

PLANNING COMMISSION  
MINUTES NO. 1066  
Regular Meeting  
July 27, 2016  
Town of Tiburon Council Chambers  
1505 Tiburon Boulevard, Tiburon, California

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**CALL TO ORDER AND ROLL CALL:**

Chair Williams called the meeting to order at 7:30 p.m.

Present: Chair Williams, and Commissioners Kulik and Weller

Absent: Vice Chair Corcoran and Commissioner Welner

Staff Present: Director of Community Development Anderson and Planning Manager Watrous

**ORAL COMMUNICATIONS:**

There were none.

**COMMISSION AND STAFF BRIEFING**

Director of Community Development Scott Anderson reported that the Town Council considered the Bicycle Pedestrian Master Plan at its meeting last week and adopted the plan, making a few revisions, but basically taking the Planning Commission's recommendation in total and incorporating that into the plan. He also noted that the Martha Company project was scheduled for a legal hearing the next morning.

**PUBLIC HEARINGS**

1. 72-130 MAIN STREET; Request for a Lot Line Adjustment, amendment to an existing Conditional Use Permit and granting Variances for minimum lot area and floor area ratio limit; File #CUP2016003, LLA2016002, VAR2016020 & VAR2016025; Zelinsky Properties LLC, Owner/Applicant; Assessor's Parcel Nos. 059-102-20 & 28

Planning Manager Watrous gave the staff report and said this is a proposal to adjust the lot lines for two lots located at 72-130 Main Street. They would relocate an existing lot line located between the Tiburon Vintners Building at 72 Main Street and the remainder of Ark Row (74-130 Main Street) such that the Vintners Building would be on the same parcel as the other buildings on Ark Row, while 130 Main Street would be on a separate parcel of land. This also requires a conditional use permit to modify existing conditions of approval for the existing office use at 130 Main Street. Variances are proposed for minimum lot area and floor area ratio.

The two lots comprise nearly all of upper Main Street, commonly called Ark Row. This would include the areas noted in the Main Street parking lot and the bulk of the Main Street properties between 72 and 130 Main Street which would all become one property. The lot line adjustment would consolidate most of the buildings on Ark Row and the Main Street parking lot onto one parcel and leave only the existing office building at 130 Main Street on the other lot. It allows the future possibility of converting this office building back to its original residential use and allowing it to be sold separately or remain as a Zelinsky family holding. The proposal aims for a more logical arrangement of the lot boundaries without any physical changes to buildings or improvements. With the exception of the variances noted, the lot line adjustment application complies with Town regulations.

The conditional use permit amendment would modify existing conditions of approval for the office use at 130 Main Street, which requires three required off-site parking spaces be maintained for this use in the parking lot at 1525 Tiburon Boulevard. Staff recommends a condition of approval be adopted to reflect the current and future parking situation for the property at 130 Main Street.

A variance is requested for minimum lot area, as the resulting lot at 130 Main Street would be 6,020 square feet, which is less than the 10,000 square foot minimum lot size. A variance is also requested for floor area ratio, as the existing building at 130 Main Street has a floor area of 2,673 square feet (0.44 FAR), which is greater than the 0.28 floor area ratio limit specified in the Village Commercial zone.

Staff recommends that the Planning Commission hold a public hearing on this item and hear and consider all testimony, and in a single motion, move to adopt the resolutions approving the lot line adjustment, conditional use permit and variances.

Commissioner Kulik said if variances would be required to re-develop 130 Main Street if at some point in the future there was a desire to do so. Mr. Watrous stated that they would not need a variance for the minimum lot size, but if someone wanted to build a different building or more floor area, it would need a separate variance.

Chair Williams asked and confirmed that the applicant was not present and Mr. Watrous suggested the Commission open the public hearing and proceed with consideration of the application.

The public hearing was opened and there were no speakers. The public hearing was closed.

