue its building permit before the Town has amended the CUP. Accordingly, staff has prepared the attached agreement Council, which would allow CKS to fully pay its fee now, in order to obtain a building permit, but would reimburse that fee if the Planning Commission, or the Town Council upon appeal, amended the CUP to allow for these fees to be paid when the day school/preschool enrollment is ready to increase beyond 100 children. Several safeguards are built into the agreement including:

- If the CUP is not amended, the Town would retain the fees;
- CKS would abandon any right it may have to challenge the fees in the future (since the fees are fully due and payable now, the Town should not weaken its position for eventual collection by allowing a future challenge);
- A substantial penalty would be imposed should CKS increase enrollment above 100 children without prior payment of the fees;
- CKS would be required to report annually on its school enrollment; and
- The Town would have rights to audit the total enrollment upon reasonable notice.

FINANCIAL IMPACT

If Town Council approves this agreement and the Planning Commission, or Town Council upon appeal, approves an amendment to the Conditional Use Permit for CKS, the Town would not receive \$248,066 in impact fees, which are restricted-use funds, at this time. If and when CKS proposes to increase its day school/preschool enrollment beyond 100, the then applicable traffic mitigation fee would be paid to the Town.

RECOMMENDATION

Staff recommends that the Town Council:

Consider the attached agreement and, if so desired, move approval of the agreement and authorize the Town Manager to execute it on behalf of the Town.

Exhibits: Agreement

Prepared By: Peggy Curran, Town Manager

**AGREEMENT BETWEEN CONGREGATION KOL
SHOFAR AND THE TOWN OF TIBURON REGARDING
TRAFFIC MITIGATION FEES REQUIRED BY A
CONDITIONAL USE PERMIT FOR PROPERTY
LOCATED AT 215 BLACKFIELD DRIVE (AP 38-351-34)**

WHEREAS, on February 21, 2007, the Town Council adopted Town Council Resolution 15-2007, which approved a Conditional Use Permit (Town File #10404)("CUP") and provided in Section 3, Condition 11 of that Resolution that Congregation Kol Shofar ("applicant" or "CKS") shall pay applicable traffic mitigation fees at the time of building permit issuance; and

WHEREAS, said Resolution provides additionally, in Section 3, Condition 4 C i thereof, at Page 8, that among other things any tenant day school use at the applicant's premises, together with any CKS-operated pre-school at the site, shall not exceed an enrollment of one hundred fifty (150) children; and

WHEREAS, it is the intention of CKS to apply to amend the aforementioned Section 3, Conditions 4 C i and 11, with respect to the schedule for payment of Traffic Impact Fees as more particularly set forth in the Form of Resolution, attached hereto as Exhibit A and incorporated herein as part of this Agreement; and

WHEREAS, Town has required that CKS deposit the full amount of Traffic Mitigation Fees with the Town to hold until the aforementioned application for CUP amendment has been acted upon and such action has become final.

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. Upon execution of this Agreement by Town, CKS shall deposit the sum of two hundred forty-eight thousand and sixty-six dollars (\$248,066) with Town ("Fee Deposit"), which Town will hold as hereinafter set forth. These moneys are agreed to represent traffic mitigation fees owed by CKS under the Town's currently applicable and duly adopted fee schedules for the increase in permissible day school/pre-school enrollment at the CKS facilities, from one hundred (100) children to one hundred fifty (150) children.
2. For purposes of CKS's pending building permit application, the Town will deem CKS's execution and performance of this Agreement as satisfaction of Condition 11 of the CUP sufficient to issue the building permit.
3. Within thirty (30) days of the date of execution of this Agreement, CKS shall submit an application for an amendment to the CUP ("CUP Amendment") that shall provide the following:

- A. CKS may not increase combined tenant day school and CKS-operated pre-school or school enrollment beyond one hundred (100) children until it has (a) provided written prior notice to the Town of its intention to exceed one hundred (100) children; and (b) fully paid all traffic fees applicable under the then-current Town fee schedule as of the date of said notice for the increase from one hundred (100) to one hundred fifty (150) children.
 - B. Each calendar year during the term of this Agreement, CKS will provide the Town's Community Development Department with an annual written report of the number of children enrolled at any tenant day school and at any CKS-operated pre-school throughout the prior year and anticipated for the prospective year.
 - C. During the term of this Agreement, Town may audit the day school and/or pre-school enrollment at CKS at any time after giving advance reasonable notice.
 - D. In the event that tenant day school and CKS-operated pre-school or school enrollment exceeds one hundred (100) children prior provision of written notice to the Town and payment of fees as set forth in subparagraph A of this section, CKS will pay the fees due, plus an additional thirty-seven thousand and five hundred dollars (\$37,500) enforcement charge within thirty (30) days of demand by Town.
 - E. In consideration of the Town's agreeing to defer payment of the traffic mitigation fee, CKS waives and releases any right it may have to challenge said fee when it becomes payable pursuant to this Agreement.
4. Within sixty (60) days following the receipt of CKS's application for the CUP Amendment, Town will schedule a hearing before its Planning Commission on said amendment.
5. In the event that the Planning Commission approves the CUP Amendment, and no qualified person or persons files an appeal within the ten (10) days allowed by the Town, Town will refund Fee Deposit within thirty (30) days of the date of said approval.
6. In the event that the Planning Commission approves the CUP Amendment and a qualified person or persons filed a timely appeal, the Town will not return the Fee Deposit unless and until (a) the Town Council upholds the approval and the last action necessary to finalize the CUP Amendment has passed the date where it may be legally challenged; or (b) any legal challenge has been finally resolved in a manner that preserves validity of the CUP Amendment. The Town Attorney shall have sole discretion to determine whether these conditions have been met.

