

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
JOINT RECREATION COMMITTEE PROJECT AT 600 NED'S WAY AND
EXEMPTING SAID PROJECT FROM THE TIBURON ZONING ORDINANCE (TITLE
IV, CHAPTER 16 OF THE MUNICIPAL CODE), THE TIBURON ENCROACHMENT
ORDINANCE (TITLE V, CHAPTER 19 OF THE MUNICIPAL CODE) AND FROM THE
ENCROACHMENT PERMIT POLICY ESTABLISHED UNDER TOWN COUNCIL
RESOLUTION NO. 16-2010 AND ANY SUCCESSORS THERETO
(ASSESSOR PARCEL NO. 58-151-27)**

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

SECTION 1. PURPOSE AND INTENT.

The Belvedere-Tiburon Joint Recreation Committee (BTJRC) is a joint powers agency formed by the Town of Tiburon and the City of Belvedere that is primarily responsible for providing recreation programming services for the two municipalities, one such program being an after-school program for primary school-aged children, said program currently held on the grounds of the Reed Elementary School.

The Reed Union School District recently provided formal notice to the BTJRC that as of autumn 2010, the school's facilities will no longer be available for use by BTJRC to house the after-school program. The BTJRC, Town of Tiburon, and City of Belvedere have engaged in an extensive search for replacement facilities for the after-school program, preferably within walking distance of the Reed Elementary School, from which comes most of the attendees in the after-school program.

The Town of Tiburon owns a 2-acre parcel on Ned's Way, commonly known as 600 Ned's Way and further identified as Marin County Assessor Parcel 058-151-27, which is within short walking distance of Reed Elementary School has been identified as a possible location for the installation of new facilities (the "Project") that could house, among other things, relocated BTJRC after-school program facilities and BTJRC staff. While still in the early design stages and subject to change, the Project could include modular buildings for BTJRC use, including but not limited to the after-school program, BTJRC offices, and other programming. Associated improvements could include an approximately 30-car parking lot with entry and circular turn-around, outdoor play area, landscaping, fencing, and other ancillary items.

The purpose and intent of this Ordinance is to streamline the permit review process for the BTJRC project on the 600 Ned's Way property by exempting it from certain Town regulations and consolidating review and approval processes with the Tiburon Town Council.

SECTION 2. FINDINGS.

1. The Town Council finds that pursuant to the provisions of Tiburon's zoning ordinance (Tiburon Municipal Code Title IV, Chapter 16), the Project would be required to secure various land development permits, including but not limited to 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. The Town Council also finds that pursuant to provisions of Tiburon's encroachment ordinance (Tiburon Municipal Code Title V, Chapter 19), the Project would require issuance of an encroachment permit and would be to subject to provisions of Resolution 16-2010 establishing a policy for the issuance of encroachment permits.
2. The Town Council finds it appropriate to adopt this Ordinance in order to establish a streamlined development review process and decision-making procedure for the Project for the following reasons: (1) the extraordinary public interest served by the Project; (2) the project would meet applicable general plan goals and programs regarding the BTJRC; (3) the need to preserve scarce public monies by minimizing the expense required of public projects to comply with the Town's laws and regulations while still meeting the intent thereof; and (4) the limited time-frame available before the start of the 2010-2011 school year to establish alternate facilities for the BTJRC after-school children's program.
3. The Town Council finds that the Ordinance is consistent with and would implement General Plan goals and programs. These include but are not limited to the following:
 - PR-B:** To anticipate population growth and to plan for and provide funds for the acquisition of adequate lands or installation of adequate facilities to address future parks and recreation needs of the community.
 - PR-a:** The Town shall continue to work cooperatively with the Belvedere/Tiburon Joint Recreation Committee.
 - PR-b:** Recreation programming should be responsive to and serve the needs, interests, and desires of the entire community.
4. The Town Council finds that similar streamlining processes have been adopted by the Town for other major public projects, including but not limited to the Belvedere-Tiburon Public Library building, Tiburon Town Hall building, and the Tiburon Police Department building.
5. The Town Council further finds as follows:
 - (A) Notices of the public hearings on this matter were published in The Ark

newspaper on May 26, 2010 and on June 16, 2010, and other noticing, including mailed notice, were provided as required by law.

- (B) The Planning Commission held a duly noticed and advertised public hearing on June 9, 2010, at which testimony was received from the public; and recommended adoption of the ordinance to the Town Council.
- (C) The Town Council held a duly noticed public hearing on July 7, 2010, at which it heard and considered public testimony on this item.
- (D) The Town Council finds that the proposed ordinance would be consistent with the goals, policies, and programs of the Tiburon General Plan, as set forth herein and in the Staff Report dated July 7, 2010.
- (E) The Town Council finds that the proposed ordinance is consistent with the objectives set forth in the Zoning Ordinance.

SECTION 3. EXEMPTION FROM ZONING ORDINANCE.

The Project shall be exempt from all provisions of the Tiburon Zoning Ordinance, codified as Title IV, Chapter 16 of the Tiburon Municipal Code. For purposes of compliance with state law, the Town Council shall act as the Town's planning agency with respect to the Project.

SECTION 4. EXEMPTION FROM ENCROACHMENT ORDINANCE AND POLICIES.

The Project shall be exempt from all provisions of the Tiburon Encroachment Ordinance, codified as Title V, Chapter 19 of the Tiburon Municipal Code, and from all encroachment permit policies authorized by and adopted thereupon, including without limitation, Town Council Resolution No. 16-2010.

SECTION 5. ENVIRONMENTAL DETERMINATION.

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

SECTION 6. REVIEW AND DECISION-MAKING PROCEDURES ESTABLISHED.

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

- (A) The Town Council shall hold one or more public meetings to review and, if appropriate, approve or conditionally approve the site plan and architectural drawings for the project. This review shall include, but not be limited to, the building additions, landscaping, parking and other ancillary improvements. In conducting its review and

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

(B) At any time during the process, the Town Council may, as deemed appropriate, refer the Project to the Planning Commission, Design Review Board, or any other Council-appointed Committee for that body's expeditious review and comment. Any such referral shall be at the Town Council's sole discretion and such referral shall not confer the role of "advisory" body upon the Board, Commission or Committee to which the Project is referred for review and comment, and comments shall not be binding on the Town Council.

(C) The Project shall be subject to review and compliance with the California Environmental Quality Act (CEQA). The Town Council shall be the sole review authority for the Project and there shall be no "advisory" body to the Town Council for CEQA purposes.

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

SECTION 7. SEVERABILITY.

If any section, subsection, clause, sentence, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Town Council of the Town of Tiburon hereby declares that it would have passed this Ordinance, any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

SECTION 8. 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 _____, 2010 and was adopted at a regular meeting of the Town Council of the Town of Tiburon on _____, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

RICHARD COLLINS, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK

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