Commissioner Weller said that this was a non-controversial request. He believed that all the conditions for the requested variance exist and have been outlined by staff and he thought that it makes good planning sense to consolidate all of the Ark Row buildings in their own lot and the separate structure on its lot. He noted that there was no request to add additional lots and this was logical and he supported the proposal.

Commissioner Kulik echoed Commissioner Weller's comments and stated that he could make the findings for the variances as described in the staff report.

Chair Williams concurred and thought that it made sense to put all of the primary Ark Row properties together and have 130 Main Street as a separate lot. She felt that the CUP changes were similarly logical and was comfortable that there was sufficient evidence to support all findings required for the variances.

**ACTION:** It was M/S (Weller/Kulik) that the Planning Commission adopts the resolutions approving the lot line adjustment, conditional use permit and variances. Motion carried 3-0.

2. Tiburon Glen Residential Project (PD#22): Request for extension of time on an approved Tentative Subdivision Map for the creation of three lots on 26 acres of land on Paradise Drive near Norman Way; File # TM2016-002; Assessor's Parcel No. 039-241-01

Director of Community Development Scott Anderson stated this was request for a time extensions for tentative subdivision map which was approved by the Planning Commission in 2007. It was based on the precise development plan approval from 2006 on an application that was non-controversial.

Normally tentative maps run for three years and can be extended; however, once the recession hit the State legislature began adopting a series of time extensions for all tentative maps in the state that were unexpired and that has carried this application approval up through March 2017; however, the applications are still working their way through some of the referral agencies and they believe it is likely they might be able to finish the project before this March deadline. Therefore, they are applying for a time extension of up to 3 additional years.

He said tentative map time extensions are generally non-controversial. Staff does investigate whether there are many changes made in the meantime to the General Plan that might make something inconsistent. Staff also looks at conditions in the vicinity if something dramatically changed in the area, but there is very little that has changed since that approval. The applicants have not abandoned the project and are actively pursuing it. They have applied for the parcel map and going through the agency review process.

Staff's conclusion is that there is every reason to approve this extension. Staff does not have a problem with the three year extension requested and do not think the applicants will need that long. Staff recommends the Commission take public testimony and adopt the draft resolution granting a three year time extension of the tentative map, with a new expiration date of March 28, 2020.

Sam Kapukchyan, representing the owner, stated that the project has had some issues because of internal funding issues and team changes. He described meetings with other jurisdictional agencies and a legal issue with land entitlements which have been cleared up. He said that they are moving forward to receive approvals and complete the parcel map.

The public hearing was opened and there were no speakers. The public hearing was closed.

Commissioner Kulik said that this project had gone through extensive review over many years and there was a precedent for the time extension. He said that projects like this take time to deal with environmental issues and there have been no substantial General Plan changes, so there was due cause to grant this extension.

Commissioner Weller agreed and noted that there was no opposition from any neighbors. He supported the request.

Chair Williams agreed and said that this was a limited request. She thought that a three year extension made sense and was an efficient way to move forward.

**ACTION:** It was M/S (Williams/Weller) that the Planning Commission adopts the draft resolution (Exhibit 4) granting a three year time extension of the tentative map, with a new expiration date of March 28, 2020. Motion carried 3-0.

### MINUTES

#### 3. Planning Commission Minutes –Meeting of July 13, 2016

**ACTION:** It was M/S (Weller/Williams) to approve the meeting minutes of July 13, 2016, as submitted. Motion carried: 3-0.

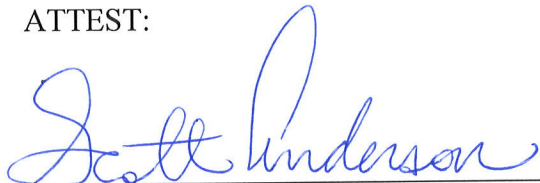
### ADJOURNMENT

The Planning Commission adjourned the meeting at 7:50 p.m.



ERICA WILLIAMS, CHAIR  
Tiburon Planning Commission

ATTEST:



SCOTT ANDERSON, SECRETARY