7. This Agreement shall terminate upon the occurrence of any of the foregoing:
- A. Upon the Town repaying the Fee Deposit to CKS pursuant to paragraph 5 or 6 of this Agreement.
 - B. Upon CKS withdrawing its CUP Application, in which event the Town will retain the Fee Deposit.
 - C. Upon the Town's final denial of the CUP Application, in which event the Town will retain the Fee Deposit.
 - D. Upon the payment by CKS of the fee set forth in 3A above.
 - E. Upon the failure of CKS to obtain Town approval of the CUP amendment within twelve (12) months of the date of this Agreement, in which event the Town will retain the Fee Deposit.

Dated _____

Town of Tiburon, by:

Margaret Curran, Town Manager

APPROVED AS TO FORM

Ann R. Danforth
Town Attorney

Congregation Kol Shofar, by:

, President

APPROVED AS TO FORM

Gary Ragghianti
Attorney for Congregation Kol Shofar

EXHIBIT A
FORM OF RESOLUTION
FOR PLANNING COMMISSION CONSIDERATION

RESOLUTION NO. 2009-DRAFT

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN
OF TIBURON APPROVING AN AMENDMENT TO A
CONDITIONAL USE PERMIT (FILE #10404) FOR THE
CONGREGATION KOL SHOFAR SYNAGOGUE PROPERTY
LOCATED AT 215 BLACKFIELD DRIVE (AP 38-351-34)

WHEREAS, the Town Council of the Town of Tiburon adopted Resolution No. 15-2007 on February 21, 2007, said Resolution approving a conditional use permit for property located at 215 Blackfield Drive and providing in pertinent part in Section 3, Condition 4, on page 8 of the Resolution, the following:

Condition 4.

- C. *The following specific conditions pertain to the Classrooms:*
- i) *The tenant day school shall be limited to a maximum enrollment of one hundred (100) children, to be operated on weekdays only. Day school use of the site (tenant day school attendance in combination with any CKS-operated pre-school attendance) shall not exceed one hundred fifty (150) school children on weekdays. The educational spaces may be used for religious study and for religious educational instruction by the congregation.*

WHEREAS, application for amendment of said provision of the conditional use permit approval has been made by permit holder Congregation Kol Shofar; and

WHEREAS, notice of said application to amend said Resolution 15-2007 has been duly given and a public hearing scheduled to consider same; and

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the Town of Tiburon that Section 3, Condition 4 C i of Town Council Resolution 15-2007 is hereby amended to read as follows:

- 4 C. The following specific conditions pertain to the Classrooms:
- i) The tenant day school shall be limited to a maximum enrollment of one hundred (100) children, to be operated on weekdays only. Total day school use of the site (tenant day school attendance in combination with any CKS-operated preschool attendance) shall not exceed one hundred (100) children on weekdays until CKS has

complied with the following conditions: (a) provided written prior notice to the Town of its intention to exceed a total enrollment of one hundred (100) children on the site; and (b) fully paid all traffic fees applicable under the then-current Town fee schedule as of the date of said notice for the increase from one hundred (100) to one hundred fifty (150) children.

- ii) Until CKS has paid all traffic fees pursuant to subsection i), CKS will provide the Town's Community Development Department with an annual report of the number of children enrolled at the tenant day school and at any CKS-operated preschool or school throughout the prior year and anticipated for the prospective year.
- iii) Until CKS has paid all traffic fees pursuant to subsection i), Town may audit the enrollment at the tenant day school and any CKS-operated preschool at any time after giving advance reasonable notice.
- iv) In the event that any tenant day school and CKS-operated preschool or school enrollment exceeds one hundred (100) children without prior provision of notice to the Town and payment of fees as set forth in subsection i), CKS will pay the fees due, plus an additional thirty-seven thousand and five hundred dollars (\$37,500) enforcement charge within thirty (30) days of demand by Town.
- v) In consideration of the Town's agreeing to defer payment of the traffic mitigation fee, CKS waives and releases any right it may have to challenge said fee when it becomes payable pursuant to this resolution.
- vi) The educational spaces may be used for religious study and for religious educational instruction by the congregation.

BE IT FURTHER RESOLVED by the Planning Commission of the Town of Tiburon that Section 3, Condition 11 of Town Council Resolution 15-2007 is hereby amended to read as follows:

11. Applicable traffic mitigation fees shall be paid as set forth in Section 4.C of these Conditions.

BE IT FURTHER RESOLVED by the Planning Commission of the Town of Tiburon that this amendment is intended to affect only the conditions of the CUP approval Resolution specified herein. In all other respects the terms and provisions of said Resolution shall remain unchanged and unmodified in any way.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

EMMETT O'DONNELL, CHAIR
Tiburon Planning Commission

ATTEST:

SCOTT ANDERSON, SECRETARY (ACTING)

S:\Administration\Town Council\Staff Reports\2009\March 18 Drafts\CKS Form of Resolution.doc